

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Santiago offered the following:
 4

Amendment

6 Remove lines 51-180 and insert:

7 2. If rulemaking is necessary to implement the law:

8 a. Whether a notice of rule development has been
 9 published, and if so, the citation to such notice in the Florida
 10 Administrative Register.

11 b. The date by which the agency expects to publish the
 12 notice of proposed rule under s. 120.54(3)(a).

13 3. If rulemaking is not necessary to implement the law, a
 14 concise written explanation of the reasons why the law may be
 15 implemented without rulemaking.

16 (b) The plan must also include a listing of each law not
 17 otherwise listed pursuant to paragraph (a) that the agency

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18 expects to implement by rulemaking before the following July 1,
19 except emergency rulemaking. For each law listed under this
20 paragraph, the plan must state whether the rulemaking is
21 intended to simplify, clarify, increase efficiency, improve
22 coordination with other agencies, reduce regulatory costs, or
23 delete obsolete, unnecessary, or redundant rules.

24 (c) The plan must include any desired update to the prior
25 year's regulatory plan or supplement published pursuant to
26 subsection (8). If in a prior year a law was identified under
27 this paragraph or under subparagraph (1) (a)1. as a law requiring
28 rulemaking to implement but a notice of proposed rule has not
29 been published:

30 1. The agency may identify and again list such law, noting
31 the applicable notice of rule development by citation to the
32 Florida Administrative Register; or

33 2. If the agency has subsequently determined that
34 rulemaking is not necessary to implement the law, the agency may
35 identify such law, reference the citation to the applicable
36 notice of rule development in the Florida Administrative
37 Register, and provide a concise written explanation of the
38 reason why the law may be implemented without rulemaking.

39 (d) The plan shall include a certification executed on
40 behalf of the agency by both the agency head or, if the agency
41 head is a collegial body, the chair or equivalent presiding
42 officer, and the agency general counsel or, if the agency does

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43 not have a general counsel, the individual acting as principal
44 legal advisor to the agency head. The certification must:

45 1. Verify that the persons executing the certification
46 have reviewed the plan.

47 2. Verify that the agency regularly reviews all of its
48 rules and identify the period during which all rules have most
49 recently been reviewed to determine if the rules remain
50 consistent with the agency's rulemaking authority and the laws
51 implemented.

52 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.-

53 (a) By October 1 of each year, each agency shall:

54 1. Publish its regulatory plan on its website or on
55 another state website established for publication of
56 administrative law records. A clearly labeled hyperlink to the
57 current plan must be included on the agency's primary website
58 homepage.

59 2. Deliver by electronic communication to the committee a
60 copy of the certification required in paragraph (1)(d).

61 3. Publish in the Florida Administrative Register a notice
62 identifying the date of publication of the agency's regulatory
63 plan. The notice shall include a hyperlink or website address
64 providing direct access to the published plan.

65 (b) To satisfy the requirements of paragraph (a), each
66 board established by s. 20.165(4), and any other board or
67 commission receiving administrative support from the Department
68 of Business and Professional Regulation, may coordinate with the

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69 Department of Business and Professional Regulation, and each
70 board established by s. 20.43(3)(g) may coordinate with the
71 Department of Health, for inclusion of the board's or
72 commission's plan and notice of publication in the coordinating
73 department's plan and notice and for the delivery of the
74 required documentation to the committee.

75 (c) A regulatory plan prepared under subsection (1) and
76 any regulatory plan published under this chapter before July 1,
77 2014, shall be maintained at an active website for 10 years
78 after the date of initial publication on the agency's website or
79 another state website.

80 (3) INCLUSION IN LEGISLATIVE BUDGET REQUEST.—In addition
81 to the requirements of s. 216.023 and pursuant to s. 216.351, a
82 copy of the most recent certification executed under paragraph
83 (1)(d), clearly designated as such, shall be included as part of
84 the agency's legislative budget request.

85 (4) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each
86 year:

87 (a) For each board established under s. 20.165(4) and any
88 other board or commission receiving administrative support from
89 the Department of Business and Professional Regulation, the
90 Department of Business and Professional Regulation shall file
91 with the committee a certification that the department has
92 reviewed each board's regulatory plan. A certification may
93 relate to more than one board.

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94 (b) For each board established under s. 20.43(3), the
95 Department of Health shall file with the committee a
96 certification that the department has reviewed the board's
97 regulatory plan. A certification may relate to more than one
98 board.

99 (5) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each
100 year, each agency shall publish a notice of rule development
101 under s. 120.54(2) for each law identified in the agency's
102 regulatory plan pursuant to subparagraph (1)(a)1. for which
103 rulemaking is necessary to implement but for which the agency
104 did not report the publication of a notice of rule development
105 under subparagraph (1)(a)2.

106 (6) DEADLINE TO PUBLISH PROPOSED RULE.—For each law for
107 which implementing rulemaking is necessary as identified in the
108 agency's plan pursuant to subparagraph (1)(a)1. or subparagraph
109 (1)(c)1., the agency shall publish a notice of proposed rule
110 pursuant to s. 120.54(3)(a) by April 1 of the year following the
111 deadline for the regulatory plan. This deadline may be extended
112 if the agency publishes a notice of extension in the Florida
113 Administrative Register identifying each rulemaking proceeding
114 for which an extension is being noticed by citation to the
115 applicable notice of rule development as published in the
116 Florida Administrative Register. An extension shall expire on
117 October 1 after the April 1 deadline, provided that the
118 regulatory plan due on October 1 may further extend the
119 rulemaking proceeding by identification pursuant to subparagraph

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120 (1)(c)1. or conclude the rulemaking proceeding by identification
121 pursuant to subparagraph (1)(c)2. A published regulatory plan
122 may be corrected at any time to accomplish the purpose of
123 extending or concluding an affected rulemaking proceeding and is
124 deemed corrected as of the October 1 due date. Upon publication
125 of a correction, the agency shall publish in the Florida
126 Administrative Register a notice of the date of the correction
127 identifying the affected rulemaking proceeding by applicable
128 citation to the Florida Administrative Register.

129 (7) CERTIFICATIONS.—Each agency shall file a certification
130 with the committee upon compliance with subsection (5), upon
131 filing a notice under subsection (6) of either a deadline
132 extension or a regulatory plan correction, and upon the
133 completion of an act that terminates a suspension under
134 subsection (9). A certification may relate to more than one
135 notice or contemporaneous act. The date or dates of compliance
136 shall be noted in each certification.