



RULEMAKING & REGULATION SUBCOMMITTEE MEETING

Tuesday, February 14, 2012

10:00 a.m. - 11:00 a.m.

306 House Office Building

MEETING PACKET

Dean Cannon
Speaker

Chris Dorworth
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rulemaking & Regulation Subcommittee

Start Date and Time: Tuesday, February 14, 2012 10:00 am
End Date and Time: Tuesday, February 14, 2012 11:00 am
Location: 306 HOB
Duration: 1.00 hrs

Consideration of the following proposed committee bill(s):

PCB RRS 12-03 -- Relating to Ratification of Rules

Staff presentation on implementation of HB 993 (2011) (ch. 2011-225)

Staff presentation on current results of online regulatory survey

NOTICE FINALIZED on 02/10/2012 15:27 by Thompson.Sonja



FLORIDA HOUSE OF REPRESENTATIVES

Dean Cannon, Speaker

Rules & Calendar Committee Rulemaking & Regulation Subcommittee

Chris Dorworth
Chair

317 The Capitol
(850) 488-0608

AGENDA

Tuesday, February 14, 2012

10:00 A.M. – 11:00 A.M.

Room 306 House Office Building

Opening Remarks by Chair Dorworth

Roll Call by Sonja Thompson, CAA

Consideration of the following proposed committee bill(s):

- **PCB RRS 12-03 -- Relating to Ratification of Rules**

Staff presentation on implementation of HB 993 (2011) (ch. 2011-225)


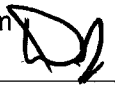
Staff presentation on current results of online regulatory survey

Closing Remarks

Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RRS 12-03 Ratification of Rules
SPONSOR(S): Rulemaking & Regulation Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rulemaking & Regulation Subcommittee		Miller 	Rubottom 

SUMMARY ANALYSIS

The Department of Agriculture and Consumer Services (department) adopted its rule updating the minimum standards for the storage and handling of liquefied petroleum gases as required by s. 527.06, F.S. The statement of estimated regulatory costs showed Rule 5F-11.002, FAC, *Standards of National Fire Protection Association Adopted*, would have a specific, adverse economic effect, or would increase regulatory costs, exceeding \$1 million over the first 5 years the rule was in effect. Accordingly, the rule must be ratified by the Legislature before it may go into effect.

The rule was adopted by the department on July 7, 2011, and submitted for ratification on December 7, 2011.

The proposed bill authorizes the referenced rule to go into effect. The scope of the bill is limited to this rulemaking condition and does not adopt the substance of any rule into the statutes.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Department of Agriculture and Consumer Service (department) is the primary agency charged with the regulation of liquefied petroleum gas (LP Gas) wherever the product is stored, distributed, transported and used in Florida. The department also has statutory authority over the licensing, inspection, enforcement, accident investigation, and training of persons and firms involved in the LP Gas industry in the state.¹ As of December 7, 2011, there were 13,558 LP Gas licensees in Florida.²

The department is required to promulgate and enforce rules setting minimum standards for numerous issues pertaining to the safe handling of LP Gas, including the design, construction, location, installation, and operation of storage of LP Gas. The rules must substantially conform to generally accepted standards of safety.³ Rules that substantially conform to the published standards of the National Fire Protection Association (NFPA) are deemed to meet this standard.⁴ The department implements this requirement by adopting and periodically updating Rule 5F-11.002, Florida Administrative Code (FAC), incorporating by reference the applicable NFPA codes with certain exclusions.

Rulemaking Authority and Legislative Ratification

A rule is an agency statement of general applicability that interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency as well as certain types of forms.⁵ Rulemaking authority is delegated by the Legislature⁶ through statute and authorizes an agency to "adopt, develop, establish, or otherwise create"⁷ a rule. Agencies do not have discretion whether to engage in rulemaking.⁸ To adopt a rule an agency must have a general grant of authority to implement a specific law by rulemaking.⁹ The grant of rulemaking authority itself need not be detailed.¹⁰ The specific statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.¹¹

An agency begins the formal rulemaking process by filing a notice of the proposed rule.¹² The notice is published by the Department of State in the Florida Administrative Weekly¹³ and must provide certain information, including the text of the proposed rule, a summary of the agency's statement of estimated regulatory costs (SERC) if one is prepared, and how a party may request a public hearing on the proposed rule. The SERC must include an economic analysis projecting a proposed rule's adverse effect on specified aspects of the state's economy or increase in regulatory costs.¹⁴

¹ Chapter 527, F.S.

² Florida Department of Agriculture and Consumer Services, *Statement of Estimated Regulatory Costs*, filed with the Request for Legislative Ratification and on file with the Rulemaking & Regulation Subcommittee.

³ Section 527.06(2), F.S.

⁴ Section 527.06(3)(a), F.S.

