

Committee on Governmental Oversight and Accountability

CS/HB 7055 — Administrative Authority

by Rules and Calendar Committee, Rulemaking & Regulation Subcommittee, and Rep. Gaetz
(CS/SB 1312 by Budget Committee and Senator Gaetz)

This bill clarifies legislative intent regarding the extent of the executive branch's administrative authority in response to the Florida Supreme Court's ruling in *Whiley v. Scott*. The bill also repeals unused rulemaking delegations to various state agencies.

Specifically, the bill:

- Makes findings clarifying the Legislature's intent that non-elected agency heads appointed by and serving at the pleasure of the Governor are subject to the direction and supervision of elected officers.
- Clarifies that the laws placing the administration of executive branch departments under the direct supervision of agency heads appointed by and serving at the pleasure of the Governor do not imply that those non-elected agency heads exercise any power independent from the Governor's direction and supervision.
- Clarifies that Administrative Procedures Act requirements for certain actions to be taken by agency heads do not establish non-elected appointees serving at the pleasure of the Governor as exercising such power or authority exempt from the Governor's direction and supervision.
- Authorizes the Office of Statutory Revision to include duplicative, redundant, or unused rulemaking authority in revisers' bill recommendations as part of the ongoing process of statutory revision.
- Repeals certain statutory provisions containing duplicative, redundant, or unused rulemaking authority.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 29-11; House 81-33