



**RULEMAKING OVERSIGHT
&
REPEAL
SUBCOMMITTEE
MEETING**

**Tuesday
December 4, 2012
1:00 p.m. - 2:30 p.m.
306 House Office Building**

Will Weatherford
Speaker

John Tobia
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rulemaking Oversight & Repeal Subcommittee

Start Date and Time: Tuesday, December 04, 2012 01:00 pm
End Date and Time: Tuesday, December 04, 2012 02:30 pm
Location: 306 HOB
Duration: 1.50 hrs

Introductions of Subcommittee members and staff.

Introduction to Subcommittee jurisdiction.

NOTICE FINALIZED on 11/27/2012 14:02 by Powell.Sonja



FLORIDA HOUSE OF REPRESENTATIVES
Rules & Calendar Committee
Rulemaking Oversight & Repeal Subcommittee

Will Weatherford
Speaker

John Tobia
Chair

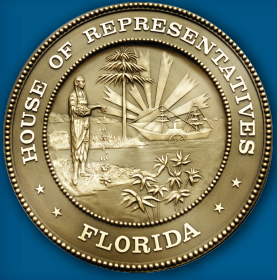
AGENDA

Tuesday, December 4, 2012

1:00 p.m. – 2:30 p.m.

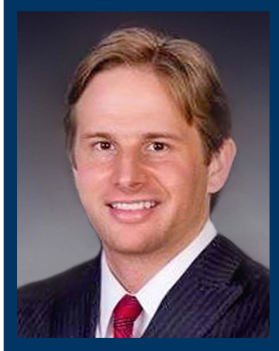
Room 306 House Office Building

- **Opening Remarks by Chair Tobia**
- **Roll Call by Sonja Powell, CAA**
- **Announcements**
 - **All those wishing to address the committee please fill out and submit the provided Appearance Record.**
 - **Please make sure all electronic devices are turned off or are on silent mode.**
- **Introductions of Subcommittee members and staff**
- **Introduction to Subcommittee jurisdiction**
- **Closing Remarks**
- **Meeting Adjourned**



FLORIDA HOUSE OF REPRESENTATIVES

Rulemaking Oversight & Repeal *Subcommittee*



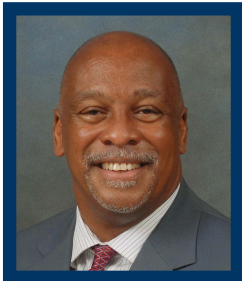
John Tobia
Chair (R-53)



Jeanette Nuñez
Vice Chair (R-119)



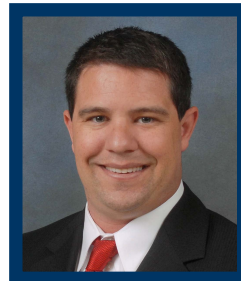
Barbara Watson
Democratic Ranking Member (D-107)



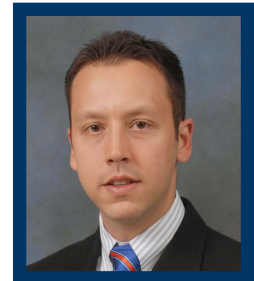
Bruce Antone
(D-46)



Matt Gaetz
(R-4)



Travis Hutson
(R-24)



Dave Kerner
(D-87)



MaryLynn Magar
(R-82)



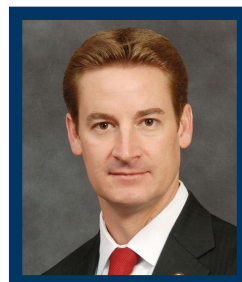
Lake Ray
(R-12)



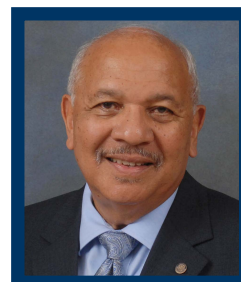
David Richardson
(D-113)



David Santiago
(R-27)



Greg Steube
(R-73)



Victor Torres, Jr.
(D-48)

RULEMAKING OVERSIGHT & REPEAL SUBCOMMITTEE

[Main Number: 717-4881]

Don Rubottom, Staff Director

[Office: 717-5216]

Don Rubottom has been an attorney for 26 years, having practiced in the private sector for 10 years. He is a member of the Bar in Florida and Oklahoma. He has served in staff positions in the Florida House for the past 16 years: 4 years in the Office of Speaker, 4 years as Rules Staff Director and a total of 8 years as Staff Director in various policy areas including the past two in the former Rulemaking & Regulation Subcommittee.

Eric Miller, Attorney

[Office: 717-5681]

A member of The Florida Bar since 1984, Eric Miller has private practice experience in administrative, bankruptcy, civil, and commercial litigation. His 17 years with Florida governmental agencies include rule drafting and development, regulatory and license enforcement, litigation under the Administrative Procedure Act, and litigation and appeals before state and federal courts. He is Board Certified in State & Federal Government and Administrative Practice and worked in the former Department of Business Regulation, the Department of Business and Professional Regulation, the Agency for Health Care Administration, and the Department of Agriculture and Consumer Services. Eric served as Attorney in the former Rulemaking & Regulation Subcommittee the previous two years.

Sonja Powell, Sr. CAA

[Office: 717-5498]

Sonja Powell is the Senior Administrative Assistant for the Subcommittee. Sonja has worked for the House of Representatives since 1992, having 20 years of experience. Sonja has served in the Committees on Natural Resources, Environmental Protection, Water and Resource Management, Information Technology, Education and Criminal Justice as well as the past two years in the former Rulemaking & Regulation Subcommittee. Prior to her service in the House, Sonja worked 7 years with the State of Florida, Department of Labor, and the Department of Revenue.

