



RULEMAKING & REGULATION SUBCOMMITTEE MEETING

Wednesday, January 11, 2012

8:30 A.M. – 10:30 A.M.

306 House Office Building

ACTION PACKET

Dean Cannon
Speaker

Chris Dorworth
Chair

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee
1/11/2012 8:30:00AM

Location: 306 HOB

Summary:

Rulemaking & Regulation Subcommittee

Wednesday January 11, 2012 08:30 am

CS/HB 413	Favorable	Yeas: 13	Nays: 0
CS/HB 503	Favorable With Committee Substitute	Yeas: 12	Nays: 3
HB 517	Favorable	Yeas: 15	Nays: 0
PCB RRS 12-02	Favorable	Yeas: 10	Nays: 5

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

1/11/2012 8:30:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Chris Dorworth (Chair)	X		
Frank Artilles	X		
Jeffrey Brandes	X		
Brad Drake	X		
Matt Gaetz	X		
Tom Goodson	X		
Matt Hudson	X		
Jimmy Patronis	X		
Scott Randolph	X		
Lake Ray	X		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
Franklin Sands	X		
Barbara Watson	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

1/11/2012 8:30:00AM

Location: 306 HOB

CS/HB 413 : Chiropractic Medicine

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake			X		
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda			X		
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Paul Lambert (Lobbyist) - Waive In Support
 Fla. Chiropractic Association
 502 North Adams Street
 Tallahassee FL 32301
 Phone: 850-224-9393

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

1/11/2012 8:30:00AM

Location: 306 HOB

CS/HB 503 : Environmental Regulation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson		X			
Chris Dorworth (Chair)	X				
Total Yeas: 12		Total Nays: 3			

Appearances:

HB 503 - amendment #2

Cory, Keyna (Lobbyist) - Waive In Support
 Associated Industries of Florida
 P.O. BOX 1347
 Tallahassee FL 32302
 Phone: (850) 681-1065

James, Stephen (Lobbyist) - Information Only
 Florida Association of Counties
 100 South Monroe Street
 Tallahassee FL 32302
 Phone: (850) 922-4300

Adams, Leticia (Lobbyist) - Proponent
 Florida Chamber of Commerce
 136 S. Bronough St.
 Tallahassee FL 32301
 Phone: (850) 521-1279

Yon, Mary Jean (Lobbyist) - Information Only
 Audubon of Florida
 3324 Charleston Road
 Tallahassee Florida 32309
 Phone: 850-519-7859

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative Patronis offered the following:
4

Amendment (with title amendment)

Between lines 321 and 322, insert:

Section 7. Section 373.306, Florida Statutes, is amended
to read:

373.306 Scope.—

(1) A ~~No~~ person may not ~~shall~~ construct, repair, abandon,
or cause to be constructed, repaired, or abandoned, any water
well contrary to ~~the provisions of~~ this part and applicable
rules and regulations.

(2) This part does ~~shall~~ not apply to:

(a) Equipment used temporarily for dewatering purposes.

(b) ~~or to~~ The process used in dewatering.

(c) Wells authorized pursuant to ss. 403.061 and 403.087
under the State Underground Injection Control Program identified
in Rule 62-528.110, Florida Administrative Code.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 1

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T I T L E A M E N D M E N T

Remove line 43 and insert:
water management districts; amending s. 373.306, F.S.;
exempting underground injection control wells from
certain regulation; amending s. 373.4141,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee
3 Representative Patronis offered the following:

Amendment (with title amendment)

Remove lines 749-758 and insert:

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6
7 (b) A permit, including a general permit, issued to a
8 solid waste management facility that is designed with a leachate
9 control system meeting department requirements shall be issued
10 for a term of 20 years unless the applicant requests a shorter
11 permit term. Notwithstanding the limitations of s.
12 403.087(6)(a), existing permit fees for a qualifying solid waste
13 management facility shall be adjusted to the permit term
14 authorized by this section. This paragraph applies to a
15 qualifying solid waste management facility that applies for an
16 operating or construction permit or renews an existing operating
17 or construction permit on or after October 1, 2012.

