

1 A bill to be entitled
 2 An act relating to administrative procedures; amending s.
 3 120.54(1)(b), F.S.; revising deadline to propose rules
 4 implementing new laws; amending s. 120.74, F.S.; revising
 5 requirements for agency regulatory plans, rulemaking
 6 reviews and reporting; requiring publication by specific
 7 dates of notices of rule development and of proposed rules
 8 necessary to implement new law; repealing s. 120.745, F.S.,
 9 relating to Legislative review of agency rules in effect on
 10 or before November 16, 2010; repealing s. 120.7455, F.S.,
 11 relating to Legislative survey of regulatory impacts;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Paragraph (b) of subsection (1) of section
 17 120.54, Florida Statutes, is amended to read:

18 120.54 Rulemaking.—

19 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
 20 EMERGENCY RULES.—

21 (b) Whenever an act of the Legislature is enacted which
 22 requires implementation of the act by rules of an agency within
 23 the executive branch of state government, such rules shall be
 24 drafted and formally proposed as provided in this section within
 25 the times provided in s. 120.74(6)-(8)~~180 days after the~~
 26 ~~effective date of the act, unless the act provides otherwise.~~

27 Section 2. Section 120.74, Florida Statutes, is amended to
 28 read:

29 (Substantial rewording of section. See s. 120.74, F.S., for
 30 present text.)

31 120.74 Agency annual rulemaking and regulatory plan
 32 reports.-

33 (1) Regulatory plan. No later than October 1 of each year,
 34 each agency shall prepare a regulatory plan identifying each law
 35 enacted or amended in the previous 12 months that created or
 36 altered the duties or authority of the agency and each law the
 37 agency expects to implement by undertaking any rulemaking
 38 proceeding during the then-current fiscal year, the reasons for
 39 such rulemaking, and whether such rulemaking is intended to
 40 simplify, clarify, increase efficiency, better coordinate with
 41 other agencies, or reduce regulatory costs, or to delete rules
 42 that are obsolete, unnecessary or redundant of statute.

43 (a) The plan may exclude emergency rules.

44 (b) The plan may exclude any law that creates or alters
 45 duties or authority of all or most state agencies, if such laws
 46 have been identified as such by letter to the committee from the
 47 Governor, the Attorney General, the Senate President, or the
 48 Speaker of the House.

49 (c) For each law identified in the plan as enacted or
 50 amended in the previous 12 months the agency shall state:

51 1. Whether the agency must adopt rules to implement the
 52 law.

53 2. If rulemaking is necessary to implement the law, whether
 54 a notice of rule development has been published and the date by
 55 which the agency expects to publish the notice of proposed rule
 56 under s. 120.54(3)(a).

57 3. If rulemaking is not necessary to implement the law, a
 58 concise written explanation of the reasons the law may be
 59 implemented without further rulemaking.

60 (d) The plan shall also include a list of all rules
 61 adopted, all rules repealed, and all rules amended by the agency
 62 during the previous fiscal year, identifying which such rule
 63 changes were itemized in a prior year's regulatory plan.

64 (e) The plan shall include the following certification
 65 executed on behalf of the agency by both the agency head, or, if
 66 the agency head is a collegial body, the chair or equivalent
 67 presiding officer, and the agency General Counsel or, if the
 68 agency does not have a General Counsel, the individual acting as
 69 principal legal advisor to the agency head:

- 70 1. Verifying the plan is accurate;
- 71 2. Verifying that the agency regularly reviews all of its
 72 rules and the time period during which all rules have most
 73 recently been reviewed to determine if they remain consistent
 74 with the agency's rulemaking authority and the law implemented.

75 (2) No later than October 1 of each year, each agency
 76 shall:

77 (a) Publish its regulatory plan on its internet website. A
 78 clearly labeled link to the plan must be included on the
 79 agency's primary internet website homepage;

80 (b) Deliver by electronic communication to the committee a
 81 copy of the certification required in subsection (1) (e); and

82 (c) Deliver by electronic communication to the Department
 83 of State a notice of publishing the agency's regulatory plan,
 84 including a hyperlink or internet address providing direct

85 access to the published plan, for publication in the next
 86 available Florida Administrative Register.

