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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/29/2016	.	
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	.	

Appropriations Subcommittee on General Government (Altman)
recommended the following:

Senate Amendment (with title amendment)

Delete 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.—



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

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

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

32 (d) Subject to the rules of the Senate and the House of
33 Representatives, the President of the Senate and the Speaker of
34 the House of Representatives may appoint a joint committee for
35 the purposes of overseeing the review of rulemaking authority
36 pursuant to this subsection. The presiding officers may agree on
37 a 1-year and a 4-year work plan for review of rulemaking
38 authority. The joint committee shall report its recommendations
39 regarding reauthorization of rulemaking authority to the



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40 President of the Senate and the Speaker of the House of
41 Representatives each year on or before the convening of the
42 regular session of the Legislature.

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

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

55 (g) This subsection does not apply to:

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

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

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

62 120.54 Rulemaking.—

63 (4) EMERGENCY RULES.—

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



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

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

73 2. The proposed rules have been filed for adoption and are
74 awaiting ratification by the Legislature pursuant to any law
75 requiring ratification for the rules to be effective s.

76 ~~120.541(3).~~

77
78 Nothing in this paragraph prohibits the agency from adopting a
79 rule or rules identical to the emergency rule through the
80 rulemaking procedures specified in subsection (3).

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

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete everything before the enacting clause
86 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
96 law; requiring legislative ratification of rules
97 adopted while rulemaking authority is suspended;



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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 President of the Senate and the Speaker of the House
102 of Representatives to appoint a joint committee to
103 oversee the review of rulemaking authority; requiring
104 the committee to annually report to the Legislature;
105 authorizing an agency to provide notice to the
106 Legislature of any rulemaking authority subject to
107 suspension; prescribing notice requirements;
108 specifying that lawfully adopted rules remain in
109 effect through a suspension of rulemaking authority;
110 providing applicability; amending s. 120.54, F.S.;
111 revising limitations with respect to the timeframe
112 that an emergency rule may be effective; providing an
113 effective date.