18 (c) A permit, including a general permit, but not
19 including a registration, issued to a solid waste management

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 2

20 facility that does not have a leachate control system meeting
21 department requirements shall be renewed for a term of 10 years,
22 unless the applicant requests a shorter term, if the following
23 conditions are met:

24 1. The applicant has conducted the regulated activity at
25 the same site for which the renewal is sought for at least 4
26 years and 6 months before the date that the permit application
27 is received by the department; and

28 2. At the time of applying for the renewal permit:

29 a. The applicant is not subject to a notice of violation,
30 consent order, or administrative order issued by the department
31 for violation of an applicable law or rule;

32 b. The department has not notified the applicant that it
33 is required to implement assessment or evaluation monitoring as
34 a result of exceedances of applicable groundwater standards or
35 criteria or, if applicable, the applicant is completing
36 corrective actions in accordance with applicable department
37 rules; and

38 c. The applicant is in compliance with the applicable
39 financial assurance requirements.

40 (d) The department may adopt rules to administer this
41 subsection; however, the department is not required to submit
42 such rules to the Environmental Regulation Commission for
43 approval. Notwithstanding the limitations of s. 403.087(6)(a),
44 permit fee caps for solid waste management facilities shall be
45 prorated to reflect the extended permit term authorized by this
46 subsection.

47 Section 2. Subsection (5) is added to section 403.709,
48 Florida Statutes, to read:

Amendment No. 2

49 403.709 Solid Waste Management Trust Fund; use of waste
50 tire fees.—There is created the Solid Waste Management Trust
51 Fund, to be administered by the department.

52 (5) A solid waste landfill closure account is created
53 within the Solid Waste Management Trust Fund to provide funding
54 for the closing and long-term care of solid waste management
55 facilities, if:

56 (a) The facility had or has a department permit to operate
57 the facility;

58 (b) The permittee provided proof of financial assurance
59 for closure in the form of an insurance certificate;

60 (c) The facility has been deemed to be abandoned or has
61 been ordered to close by the department; and

62 (d) Closure will be accomplished in substantial accordance
63 with a closure plan approved by the department.

64
65 The department has a reasonable expectation that the insurance
66 company issuing the closure insurance policy will provide or
67 reimburse most or all of the funds required to complete closing
68 and long-term care of the facility. If the insurance company
69 reimburses the department for the costs of closing or long-term
70 care of the facility, the department shall deposit the funds
71 into the solid waste landfill closure account.

72 Section 3. Section 403.7125, Florida Statutes, is amended
73 to read:

74 403.7125 Financial assurance ~~for closure~~.—

75 (1) Every owner or operator of a landfill is jointly and
76 severally liable for the improper operation and closure of the
77 landfill, as provided by law. As used in this section, the term

Amendment No. 2

78 "owner or operator" means any owner of record of any interest in
79 land wherein a landfill is or has been located and any person or
80 corporation that owns a majority interest in any other
81 corporation that is the owner or operator of a landfill.

82 (2) The owner or operator of a landfill owned or operated
83 by a local or state government or the Federal Government shall
84 establish a fee, or a surcharge on existing fees or other
85 appropriate revenue-producing mechanism, to ensure the
86 availability of financial resources for the proper closure of
87 the landfill. However, the disposal of solid waste by persons
88 on their own property, as described in s. 403.707(2), is exempt
89 from this section.

90 (a) The revenue-producing mechanism must produce revenue
91 at a rate sufficient to generate funds to meet state and federal
92 landfill closure requirements.