⁵ Section 120.52(16); *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).

⁶ *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).

⁷ Section 120.52(17).

⁸ Section 120.54(1)(a), F.S.

⁹ Section 120.52(8) & s. 120.536(1), F.S.

¹⁰ *Save the Manatee Club, Inc.*, supra at 599.

¹¹ *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

¹² Section 120.54(3)(a)1, F.S..

¹³ Section 120.55(1)(b)2, F.S.

¹⁴ Section 120.541(2)(a), F.S.

The economic analysis mandated for each SERC must analyze a rule's potential impact over the 5 year period from when the rule goes into effect. First is the rule's likely adverse impact on economic growth, private-sector job creation or employment, or private-sector investment.¹⁵ Next is the likely adverse impact on business competitiveness,¹⁶ productivity, or innovation.¹⁷ Finally, the analysis must discuss whether the rule is likely to increase regulatory costs, including any transactional costs.¹⁸ If the analysis shows the projected impact of the proposed rule in any one of these areas will exceed \$1 million in the aggregate for the 5 year period, the rule cannot go into effect until ratified by the Legislature pursuant to s. 120.541(3), F.S.

Present law distinguishes between a rule being "adopted" and becoming enforceable or "effective."¹⁹ A rule must be filed for adoption before it may go into effect²⁰ and cannot be filed for adoption until completion of the rulemaking process.²¹ A rule projected to have a specific economic impact exceeding \$1 million in the aggregate over 5 years²² must be ratified by the Legislature before going into effect.²³ As a rule submitted under s. 120.541(3), F.S., becomes effective if ratified by the Legislature, a rule must be filed for adoption before being submitted for legislative ratification.

Impact of Rule

The department completed the rulemaking process and filed Rule 5F-11.002 for adoption on July 7, 2011. The rule adopts the standards published in NFPA 58, *Liquefied Petroleum Gas Code*, 2011 edition, and NFPA 54, *National Fuel Gas Code*, 2006 edition, together with two manuals prepared by NFPA for consistent interpretation of these codes. The code change with the most substantial economic impact on industry licensees is in NFPA 58, 2011 edition, for the installation of underground gas containers. The new code requires all new underground installations be protected from corrosion damage by use of a cathodic protection system.²⁴ The department projects this enhanced protection will increase the useful life of underground tanks by approximately 300%, prolonging the need to purchase replacements.

About 525 of the current licensees install underground tanks. These include both LP Gas Dealers and LP Gas Installers. The SERC prepared by the department projected the revised standards in the NFPA 58, 2011 edition, would result in increased transaction costs for these licensees of \$2,731,154 in the first year and approximately \$2,464,200 in each subsequent year. This is a conservative estimate using the projected cost of a larger anode and initial costs for required voltage testers. The department notes many licensees already install cathodic protection systems in order to comply with the requirements of tank manufacturers.

Effect of Proposed Change

The bill ratifies Rule 5F-11.002, FAC, allowing the rule to become effective.

¹⁵ Section 120.541(2)(a)1., F.S.

¹⁶ Including the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

¹⁷ Section 120.541(2)(a) 2., F.S.

¹⁸ Section 120.541(2)(a) 3., F.S.

¹⁹ Section 120.54(3)(e)6. Before a rule becomes enforceable, thus "effective," the agency first must complete the rulemaking process and file the rule for adoption with the Department of State .

²⁰ Section 120.54(3)(e)6, F.S.

²¹ Section 120.54(3)(e), F.S.

²² Section 120.541(2)(a), F.S.

²³ Section 120.541(3), F.S.

²⁴ A cathodic protection system prevents corrosion by reversing the outflow of electrons from the object being protected. This is done by attaching a separate anode by wire to the underground tank, making the tank a *cathode* , attempting to reverse the flow of electrical current out of the tank. Mississippi Department of Environmental Quality, *Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems* (July, 2002), at http://www.deq.state.ms.us/MDEQ.nsf/page/UST_Publications?OpenDocument (accessed 2/9/2012).

B. SECTION DIRECTORY:

Section 1: Ratifies Rule 5F-11.002, FAC, solely to meet the condition for effectiveness imposed by s. 120.541(3), F.S. Expressly limits ratification to the effectiveness of the rules. Directs the act shall not be codified in the Florida Statutes but only noted in the historical comments to each rule by the Department of State.

Section 2: Provides the act goes into effect upon becoming law

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

Revenues: The bill creates no additional source of state revenues.

Expenditures: The bill requires no state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

Revenues: The bill itself has no impact on local government revenues.

Expenditures: The bill does not impose additional expenditures on local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill itself does not directly impact the private sector.

D. FISCAL COMMENTS:

The economic impacts projected in the statements of estimated regulatory costs would result from the operation of the new rules. Some of these economic impacts, including increased sales taxes for required materials and equipment, may result in increased revenues for local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The legislation does not appear to require counties or municipalities to take any action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other: No other constitutional issues are presented by the bill.

