

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ray offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (b) of subsection (1) of section
6 120.54, Florida Statutes, is amended to read:

7 120.54 Rulemaking.—

8 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
9 EMERGENCY RULES.—

10 (b) Whenever an act of the Legislature is enacted which
11 requires implementation of the act by rules of an agency within
12 the executive branch of state government, such rules shall be
13 drafted and formally proposed as provided in this section within

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14 the times provided in s. 120.74(4) and (5) 180 days after the
15 effective date of the act, unless the act provides otherwise.

16 Section 2. Section 120.74, Florida Statutes, is amended to
17 read:

18 (Substantial rewording of section. See

19 s. 120.74, F.S., for present text.)

20 120.74 Agency annual rulemaking and regulatory plans;
21 reports.-

22 (1) REGULATORY PLAN.-By October 1 of each year, each
23 agency shall prepare a regulatory plan.

24 (a) The plan must include a listing of each law enacted or
25 amended during the previous 12 months which creates or modifies
26 the duties or authority of the agency. If the Governor or the
27 Attorney General provides a letter to the committee stating that
28 a law affects all or most agencies, the agency may exclude the
29 law from its plan. For each law listed by an agency under this
30 paragraph, the plan must state:

31 1. Whether the agency must adopt rules to implement the
32 law.

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

34 a. Whether a notice of rule development has been published
35 and, if so, the citation to such notice in the Florida
36 Administrative Register.

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

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39 3. If rulemaking is not necessary to implement the law, a
40 concise written explanation of the reasons why the law may be
41 implemented without rulemaking.

42 (b) The plan must also include a listing of each law not
43 otherwise listed pursuant to paragraph (a) which the agency
44 expects to implement by rulemaking before the following July 1,
45 except emergency rulemaking. For each law listed under this
46 paragraph, the plan must state whether the rulemaking is
47 intended to simplify, clarify, increase efficiency, improve
48 coordination with other agencies, reduce regulatory costs, or
49 delete obsolete, unnecessary, or redundant rules.

50 (c) The plan must include any desired update to the prior
51 year's regulatory plan or supplement published pursuant to
52 subsection (7). If, in a prior year, a law was identified under
53 this paragraph or under subparagraph (a)1. as a law requiring
54 rulemaking to implement but a notice of proposed rule has not
55 been published:

56 1. The agency shall identify and again list such law,
57 noting the applicable notice of rule development by citation to
58 the Florida Administrative Register; or

59 2. If the agency has subsequently determined that
60 rulemaking is not necessary to implement the law, the agency
61 shall identify such law, reference the citation to the
62 applicable notice of rule development in the Florida
63 Administrative Register, and provide a concise written

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64 explanation of the reason why the law may be implemented without
65 rulemaking.

66 (d) The plan must include a certification executed on
67 behalf of the agency by both the agency head, or, if the agency
68 head is a collegial body, the presiding officer; and the
69 individual acting as principal legal advisor to the agency head.
70 The certification must:

71 1. Verify that the persons executing the certification
72 have reviewed the plan.

73 2. Verify that the agency regularly reviews all of its
74 rules and identify the period during which all rules have most
75 recently been reviewed to determine if the rules remain
76 consistent with the agency's rulemaking authority and the laws
77 implemented.

78 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

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

80 1. Publish its regulatory plan on its website or on
81 another state website established for publication of
82 administrative law records. A clearly labeled hyperlink to the
83 current plan must be included on the agency's primary website
84 homepage.

85 2. Electronically deliver to the committee a copy of the
86 certification required in paragraph (1)(d).

87 3. Publish in the Florida Administrative Register a notice
88 identifying the date of publication of the agency's regulatory

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89 plan. The notice must include a hyperlink or website address
90 providing direct access to the published plan.

91 (b) To satisfy the requirements of paragraph (a), a board
92 established under s. 20.165(4), and any other board or
93 commission receiving administrative support from the Department
94 of Business and Professional Regulation, may coordinate with the
95 Department of Business and Professional Regulation, and a board
96 established under s. 20.43(3)(g) may coordinate with the
97 Department of Health, for inclusion of the board's or
98 commission's plan and notice of publication in the coordinating
99 department's plan and notice and for the delivery of the
100 required documentation to the committee.

101 (c) A regulatory plan prepared under subsection (1) and
102 any regulatory plan published under this chapter before July 1,
103 2014, shall be maintained at an active website for 10 years
104 after the date of initial publication on the agency's website or
105 another state website.

106 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each
107 year:

108 (a) For each board established under s. 20.165(4) and any
109 other board or commission receiving administrative support from
110 the Department of Business and Professional Regulation, the
111 Department of Business and Professional Regulation shall file
112 with the committee a certification that the department has
113 reviewed each board's and commission's regulatory plan. A
114 certification may relate to more than one board or commission.

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115 (b) For each board established under s. 20.43(3)(g), the
116 Department of Health shall file with the committee a
117 certification that the department has reviewed the board's
118 regulatory plan. A certification may relate to more than one
119 board.