93 (b) The revenue shall be deposited in an interest-bearing
94 escrow account to be held and administered by the owner or
95 operator. The owner or operator shall file with the department
96 an annual audit of the account. The audit shall be conducted by
97 an independent certified public accountant. Failure to collect
98 or report such revenue, except as allowed in subsection (3), is
99 a noncriminal violation punishable by a fine of not more than
100 \$5,000 for each offense. The owner or operator may make
101 expenditures from the account and its accumulated interest only
102 for the purpose of landfill closure and, if such expenditures do
103 not deplete the fund to the detriment of eventual closure, for
104 planning and construction of resource recovery or landfill
105 facilities. Any moneys remaining in the account after paying
106 for proper and complete closure, as determined by the

Amendment No. 2

107 department, shall, if the owner or operator does not operate a
108 landfill, be deposited by the owner or operator into the general
109 fund or the appropriate solid waste fund of the local government
110 of jurisdiction.

111 (c) The revenue generated under this subsection and any
112 accumulated interest thereon may be applied to the payment of,
113 or pledged as security for, the payment of revenue bonds issued
114 in whole or in part for the purpose of complying with state and
115 federal landfill closure requirements. Such application or
116 pledge may be made directly in the proceedings authorizing such
117 bonds or in an agreement with an insurer of bonds to assure such
118 insurer of additional security therefor.

119 (d) The provisions of s. 212.055 which relate to raising
120 of revenues for landfill closure or long-term maintenance do not
121 relieve a landfill owner or operator from the obligations of
122 this section.

123 (e) The owner or operator of any landfill that had
124 established an escrow account in accordance with this section
125 and the conditions of its permit prior to January 1, 2007, may
126 continue to use that escrow account to provide financial
127 assurance for closure of that landfill, even if that landfill is
128 not owned or operated by a local or state government or the
129 Federal Government.

130 (3) An owner or operator of a landfill owned or operated
131 by a local or state government or by the Federal Government may
132 provide financial assurance to the department in lieu of the
133 requirements of subsection (2). An owner or operator of any
134 other landfill, or any other solid waste management facility
135 designated by department rule, shall provide financial assurance

Amendment No. 2

136 to the department for the closure of the facility. Such
137 financial assurance may include surety bonds, certificates of
138 deposit, securities, letters of credit, or other documents
139 showing that the owner or operator has sufficient financial
140 resources to cover, at a minimum, the costs of complying with
141 applicable closure requirements. The owner or operator shall
142 estimate such costs to the satisfaction of the department.

143 (4) This section does not repeal, limit, or abrogate any
144 other law authorizing local governments to fix, levy, or charge
145 rates, fees, or charges for the purpose of complying with state
146 and federal landfill closure requirements.

147 (5) The department shall by rule require that the owner or
148 operator of a solid waste management facility that receives
149 waste after October 9, 1993, and that is required by department
150 rule to undertake corrective actions for violations of water
151 quality standards provide financial assurance for the cost of
152 completing such corrective actions. The same financial
153 assurance mechanisms that are available for closure costs shall
154 be available for costs associated with undertaking corrective
155 actions.

156 ~~(6)(5)~~ The department shall adopt rules to implement this
157 section.

158 Section 4. This act shall take effect July 1, 2012.

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164 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 2

165 Remove lines 97-103 and insert:
166 amending s. 403.707, F.S.; requiring that existing permit
167 fees be adjusted to the permit term; providing
168 applicability; specifying a permit term for a solid waste
169 management facility that does not have a leachate control
170 system meeting the requirements of the department under
171 certain conditions; authorizing the department to adopt
172 rules; providing that the department is not required to
173 submit the rules to the Environmental Regulation Commission
174 for approval; requiring that permit fee caps for solid
175 waste management facilities be prorated to reflect the
176 extended permit term; amending s. 403.709, F.S.; creating a
177 solid waste landfill closure account within the Solid Waste
178 Management Trust Fund to fund the closing and long-term
179 care of solid waste facilities under certain circumstances;
180 requiring that the department deposit funds that are
181 reimbursed into the solid waste landfill closure account;
182 amending s. 403.7125, F.S.; requiring that the department
183 require by rule that the owner or operator of a solid waste
184 management facility receiving waste after a specified date
185 provide financial assurance for the cost of completing
186 corrective action for violations of water quality
187 standards;
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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