B. RULE-MAKING AUTHORITY:

The bill meets the final statutory requirement for the department to exercise its rulemaking authority concerning the adoption of these standards. No additional rulemaking authority is required.

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to ratification of rules; rat ifying a
 3 specified rule for the sole and exclusive purpose of
 4 satisfying any condition on effectiveness pursuant to
 5 s. 120.541(3), F.S., which requires ratification of
 6 any rule meeting any of specified thresholds for
 7 likely adverse impact or increase in regulatory;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. (1) The following rule is ratified for the
 13 sole and exclusive purpose of satisfying any condition on
 14 effectiveness imposed under s. 120.541(3), Florida Statutes:

15 Rule 5F-11.002, Florida Administrative Code, entitled
 16 "Standards of National Fire Protection Association Adopted,"
 17 relating to adopting the standards of the National Fire
 18 Protection Association for the storage and handling of liquefied
 19 petroleum gas and standards for gas appliances and gas piping.

20 (2) This act serves no other purpose and shall not be
 21 codified in the Florida Statutes. After this act becomes law,
 22 its enactment and effective dates shall be noted in the Florida
 23 Administrative Code or the Florida Administrative Weekly or
 24 both, as appropriate. This act does not alter rulemaking
 25 authority delegated by prior law, does not constitute
 26 legislative preemption of or exception to any provision of law
 27 governing adoption or enforcement of the rules cited, and is
 28 intended to preserve the status of any cited rule as a rule

PCB RRS 12-03

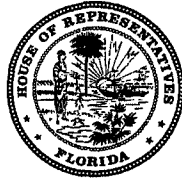
ORIGINAL

2012

29 | under chapter 120, Florida Statutes. This act does not cure any
 30 | rulemaking defect or preempt any challenge based on a lack of
 31 | authority or a violation of the legal requirements governing the
 32 | adoption of any rule cited.

33 | Section 2. This act shall take effect upon becoming law.

**Staff Presentation
Implementation of HB 993**



The Florida House of Representatives

Rules & Calendar Committee

Rulemaking & Regulation Subcommittee

MEMORANDUM

To: Subcommittee Members
From: Eric H. Miller, Committee Attorney
Date: February 13, 2012
Re: Update on Economic Review of Existing Administrative Rules

Chapter 2011-225, Laws of Florida, passed last session, created s. 120.745, F.S. This section compliments the rule ratification requirement passed during the organizational session in November, 2010. All agencies that must adopt and publish rules under chapter 120 are required to review their rules existing on November 16, 2010, and determine the economic impact of such rules, applying the standard adopted for the ratification requirement.

All agencies were to conduct an initial review to determine which of their rules appeared to meet the threshold of significant economic impact. The agency could then choose to publish a complete initial report on its website and file a certification of completion with JAPC no later than December 1, 2011. The agency would then complete full economic evaluations of all rules it identified as having the potentially greater impact and report the results in December, 2012 (for a number of the affected rules as chosen by the agency) and December, 2013 (for the remainder of the identified rules.) Alternatively, agencies could certify by October 1, 2011, that they chose to go through the existing rule review process conducted by OFARR; these agencies would only publish a limited report in December, 2011, and full economic reviews in December, 2013.

Following this memorandum are 5 charts.

- Exhibit A lists those agencies that chose the "OFARR Exemption" and will publish economic reports in December, 2013.
- Exhibit B summarizes the initial reports filed by the OFARR Exempt agencies.
- Exhibit C lists those agencies that published full initial reports on their websites in December, 2011, and will file reports in 2012 and 2013.
- Exhibit D lists entities, primarily colleges and school districts, that do not have to conduct the reviews required by s. 120.745 but are still required to file summary rulemaking reports under s. 120.74.
- Exhibit E lists those entities that failed to file as required under ss. 120.74 and 120.745.

Exhibits A and B project the agencies will **repeal 2,210** rules and subsections, **amend 1,624** rules to reduce their economic impact, and file economic reports for 347 rules in 2012 and 3,228 rules in 2013.

