

Amendment No.

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WITHDRAWN	_____	(Y/N)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		

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Eisnaugle offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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.

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18 (b) Unless another date is specified in the law  
19 reauthorizing rulemaking, a reauthorization of rulemaking  
20 authority remains in effect until July 1 of the 4th calendar  
21 year following the year in which the reauthorization occurs,  
22 after which the reauthorization expires and the rulemaking  
23 authority is suspended until again reauthorized by general law.

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

33 (d) Subject to the rules of the Senate and the House of  
34 Representatives, the President of the Senate and the Speaker of  
35 the House of Representatives may appoint a joint committee for  
36 the purpose of overseeing the review of rulemaking authority  
37 pursuant to this subsection. The presiding officers may agree on  
38 a 1-year and a 4-year work plan for review of rulemaking  
39 authority. The joint committee shall report its recommendations  
40 regarding reauthorization of rulemaking authority to the  
41 President of the Senate and the Speaker of the House of  
42 Representatives each year on or before the convening of the  
43 regular session of the Legislature.

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44 (e) An agency may give notice by October 1 of each year to  
45 the Legislature of any agency rulemaking authority that is  
46 subject to suspension within the next 2 years. Such notice must  
47 be in writing and delivered to the President of the Senate, the  
48 Speaker of the House of Representatives, and to the chair and  
49 vice chair of any joint committee appointed pursuant to  
50 paragraph (d). Such notice may include recommendations for  
51 reauthorizing, repealing, or amending existing rulemaking  
52 authority. An agency may combine multiple notices for  
53 administrative convenience.

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

56 (g) This subsection does not apply to:

57 1. Emergency rulemaking pursuant to s. 120.54(4).

58 2. Rulemaking necessary to maintain the financial or legal  
59 integrity of any financial obligation of the state or its  
60 agencies or political subdivisions.

61 Section 2. Paragraph (c) of subsection (4) of section  
62 120.54, Florida Statutes, is amended to read:

63 120.54 Rulemaking.—

64 (4) EMERGENCY RULES.—

65 (c) An emergency rule adopted under this subsection shall  
66 not be effective for ~~a period~~ longer than 90 days and shall not  
67 be renewable, except when the agency finds that the immediate  
68 danger remains and continues to require emergency action, the  
69 agency has initiated rulemaking to adopt rules addressing the

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70 subject of the emergency rule, and one of the following  
71 conditions has delayed implementation of the rules either:

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

74 2. The proposed rules have been filed for adoption and are  
75 awaiting ratification by the Legislature pursuant to any law  
76 requiring ratification for the rules to be effective s.  
77 120.541(3).

78  
79 ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency  
80 from adopting a rule or rules identical to the emergency rule  
81 through the rulemaking procedures specified in subsection (3).

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

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

86 Remove everything before the enacting clause and insert:

87 A bill to be entitled

88 An act relating to legislative reauthorization of  
89 agency rulemaking authority; amending s. 120.536,  
90 F.S.; providing for suspension of certain rulemaking  
91 authority after a specified period until reauthorized  
92 by general law; providing for expiration of such  
93 reauthorization after a specified period; providing  
94 for suspension of rulemaking authority upon expiration  
95 of its reauthorization until reauthorized by general

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96 law; requiring legislative ratification of rules  
97 adopted while rulemaking authority is suspended;  
98 authorizing the Governor to delay suspension of  
99 rulemaking authority for a specified period upon  
100 declaration of a public necessity; authorizing the  
101 presiding officers of the Legislature to appoint a  
102 joint committee to oversee the review of rulemaking  
103 authority; requiring the committee to annually report  
104 to the Legislature; authorizing an agency to provide  
105 notice to the Legislature of any rulemaking authority  
106 subject to suspension; prescribing notice  
107 requirements; specifying that lawfully adopted rules  
108 remain in effect during a suspension of rulemaking  
109 authority; providing applicability; amending s.  
110 120.54, F.S.; revising limitations with respect to the  
111 timeframe in which an emergency rule may be effective;  
112 providing an effective date.