WithdRAWN

1 Committee/Subcommittee hearing bill: Rulemaking & Regulation
2 Subcommittee

3 Representative Ray offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 298 and 299, insert:

7 Section 6. Subsection (4) of section 339.63, Florida
8 Statutes, is amended, and subsection (6) is added to that
9 section, to read:

10 339.63 System facilities designated; additions and
11 deletions.—

12 (4) Except as provided in subsections (5) and (6), after
13 the initial designation of the Strategic Intermodal System under
14 subsection (1), the department shall, in coordination with the
15 metropolitan planning organizations, local governments, regional
16 planning councils, transportation providers, and affected public
17 agencies, add facilities to or delete facilities from the
18 Strategic Intermodal System described in paragraph (2)(a) based
19 upon criteria adopted by the department. ~~However,~~

Amendment No. 3

20 (5) An airport that is designated as a reliever airport to
21 a Strategic Intermodal System airport which has at least 75,000
22 itinerant operations per year, has a runway length of at least
23 5,500 linear feet, is capable of handling aircraft weighing at
24 least 60,000 pounds with a dual wheel configuration which is
25 served by at least one precision instrument approach, and serves
26 a cluster of aviation-dependent industries, shall be designated
27 as part of the Strategic Intermodal System by the Secretary of
28 Transportation upon the request of a reliever airport meeting
29 this criteria.

30 (6) (a) Upon the request of a facility meeting the criteria
31 of this paragraph, the Secretary of Transportation shall
32 designate as part of the Strategic Intermodal System a planned
33 facility that:

34 1. Is designated in a local comprehensive plan as an
35 intermodal logistics center, inland logistics center, or local
36 equivalent.

37 2. Is projected to create at least 50 full-time jobs.

38 3. Serves the purpose of receiving or sending cargo for
39 distribution, cargo storage and consolidation, or the
40 repackaging and transfer of goods, which may include, if
41 developed as proposed, other intermodal terminals or related
42 transportation facilities used for warehouse and distribution,
43 associated office space, and light industrial manufacturing or
44 assembly.

45 4. Is proximate to one or more Strategic Intermodal System
46 designated highway facilities for the purpose of facilitating
47 regional freight traffic movement within the state.

Amendment No. 3

48 5. Is located within 30 miles of an existing Strategic
49 Intermodal System or Emerging Strategic Intermodal System
50 designated rail line.

51 6. Is located within 100 miles of a Strategic Intermodal
52 System designated seaport for the purpose of providing
53 additional relief for expansion of cargo storage and seaport
54 movement capacity as well as having a collaborative agreement,
55 letter of interest, or memorandum of understanding with the
56 seaport.

57 7. Has a location and size consistent with market
58 feasibility studies for intermodal logistics center or inland
59 port facilities as published by the department or other sources.

60 (b) For a facility designated pursuant to paragraph (a),
61 the local government shall adopt:

62 1. A waiver of transportation concurrency; or

63 2. A limited exemption that allows an increase of up to
64 150 percent in the adopted level of service capacity standard
65 for the facility's impact to roadway facilities on the Strategic
66 Intermodal System.

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72 **T I T L E A M E N D M E N T**

73 Remove line 39 and insert:

74 activities in the preserve; amending s. 339.63, F.S.;

75 exempting certain facilities from being added to or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

Amendment No. 3

76 deleted from the Strategic Intermodal System by the
77 Department of Transportation in coordination with the
78 metropolitan planning organizations, local
79 governments, regional planning councils,
80 transportation providers, and affected public
81 agencies; requiring the Secretary of Transportation to
82 designate certain facilities as part of the Strategic
83 Intermodal System upon the request of such facilities;
84 requiring local governments to adopt a waiver of
85 transportation concurrency or a specified limited
86 exemption for such facilities; amending s. 373.026,
87 F.S.;

88

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee

1/11/2012 8:30:00AM

Location: 306 HOB

CS/HB 503 : Environmental Regulation (continued)

