

1 A bill to be entitled

2 An act relating to legislative reauthorization of
3 agency rulemaking authority; amending s. 120.536,
4 F.S.; providing for suspension of certain rulemaking
5 authority after a specified period, until reauthorized
6 by general law; providing for expiration of such
7 reauthorization after a specified period; providing
8 for suspension of rulemaking authority upon expiration
9 of its reauthorization, until reauthorized by general
10 law; requiring legislative ratification of rules
11 adopted while rulemaking authority is suspended;
12 authorizing the Governor to delay suspension of
13 rulemaking authority for a specified period upon
14 declaration of a public necessity; providing
15 exceptions; providing applicability; amending s.
16 120.54, F.S.; revising circumstances under which
17 emergency rules may be renewed; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

26 120.536 Rulemaking authority; reauthorization; repeal;

27 challenge.—

28 (2) (a) Notwithstanding any other provision of law, and
29 except as provided in paragraph (d), any new rulemaking
30 authority is suspended 3 years after the effective date of the
31 law authorizing rulemaking until reauthorized by general law.
32 Any rulemaking authority effective on or before July 1, 2016, is
33 suspended July 1, 2019, until reauthorized by general law.

34 (b) A reauthorization of rulemaking authority remains in
35 effect for 3 years, unless another date is specified in the law
36 reauthorizing rulemaking, after which the reauthorization
37 expires and the rulemaking authority is suspended until
38 reauthorized by general law.

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

48 (d) This subsection does not apply to:

- 49 1. Emergency rulemaking pursuant to s. 120.54(4).
50 2. Rulemaking necessary to maintain the financial or legal
51 integrity of any financial obligation of the state or its
52 agencies or political subdivisions.

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

55 Section 2. Paragraph (c) of subsection (4) of section
 56 120.54, Florida Statutes, is amended to read:

57 120.54 Rulemaking.—

58 (4) EMERGENCY RULES.—

59 (c) An emergency rule adopted under this subsection shall
 60 not be effective for a period longer than 90 days and shall not
 61 be renewable, except when the agency finds that the immediate
 62 danger remains and continues to require emergency action, the
 63 agency has initiated rulemaking to adopt rules addressing the
 64 subject of the emergency rule, and one of the following
 65 conditions has delayed implementation of the rules ~~either:~~

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

68 2. The proposed rules have been filed for adoption and are
 69 awaiting ratification by the Legislature pursuant to any law
 70 requiring ratification for the rules to be effective ~~s.~~

71 ~~120.541(3).~~

72
 73 Nothing in this paragraph prohibits the agency from adopting a
 74 rule or rules identical to the emergency rule through the
 75 rulemaking procedures specified in subsection (3).

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