



342336

594-04374-16

Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to legislative reauthorization of agency rulemaking authority; amending s. 120.536, F.S.; providing for suspension of certain rulemaking authority after a specified period until reauthorized by general law; providing for expiration of such reauthorization after a specified period; providing for suspension of rulemaking authority upon expiration of its reauthorization until reauthorized by general law; requiring legislative ratification of rules adopted while rulemaking authority is suspended; authorizing the Governor to delay suspension of rulemaking authority for a specified period upon declaration of a public necessity; authorizing the President of the Senate and the Speaker of the House of Representatives to appoint a joint committee to oversee the review of rulemaking authority; requiring the committee to annually report to the Legislature; authorizing an agency to provide notice to the Legislature of any rulemaking authority subject to suspension; prescribing notice requirements; specifying that lawfully adopted rules remain in effect through a suspension of rulemaking authority; providing applicability; amending s. 120.54, F.S.; revising limitations with respect to the timeframe that an emergency rule may be effective; providing an effective date.



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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (2) through (4) of section 120.536, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and a new subsection (2) is added to that section, to read:

120.536 Rulemaking authority; reauthorization; repeal; challenge.—

(2) (a) Notwithstanding any other provision of law, and except as provided in paragraph (g), any new rulemaking authority is suspended 4 years after the effective date of the law authorizing rulemaking until reauthorized by general law. Any rulemaking authority effective on or before July 1, 2016, is suspended July 1, 2020, until reauthorized by general law.

(b) Unless another date is specified in the law reauthorizing rulemaking, a reauthorization of rulemaking authority remains in effect until July 1 of the fourth calendar year following the year in which the reauthorization occurs, after which the reauthorization expires and the rulemaking authority is suspended until again reauthorized by general law.

(c) During the suspension of any rulemaking authority under this subsection, a rule may be adopted pursuant to such rulemaking authority but does not take effect unless ratified by the Legislature. Upon written declaration by the Governor of a public necessity, suspension of any rulemaking authority may be delayed for up to 90 days, allowing the Legislature an opportunity to reauthorize the rulemaking authority. A declaration of public necessity may be issued only once with



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57 respect to any suspension of rulemaking authority.

58 (d) Subject to the rules of the Senate and the House of
59 Representatives, the President of the Senate and the Speaker of
60 the House of Representatives may appoint a joint committee for
61 the purposes of overseeing the review of rulemaking authority
62 pursuant to this subsection. The presiding officers may agree on
63 a 1-year and a 4-year work plan for review of rulemaking
64 authority. The joint committee shall report its recommendations
65 regarding reauthorization of rulemaking authority to the
66 President of the Senate and the Speaker of the House of
67 Representatives each year on or before the convening of the
68 regular session of the Legislature.

69 (e) An agency may give notice by October 1 of each year to
70 the Legislature of any agency rulemaking authority that is
71 subject to suspension within the next two years. Such notice
72 must be in writing and delivered to the President of the Senate,
73 the Speaker of the House of the Representatives, and to the
74 chair and vice chair of any joint committee appointed pursuant
75 to paragraph (d). Such notice may include recommendations on
76 reauthorization of, repeal of, or amendment to existing
77 rulemaking authority. An agency may combine multiple notices for
78 administrative convenience.

79 (f) Rules lawfully adopted remain in effect during any
80 suspension of rulemaking authority under this subsection.

81 (g) This subsection does not apply to:

- 82 1. Emergency rulemaking pursuant to s. 120.54(4).
83 2. Rulemaking necessary to maintain the financial or legal
84 integrity of any financial obligation of the state or its
85 agencies or political subdivisions.



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86 Section 2. Paragraph (c) of subsection (4) of section
87 120.54, Florida Statutes, is amended to read:

88 120.54 Rulemaking.—

89 (4) EMERGENCY RULES.—

90 (c) An emergency rule adopted under this subsection shall
91 not be effective for a period longer than 90 days and shall not
92 be renewable, except when the agency finds that the immediate
93 danger remains and continues to require emergency action, the
94 agency has initiated rulemaking to adopt rules addressing the
95 subject of the emergency rule, and one of the following
96 conditions has delayed implementation of the rules either:

97 1. A challenge to the proposed rules has been filed and
98 remains pending; or

99 2. The proposed rules have been filed for adoption and are
100 awaiting ratification by the Legislature pursuant to any law
101 requiring ratification for the rules to be effective ~~s.~~
102 ~~120.541(3).~~

103
104 Nothing in this paragraph prohibits the agency from adopting a
105 rule or rules identical to the emergency rule through the
106 rulemaking procedures specified in subsection (3).

107 Section 3. This act shall take effect July 1, 2016.