Appearances: (continued)

Steverson, Jonathan (At Request Of Chair) - Information Only

DEP

3900 Commonwealth Blvd.

Tallahassee FL 32399

Phone: (850) 245-2140

HB 503 - amendment #2

Leary, Philip (Lobbyist) - Waive In Support

1821 Carr Street

Palatka FL

John Sprague - Waive In Support

Marine Industries Association of Florida

840 SW Salerno Road

Stuart FL 34997

Phone: 561-723-5418

HB 503

Cory, Keyna (Lobbyist) - Proponent

Associated Industries of Florida

P.O. BOX 1347

Tallahassee FL 32302

Phone: (850) 681-1065

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

Print Date: 1/11/2012 12:03 pm

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COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee
1/11/2012 8:30:00AM

Location: 306 HOB

HB 517 : Reducing and Streamlining Regulations

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Franklin Sands	X				
Barbara Watson	X				
Chris Dorworth (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Lawson, Ken (Lobbyist) (State Employee) - Proponent
 Department of Business and Professional Regulation
 1940 N. Monroe Street
 Tallahassee Florida 32399
 Phone: 850-413-0755

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE MEETING REPORT
Rulemaking & Regulation Subcommittee
1/11/2012 8:30:00AM

Location: 306 HOB

PCB RRS 12-02 : Relating to Administrative Authority

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Frank Artiles	X				
Jeffrey Brandes	X				
Brad Drake	X				
Matt Gaetz	X				
Tom Goodson	X				
Matt Hudson	X				
Jimmy Patronis	X				
Scott Randolph		X			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Franklin Sands		X			
Barbara Watson		X			
Chris Dorworth (Chair)	X				
Total Yeas: 10		Total Nays: 5			

Appearances:

PCB RRS 12-02--Administrative authority
 Adams, Leticia (Lobbyist) - Information Only
 Florida Chamber of Commerce
 136 S. Bronough St.
 Tallahassee FL 32301
 Phone: (850) 521-1279

Cindy Huddleston (Lobbyist) - Waive In Support
 Florida Legal Services
 2425 Torrey Drive
 Tallahassee FL 32303
 Phone: 850-701-1814

Committee meeting was reported out: Wednesday, January 11, 2012 12:02:58PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-02 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	___	

Withdrawn

1 Committee/Subcommittee hearing PCB: Rulemaking & Regulation
2 Subcommittee

3 Representative Randolph offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 112-415 and insert:

7 Section 1. Section 120.515, Florida Statutes, is created
8 to read:

9 120.514 .-- Declaration of Policy and Requirement
10 for Public Notice, Input, and Deliberation by OFARR and
11 Appointing Authorities. - This chapter provides uniform
12 procedures for the exercise of delegated rulemaking and
13 decision-making authority by OFARR and appointing
14 authorities over executive agencies and requires that all
15 such authority be exercised in an open and fair manner so
16 that the public and affected persons have an opportunity
17 to know about, provide input, and have a hearing over
18 adverse action.

19 (1) The exercise of decision-making and rulemaking-

Amendment No. 1

20 related authority by appointing authorities over
21 appointees serving at their pleasure, or by OFARR
22 over appointees serving at the pleasure of the
23 Governor, must be authorized by law and consistent
24 with all rulemaking requirements set forth in
25 this chapter, including but not limited to
26 timeline parameters and rulemaking standards and
27 criteria set forth at s. 120.52 (8), (9), (17), s.
28 120.535, and s. 120.54. If permitted by law, the
29 exercise of decision-making and rulemaking
30 authority by OFARR or appointing authorities
31 includes approving, disapproving, directing or
32 prohibiting an agency's proposed rulemaking or
33 decision-making.