87 (3) As an alternative to subsection (2), each board
 88 established by s. 20.165(4) may coordinate with the Department
 89 of Business and Professional Regulation, and each board
 90 established by s. 20.43(3) may coordinate with the Department of
 91 Health, for inclusion of the board's plan and the board's notice
 92 of publication in the coordinating department's plan and notice,
 93 and for delivery of required documentation to the committee.

94 (4) A copy of the certification required in subsection
 95 (1) (e), clearly designated as such, shall be included with the
 96 annual budget documents for the agency filed with the Senate and
 97 the House.

98 (5) No later than October 15 of each year:

99 (a) For each board established by s. 20.165(4), the
 100 Department of Business and Professional Regulation shall publish
 101 on its internet website and file with the committee a statement
 102 of whether the department concurs in each rulemaking undertaking
 103 identified by the board's regulatory plan.

104 (b) For each board established by s. 20.43(3), the
 105 Department of Health shall publish on its internet website and
 106 file with the committee a statement of whether the department
 107 concurs in each rulemaking undertaking identified by the board's
 108 regulatory plan.

109 (6) No later than November 1 of each year, each agency
 110 shall publish a notice of rule development under s. 120.54(2)
 111 for each law identified in the agency's plan pursuant to
 112 subparagraph(1) (c)1. for which rulemaking is necessary to

113 implement but for which the agency had not reported the
114 publication of a notice of rule development under subparagraph
115 (1) (c)2.

116 (7) The agency shall publish the notice of proposed rule
117 under s. 120.54(3) (a) for each rule implementing a law
118 identified in the agency's plan pursuant to subparagraph(1) (c)1.
119 for which rulemaking is necessary no later than January 1 of the
120 year following the deadline for the plan or a later date
121 specified pursuant to subparagraph (1) (c)2. which must be no
122 later than April 1 following the deadline for the plan.

123 (8) SUPPLEMENTING THE REGULATORY PLAN. Subsequent to the
124 preparation of the plan, the agency shall supplement the plan
125 within 30 days of enactment of any law enacted prior to the next
126 regular legislative session if such law substantively alters the
127 agency's specifically delegated legal duties. The supplement
128 shall include the information required in paragraphs (1) (b) and
129 (1) (c) and shall be published and documentation delivered as
130 required in subsection (2). The agency shall deliver notice of
131 publishing the supplement, including a hyperlink for direct
132 access to the published supplement, for publication in the next
133 available Florida Administrative Register. For each law reported
134 in the supplement, if rulemaking is necessary to implement the
135 law, the agency shall publish a notice of rule development by
136 the later of the date provided in subsection (6) or 60 days from
137 the effective date of the law and any notice of proposed rule
138 shall be published by the later of the date provided in
139 subsection (7) or 120 days from the effective date of the law.

140 (9) FAILURE TO COMPLY. If an agency fails to comply with

141 any requirement of this section, the entire rulemaking authority
 142 delegated to the agency by the Legislature under any statute or
 143 law shall be suspended automatically as of the due date of the
 144 required action and shall remain suspended until the date the
 145 agency completes the required act or until the end of the next
 146 regular session of the Legislature, whichever occurs first.

147 (a) During the period of any suspension under this
 148 subsection the agency has no authority to file rules for
 149 adoption under s. 120.54, but may complete any act required by
 150 this section.

151 (b) A suspension under this subsection does not authorize
 152 an agency to promulgate or apply any statement defined as a rule
 153 under s. 120.52(16).

154 (c) A suspension under this subsection shall toll the time
 155 requirements under s. 120.54 for filing any rule for adoption in
 156 a rulemaking proceeding the agency initiated before the date of
 157 the suspension, which time requirements shall resume on the date
 158 the suspension ends.

159 (10) Educational units are exempted from this section.

160 Section 3. Section 120.745, Florida Statutes, is repealed.

161 Section 4. Section 120.7455, Florida Statutes, is
 162 repealed.

163 Section 5. Upon this act becoming law, any suspension of
 164 rulemaking authority under s. 120.745, Florida Statutes, or s.
 165 120.7455, Florida Statutes, is terminated automatically. The
 166 termination of a suspension of rulemaking authority under this
 167 section does not affect any restriction, suspension, or
 168 prohibition of rulemaking authority under any other provision of

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169 | law. This section serves no other purpose and shall not be
170 | codified in the Florida Statutes.

171 | Section 6. This act shall take effect July 1, 2014.