The Subcommittee operates under the Jurisdiction of the Rules and Calendar Committee

Rep. Robert C. "Rob" Schenck, Chair, Rules and Calendar Committee	[717-5035]
Stephanie Birtman, Staff Director	[717-5504]
Robert Hunter, Committee AA	[717-8902]



FLORIDA HOUSE OF REPRESENTATIVES
Rules & Calendar Committee
Rulemaking Oversight & Repeal Subcommittee

Will Weatherford
Speaker

John Tobia
Chair

RULEMAKING OVERSIGHT & REPEAL SUBCOMMITTEE
Jurisdictional Overview

I. Jurisdiction of the Subcommittee

The Rulemaking Oversight & Repeal Subcommittee considers matters related to the authority, process, review and oversight of rulemaking and regulation by government officials and agencies. This includes the operation of the state Administrative Procedure Act (“APA”), special procedures that replace or supplement the APA, and delegations of legislative authority through grants of rulemaking power. Some oversight of the Division of Administrative Hearings can be expected, as well as an emphasis on matters of state and local regulation of private commercial activities.

II. Significant Legislation Impacting or Passed by the former Rulemaking & Regulation Subcommittee (2010-2012)

A. Ch. 2010-279, Laws of Florida (HB 1565)

Passed in November, 2010, this law amended the rulemaking process under s. 120.54. Increased the responsibility of agencies to evaluate the economic impacts of new rules and required legislative ratification of rules having an economic impact over \$1,000,000 in the first five years of enforcement.

- A number of specific exemptions to this 2010 ratification requirement have since been enacted through a deliberative process.

B. Ch. 2011-225, Laws of Florida (HB 993)

Applying the economic standards placed in 2010 on proposed rules, this 2011 bill required agencies to review and report on existing rules. Reports are scheduled for 2012 & 2013. The bill also provided for an online survey where the public could comment on the effects and wisdom of existing state rules. HB 993 also fixed several statutory glitches arising under ch. 2010-279.

C. Ch. 2012-31, Laws of Florida (HB 7029)

This law repealed 270 administrative rules that were obsolete, duplicative, unnecessary, no longer authorized by law, or for which the adopting agency had been abolished. The law also authorized a summary process under which the Department of State may examine and repeal existing rules for which the statutory authority is eliminated.

D. Ch. 2012-116, Laws of Florida (HB 7055)

This law accomplished two administrative reforms. First, the bill clarified the Governor's authority to direct and supervise the exercise of rulemaking authority by his appointees serving at his pleasure, addressing issues raised in 2011 by the Supreme Court in Whiley v. Scott. Second, the bill instituted broad repeal of unnecessary and unused rulemaking authority by:

- Immediately repealing 47 statutory provisions; and
- Directing the routine annual development of a revisers bill proposing similar repeals.

E. Ch. 2011-179, Laws of Florida (HB 7253)

F. Ch. 2012-101, Laws of Florida (HB 7121)

- Rule ratification bills under the 2010 law.

III. Potential Policy Issues for the Subcommittee: 2012 – 2014

- A. Rule ratification requests from agencies as well as ratification exemption proposals.
- B. Review data from economic analyses on existing rules prepared by each agency and develop recommendations for reform where needed.
- C. Inquiries into “rules of concern” submitted by constituents, including those arising from online survey responses.
- D. Review proposed legislation to ensure consistent and deliberative authorization of agency rulemaking powers.
- E. Proposing repeal or restriction of identified obsolete or unnecessary statutory rulemaking authority.
- F. Review and consider amendments or revisions to the Administrative Procedure Act.
- G. Review implementation of the Florida Administrative Register, a 2012 change from weekly to continuous publication of APA and related notices.

IV. Agencies, Divisions, and Program Areas Under Subcommittee Jurisdiction

- A. In contrast to a substantive policy subcommittee having jurisdiction in particular policy areas, the jurisdiction of the Rulemaking Oversight & Repeal Subcommittee extends to the administrative rules and procedures of every state agency, regional authority, and local entity that is subject to the APA. The APA establishes procedures most agencies must follow for the following:
- Developing and defending public policy statements that have the force of law (rules).
 - Implementing regulatory and other administrative laws, including the assessment and collection of fees.
 - Administering many licensing, registration and permitting laws.
 - Administratively enforcing laws and rules when authorized by the Legislature by imposing fines or other penalties.
- B. The Department of State and the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) each have statewide administrative responsibilities that come under the Subcommittee's jurisdiction.
- C. The Subcommittee exercises a general jurisdiction over bills intended to repeal and reduce unnecessary or unduly expensive rules and rulemaking authority of various agencies as well as bills requested by any agency seeking legislative ratification of administrative rules having significant economic impacts.
- D. The Subcommittee also works closely with the Joint Administrative Procedures Committee (JAPC) of the Legislature in the legislative oversight of executive branch rulemaking.
- E. Primary Agency Contacts
1. Governor's Office of Fiscal Accountability and Regulatory Reform
Patricia Nelson, Deputy Director
(850) 487-1880
 2. Department of State
Office of Legislative Affairs
(850) 245-6125
 3. Division of Administrative Hearings
Robert Cohen, Chief Judge
(850) 488-9675, ext. 221 (Secretary-Loretta Sloan)

