

By Senator Bean

4-01313-16

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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; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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

24 120.536 Rulemaking authority; reauthorization; repeal;
25 challenge.—

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

32 (b) A reauthorization of rulemaking authority remains in

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33 effect for 3 years, unless another date is specified in the law
34 reauthorizing rulemaking, after which the reauthorization
35 expires and the rulemaking authority is suspended until
36 reauthorized by general law.

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

46 (d) This subsection does not apply to:

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

48 2. Rulemaking necessary to maintain the financial or legal
49 integrity of any financial obligation of the state or its
50 agencies or political subdivisions.

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

53 Section 2. This act shall take effect July 1, 2016.