- 34 (2) Prior to the exercise of delegated decision-making
35 or rulemaking authority, OFARR and appointing
36 authorities shall give advance notice of their
37 consideration of the proposed rulemaking or intent
38 to make a decision to affected persons and persons
39 who request notice. Further notice shall
40 thereafter be published in the first available
41 Florida Administrative Weekly and allow the public
42 the opportunity for input into the deliberations.
43 OFARR and appointing authorities shall complete
44 their deliberations and render a written decision
45 of their recommendation, approval, disapproval,
46 direction or prohibition within 14 days of the
47 date of publication of such notice

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB RRS 12-02 (2012)

Amendment No. 1

- 48 a. OFARR and all appointing authorities shall adopt
49 rules pursuant to Chapter 120 to carry out this
50 section, including but not limited to rules
51 providing for public input into their deliberations
52 at a reasonable time and in a reasonable manner and
53 rules providing for time limitations upon the
54 exercise of delegated decision-making.
- 55 b. Decisions by OFARR or appointing authorities that
56 disapprove, modify, prohibit, or otherwise disagree
57 with the action proposed, suggested, recommended or
58 requested by the agency shall constitute agency
59 action under s. 120.569 and be subject to a hearing
60 under s. 120.57 conducted by the Division of
61 Administrative Hearings if the decision affects
62 substantial interests of a person providing input,
63 as well as judicial review. In such proceeding,
64 OFARR or the appointing authority shall be a party.
- 65 c. OFARR and appointing authorities exercising
66 decision-making or rulemaking -related authority
67 over state agencies shall maintain a record of
68 their exercise of that authority, including but not
69 limited to the law granting them such authority; a
70 transcript of all oral communications to and from
71 OFARR, the appointing authority, the agency and the
72 public concerning the matter; a copy or transcript
73 of all information received, reviewed, considered or
74 rejected; and information and documentation
75 supporting the exercise of their authority. Such

Amendment No. 1

76 record shall be made available free-of-cost to the
77 public if requested.

78 All decisions by OFARR or the appointing authority concerning
79 proposed rulemaking or decision-making under this section shall
80 be rendered in writing, contain reasons supporting their
81 decision, set forth the appeal rights of substantially affected
82 persons under s 120.57, and be provided electronically or by
83 U.S mail to all persons who provided input into the deliberation
84 as well as be published in the first available Florida
85 Administrative Weekly following the issuance of the written
86 decision.

87 Section 2. Paragraph (a) of subsection (1) of section
88 120.52, Florida Statutes, is amended to read:

89 120.52 Definitions.—As used in this act:

90 (1) "Agency" means the following officers or governmental
91 entities if acting pursuant to powers other than those derived
92 from the constitution:

93 (a) The Governor; the Office of Financial Accountability
94 and Regulatory Reform and/or any other appointed authority over
95 executive agencies, each state officer and state department, and
96 each departmental unit described in s. 20.04; the Board of
97 Governors of the State University System; the Commission on
98 Ethics; the Fish and Wildlife Conservation Commission; a
99 regional water supply authority; a regional planning agency; a
100 multicounty special district, but only when a majority of its
101 governing board is comprised of nonelected persons; educational
102 units; and each entity described in chapters 163, 373, 380, and
103 582 and s. 186.504.

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104
105 This definition does not include any municipality or legal
106 entity created solely by a municipality; any legal entity or
107 agency created in whole or in part pursuant to part II of
108 chapter 361; any metropolitan planning organization created
109 pursuant to s. 339.175; any separate legal or administrative
110 entity created pursuant to s. 339.175 of which a metropolitan
111 planning organization is a member; an expressway authority
112 pursuant to chapter 348 or any transportation authority under
113 chapter 343 or chapter 349; or any legal or administrative
114 entity created by an interlocal agreement pursuant to s.
115 163.01(7), unless any party to such agreement is otherwise an
116 agency as defined in this subsection.

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T I T L E A M E N D M E N T

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122

Remove lines 2-3 and insert:

123

An act relating to administrative authority; creating s.

124

120.514, F.S., declaring policy and providing for notice and

125

rulemaking; amending s. 120.52, F.S., including certain entities

126

in the definition of "agency"; amending s.

127