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A bill to be entitled
 An act relating to administrative procedure; creating s.
 120.74(3); requiring each agency annually to file a
 regulatory plan of prospective rulemaking; creating s.
 120.745; providing for administrative agencies to review
 the economic impact of administrative rules adopted prior
 to November 17, 2010; requiring reports of such reviews;
 requiring reports of planned agency rulemaking; providing
 for legislative review of rules meeting specified economic
 impact criteria; providing for nullification of certain
 rules if not ratified by the Legislature; providing an
 effective date.

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

Section 1. Section 120.74(3), Florida Statutes, is created
to read:

(3) No later than July 1 of each year, each agency shall
file with the President of the Senate, the Speaker of the House,
and the committee a regulatory plan identifying and describing
each rule the agency proposes to adopt for the 12 month period
beginning on the July 1 reporting date and ending on the
subsequent June 30.

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25 Section 2. Section 120.745, Florida Statutes, is created to
 26 read:

27 120.745 .- Legislative review of planned agency rulemaking
 28 and rules adopted before November 17, 2010.

29 (1) As provided in this section, each agency shall review
 30 all rules of that agency adopted before November 17, 2010, and
 31 which remain in effect as of the effective date of this act, to
 32 determine whether the economic impact of each rule exceeds any
 33 of the criteria established in s. 120.541(2) (a).

34 (2) The following definitions shall apply exclusively to
 35 this act:

36 (a) "Limited statement of estimated regulatory costs" shall
 37 mean an economic analysis which includes and presents the
 38 following information pertaining to a particular rule:

39 1. All information specified in s. 120.54(3) (b) 2.a;

40 2. All information specified in s. 120.541(2);

41 3. The impact on a person's entry into a lawful profession
 42 or occupation;

43 4. The impact on the availability to the public of lawful
 44 professional or occupational services;

45 5. The impact on the creation or retention of lawful
 46 employment positions;

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47 6. Whether the rule restricts individuals in seeking lawful
 48 employment;

49 7. The imposition of any additional costs on lawful
 50 businesses not described in the analyses under sub-paragraphs 1
 51 or 2; and

52 8. A justification for the rule showing the benefit of the
 53 rule exceeds the costs imposed, taking into consideration the
 54 overall cost-effectiveness and economic impact of the rule which
 55 shall include all indirect costs to consumers.

56 (b) "Nullification" shall mean the subject rule is void and
 57 unenforceable after the specified date and shall be stricken
 58 from the files of the Department of State and from the files of
 59 the adopting agency.

60 (c) "Ratification" shall mean approval by the Legislature
 61 only for the rule to continue in force and effect and for no
 62 other purpose.

63 (3) By December 1, 2011, each agency shall complete the
 64 following:

65 (a) Notwithstanding s. 120.74(2), each agency's biennial
 66 report under s. 120.74 for the year 2011, shall be filed by
 67 December 1, 2011. In addition to the information required by s.

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68 120.74, the report shall categorize all rules of the agency in
 69 effect as of the reporting date, as follows:

70 1. "Revenue Rules:" Those rules setting or providing for
 71 the collection of a specific amount of money, categorized as
 72 follows:

73 a. Registration, license, or inspection fees;

74 b. Fees for a specific service or purpose;

75 c. Transportation service tolls, whether for road, bridge,
 76 rail, air, waterway, port;

77 d. Fines, penalties, costs, or attorneys fees;

78 e. Any tax;

79 f. Any other amounts collected which are not in the
 80 foregoing categories;

81 2. Rules requiring the submission of data to the agency
 82 from external sources, including but not limited to local
 83 governments, service providers, clients, other constituents and
 84 market participants, together with the following supporting
 85 information:

86 a. The statute(s) authorizing the collection of such data;

87 b. The purposes for which the agency uses the data;

88 c. The policies supporting reporting and retention of the

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89 data.

90 3. Rules which the agency will repeal;

91 4. Rules which the agency will amend;

92 5. Rules adopted after November 17, 2010;

93 6. Rules adopted before November 17, 2010, which do not
 94 have one of the economic impacts listed in s. 120.541(2)(a).

95 7. Rules adopted before November 17, 2010, which have one
 96 of the economic impacts listed in s. 120.541(2)(a) and which the
 97 agency proposes to retain without amendment, divided as follows:

98 a. Group 1 Rules: One-half of the agency's rules adopted
 99 before November 17, 2010, which the agency proposes to retain
 100 without amendment. The agency shall designate each rule included
 101 in Group 1 which is also categorized as a Revenue Rule.

102 b. Group 2 Rules: The remaining one-half of the agency's
 103 rules adopted before November 17, 2010, which the agency
 104 proposes to retain without amendment. The agency shall designate
 105 each rule included in Group 2 which is also categorized as a
 106 Revenue Rule.

107 (b) Contemporaneously with its s. 120.74 report, as
 108 supplemented by paragraph (a), each agency also shall file a
 109 regulatory plan for the period July 1, 2011, through June 30,

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110 2012, identifying and describing each rule the agency proposes
 111 to adopt which is not otherwise included in the s. 120.74
 112 report.

113 (c) Each agency shall publish its list of Group 1 Rules and
 114 Group 2 Rules on the agency website and in the Florida
 115 Administrative Weekly.

116 (4) Review of Group 1 Rules and required report.

117 (a) No later than May 1, 2012, each agency shall complete
 118 the following:

119 1. For each Group 1 Rule the agency shall prepare a limited
 120 statement of estimated regulatory costs.