120 (4) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each
121 year, each agency shall publish a notice of rule development
122 under s. 120.54(2) for each law identified in the agency's
123 regulatory plan pursuant to subparagraph (1)(a)1. for which
124 rulemaking is necessary to implement but for which the agency
125 did not report the publication of a notice of rule development
126 under subparagraph (1)(a)2.

127 (5) DEADLINE TO PUBLISH PROPOSED RULE.—For each law for
128 which implementing rulemaking is necessary as identified in the
129 agency's plan pursuant to subparagraph (1)(a)1. or subparagraph
130 (1)(c)1., the agency shall publish a notice of proposed rule
131 pursuant to s. 120.54(3)(a) by April 1 of the year following the
132 deadline for the regulatory plan. This deadline may be extended
133 if the agency publishes a notice of extension in the Florida
134 Administrative Register identifying each rulemaking proceeding
135 for which an extension is being noticed by citation to the
136 applicable notice of rule development as published in the
137 Florida Administrative Register. The agency shall include a
138 concise statement in the notice of extension identifying any
139 issues that are causing the delay in rulemaking. An extension
140 shall expire on October 1 after the April 1 deadline, provided

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141 that the regulatory plan due on October 1 may further extend the
142 rulemaking proceeding by identification pursuant to subparagraph
143 (1) (c)1. or conclude the rulemaking proceeding by identification
144 pursuant to subparagraph (1) (c)2. A published regulatory plan
145 may be corrected at any time to accomplish the purpose of
146 extending or concluding an affected rulemaking proceeding and is
147 deemed corrected as of the October 1 due date. Upon publication
148 of a correction, the agency shall publish in the Florida
149 Administrative Register a notice of the date of the correction
150 identifying the affected rulemaking proceeding by applicable
151 citation to the Florida Administrative Register.

152 (6) CERTIFICATIONS.—Each agency shall file a certification
153 with the committee upon compliance with subsection (4) and upon
154 filing a notice under subsection (5) of either a deadline
155 extension or a regulatory plan correction. A certification may
156 relate to more than one notice or contemporaneous act. The date
157 or dates of compliance shall be noted in each certification.

158 (7) SUPPLEMENTING THE REGULATORY PLAN.—After publication
159 of the regulatory plan, the agency shall supplement the plan
160 within 30 days after a bill becomes a law if the law is enacted
161 before the next regular session of the Legislature and the law
162 substantively modifies the agency's specifically delegated legal
163 duties, unless the law affects all or most state agencies as
164 identified by letter to the committee from the Governor or the
165 Attorney General. The supplement must include the information
166 required in paragraph (1) (a) and shall be published as required

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167 in subsection (2), but no certification or delivery to the
168 committee is required. The agency shall publish in the Florida
169 Administrative Register notice of publication of the supplement,
170 and include a hyperlink on its website or web address for direct
171 access to the published supplement. For each law reported in the
172 supplement, if rulemaking is necessary to implement the law, the
173 agency shall publish a notice of rule development by the later
174 of the date provided in subsection (4) or 60 days after the bill
175 becomes a law, and a notice of proposed rule shall be published
176 by the later of the date provided in subsection (5) or 120 days
177 after the bill becomes a law. The proposed rule deadline may be
178 extended to the following October 1 by notice as provided in
179 subsection (5). If such proposed rule has not been filed by
180 October 1, a law included in a supplement shall also be included
181 in the next annual plan pursuant to subsection (1).

182 (8) FAILURE TO COMPLY.—If an agency fails to comply with a
183 requirement of paragraph (2) (a) or subsection (5), within 15
184 days after written demand from the committee or from the chair
185 of any other legislative committee, the agency shall deliver a
186 written explanation of the reasons for noncompliance to the
187 committee, the President of the Senate, the Speaker of the House
188 of Representatives, and the chair of any legislative committee
189 requesting the explanation of the reasons for noncompliance.

190 (9) EDUCATIONAL UNITS.—This section does not apply to
191 educational units.

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192 Section 3. Section 120.7455, Florida Statutes, is
193 repealed.

194 Section 4. Effective upon this act becoming a law, any
195 suspension of rulemaking authority under s. 120.745, Florida
196 Statutes, is rescinded. This section does not affect any
197 restriction, suspension, or prohibition of rulemaking authority
198 under any other provision of law.

199 Section 5. Except as otherwise expressly provided in this
200 act and except for this section, which shall take effect upon
201 this act becoming a law, this act shall take effect July 1,
202 2015.

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T I T L E A M E N D M E N T

206 Remove everything before the enacting clause and insert:

207 A bill to be entitled

208 An act relating to administrative procedures; amending
209 s. 120.54, F.S.; revising the deadline to propose
210 rules implementing new laws; amending s. 120.74, F.S.;
211 revising requirements for the annual review of agency
212 rules; providing procedures for preparing and
213 publishing regulatory plans; specifying requirements
214 for such plans; requiring publication by specified
215 dates of notices of rule development and of proposed
216 rules necessary to implement new laws; prescribing
217 procedures in the event of noncompliance by an agency;

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218 providing for applicability; repealing s. 120.7455,
219 F.S., relating to the legislative survey of regulatory
220 impacts; rescinding the suspension of rulemaking
221 authority made under s. 120.745, F.S.; providing
222 effective dates.

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