121 2. The agency shall publish notice of completing the
 122 limited statement of estimated regulatory costs for each Group 1
 123 Rule on the agency website and the Florida Administrative
 124 Weekly, together with information on how to obtain copies from
 125 the agency. The notice shall include information on where and
 126 how interested parties may submit lower cost regulatory
 127 alternatives with the agency and the deadlines for such filings
 128 provided in this act.

129 3. The agency shall submit each limited statement of
 130 estimated regulatory costs for review by the Small Business

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131 Regulatory Advisory Council.

132 (b) The Small Business Regulatory Advisory Council shall
 133 submit lower cost regulatory alternatives to any Group 1 Rule no
 134 later than August 1, 2012. All other submittals of lower cost
 135 regulatory alternatives to any Group 1 rule shall be filed no
 136 later than June 1, 2012.

137 (c) No later than December 1, 2012, each agency shall file
 138 with the President of the Senate, the Speaker of the House, and
 139 the committee a final report of the review of the agency's Group
 140 1 Rules and a list of Group 2 Rules which will be reviewed and
 141 reported by December 1, 2013. For each Group 1 rule the report
 142 shall include:

143 1. The text of the rule;

144 2. Whether the rule is a Revenue Rule;

145 3. The limited statement of estimated regulatory costs for
 146 the rule;

147 4. All lower regulatory cost alternatives received by the
 148 agency;

149 5. The agency's written explanation for rejecting submitted
 150 lower regulatory cost alternatives;

151 6. The agency justification to repeal, amend, or retain

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152 without amendment the rule.

153 (d) No later than December 1, 2012, each agency shall begin
 154 proceedings under s. 120.54 to amend or repeal those Group 1
 155 Rules so designated in the report.

156 (5) Review of Group 2 Rules and required report.

157 (a) No later than May 1, 2013, each agency shall complete
 158 the following:

159 1. For each Group 2 Rule the agency shall prepare a limited
 160 statement of estimated regulatory costs.

161 2. The agency shall publish notice of completing the
 162 limited statement of estimated regulatory costs for each Group 2
 163 Rule on the agency website and the Florida Administrative
 164 Weekly, together with information on how to obtain copies from
 165 the agency. The notice shall include information on where and
 166 how interested parties may submit lower cost regulatory
 167 alternatives with the agency and the deadlines for such filings
 168 provided in this act.

169 3. The agency shall submit each limited statement of
 170 estimated regulatory costs for review by the Small Business
 171 Regulatory Advisory Council.

172 (b) The Small Business Regulatory Advisory Council shall

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173 submit lower cost regulatory alternatives to any Group 2 Rule no
 174 later than August 1, 2013. All other submittals of lower cost
 175 regulatory alternatives to any Group 2 rule shall be filed no
 176 later than June 1, 2013.

177 (c) Notwithstanding s. 120.74(2), each agency's biennial
 178 report under s. 120.74 for the year 2013, shall be filed by
 179 December 1, 2013. In addition to the information required by s.
 180 120.74, the report shall include supplemental reports on the
 181 Group 1 Rules status and the Group 2 Rules review.

182 1. The Group 1 Rules Supplemental Report shall update the
 183 status of each Group 1 rule and state whether the rule was
 184 repealed, amended, nullified, or ratified by Legislature.

185 2. The Group 2 Rules Supplemental Report shall include:

186 a. The text of the rule;

187 b. Whether the rule is a Revenue Rule;

188 c. The limited statement of estimated regulatory costs for
 189 the rule;

190 d. All lower regulatory cost alternatives received by the
 191 agency;

192 e. The agency's written explanation for rejecting submitted
 193 lower regulatory cost alternatives;

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194 f. The agency justification to repeal, amend, or retain
 195 without amendment the rule.

196 (d) No later than December 1, 2013, the each agency shall
 197 begin proceedings under s. 120.54 to amend or repeal those Group
 198 2 Rules so designated in the report.

199 (6) Legislative review of Group 1 Rules and Group 2 Rules.

200 (a) The Legislature may consider whether specific
 201 legislation ratifying or nullifying Group 1 Rules or Group 2
 202 Rules identified for retention without amendment should be
 203 enacted.

204 (b) Without need for any further action, Group 1 Rules
 205 which are not expressly ratified or nullified by the Legislature
 206 before the adjournment of its regular session in 2013, [are
 207 hereby nullified by operation of this act and stand repealed as
 208 of May 1, 2013]shall remain in full force and effect.

209 (c) Without need for any further action, Group 2 Rules
 210 which are not expressly ratified or nullified by the Legislature
 211 before the adjournment of its regular session in 2014 are hereby
 212 nullified by operation of this act and stand repealed as of May
 213 1, 2014.

214 (7) The filing of a report required in subsection (3), (4),

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215 or (5) shall have the following effect:

216 (a) The reporting agency may continue to rely on a rule in
 217 Group 1 or Group 2 until the rule is amended pursuant to s.
 218 120.54 or nullified under this act.

219 (b) The reporting agency shall discontinue all reliance
 220 upon and enforcement of each rule which is listed for repeal.

221 Section 3. Nothing in this act shall be construed to
 222 change the legal status of a rule that has otherwise been
 223 judicially or administratively determined to be invalid.

224 Section 4. This act shall stand repealed as of June 30,
 225 2014, unless amended or extended by subsequent act of the
 226 Legislature.

227 Section 5. This act shall take effect July 1, 2011.