AGENCIES THAT HAVE FILED 120.745(9) CERTIFICATION OF EXEMPTION WITH JAPC

CABINET AGENCIES

- Administration Commission
- Agency for Enterprise Information Technology
- Board of Trustees of the Internal Improvement Trust Fund
- Dept. of Highway Safety and Motor Vehicles
- Dept. of Law Enforcement
- Dept. of Revenue
- Dept. of Veterans' Affairs
- Florida Land and Water Adjudicatory Commission
- State Board of Administration

GOVERNOR'S AGENCIES

- Agency for Health Care Administration
- Agency for Persons with Disabilities
- Dept. of Business and Professional Regulation
- Dept. of Children and Family Services
- Dept. of Corrections
- Dept. of Economic Opportunity (*including the former Agency for Workforce Innovation; the former Office of Tourism, Trade and Economic Development; and the former Dept. of Community Affairs*)
- Dept. of Elder Affairs
- Dept. of Environmental Protection
- Dept. of Health
- Dept. of Juvenile Justice
- Dept. of Management Services
- Dept. of State
- Dept. of Transportation
- Executive Office of the Governor (*including the Division of Emergency Management (formerly housed under Dept. of Community Affairs moved to Executive Office of the Governor)*)
- Florida Lottery

OFFICES, COMMISSIONS AND BOARDS

- Commission for the Transportation Disadvantaged (*housed under Dept. of Transportation*)
- Florida Unemployment Appeals Commission (*formerly housed under Dept. of Management Services - Agency for Workforce Innovation moved to Dept. Of Economic Opportunity*)
- State Retirement Commission (*housed under Dept. of Management Services*)
- Florida E911 Board (*housed under Dept. of Management Services*)
- Florida Commission on Human Relations (*housed under Dept. of Management Services*)
- Education Practices Commission (*housed under Dept. of Education*)
- Florida Elections Commission (*housed under Dept. of State*)
- Florida Housing Finance Corporation
- Office of Early Learning (*formerly housed under AWI moved to Dept. of Education*)
- Office of Insurance Regulation, Financial Services Commission (*housed under Dept. of Financial Services*)

Dept. of Business and Professional Regulation boards and commissions

- Barbers' Board
- Board of Accountancy
- Board of Architecture and Interior Design
- Board of Auctioneers
- Construction Industry Licensing Board
- Board of Cosmetology
- Electrical Contractors' Licensing Board
- Florida Building Commission (*formerly housed under Dept. Of Community Affairs moved to Dept. Of Business and Professional Regulation*)
- Board of Employee Leasing Companies
- Board of Landscape Architecture
- Board of Pilot Commissioners
- Board of Professional Engineers
- Board of Professional Geologists
- Board of Veterinary Medicine
- Florida Building Code Administrators and Inspectors Board
- Florida State Boxing Commission
- Real Estate Appraisal Board
- Real Estate Commission
- Regulatory Council of Community Association Managers

Dept. of Health boards and councils

- Board of Acupuncture
- Board of Athletic Trainers
- Council on Certified Nursing Assistants
- Board of Chiropractic Medicine
- Board of Clinical Laboratory Personnel
- Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
- Board of Dentistry
- Board of Hearing Aid Specialists
- Board of Massage Therapy
- Board of Medicine
- Board of Nursing
- Board of Nursing Home Administrators
- Board of Occupational Therapy Practice
- Board of Opticianry
- Board of Optometry
- Board of Orthotists and Prosthetists
- Board of Osteopathic Medicine
- Board of Pharmacy
- Board of Physical Therapy Practice
- Board of Podiatric Medicine
- Board of Psychology

- Board of Respiratory Care
- Board of Speech-Language Pathology and Audiology

Water Management Districts

- Northwest Florida Water Management District
- St. Johns River Water Management District
- South Florida Water Management District
- Southwest Florida Water Management District
- Suwannee River Water Management District

Agency*	Rule Info Published on OFARR Website	Revenue Rules (No.)	Data Collection Rules (No.)	Rules & Subsections to be Repealed (No.)	Rules to be Amended to Reduce Economic Impact (No.)	No. of Rules for Economic Review Report (2013)	Identified Mandates Requiring Continued Imposition of Rules with Negative Economic Effect (No.)
CABINET AGENCIES							
Administration Commission	Y	1	2	39	3	12	0
Agency for Enterprise Information Technology	Y	0	0	0	0	0	0
Board of Trustees of the Internal Improvement Trust Fund	Y	19	25	10	19	0	0
Dept. of Highway Safety and Motor Vehicles	Y	24	29	133	2	19	1
Dept. of Law Enforcement	Y	8	72	9	0	8	1
Dept. of Revenue	Y	463	94	64	1	86	0
Dept. of Veterans' Affairs	Y	5	5	1	0	0	0
Florida Land and Water Adjudicatory Commission	Y	0	4	0	0	0	0
State Board of Administration	Y	0	14	6	4	0	0
FINANCIAL SERVICES COMMISSION							
Office of Insurance Regulation (housed under Dept. of Financial Services for administration only)	Y	27	230	92	16	86	0
CABINET OFFICER AGENCIES							
Dept. of Legal Affairs	Y	0	0	4	1	0	0
GOVERNOR'S AGENCIES							
Agency for Health Care Administration	Y	104	219	84	39	74	27
Agency for Persons with Disabilities	Y	5	17	4	7	14	0
Dept. of Business and Professional Regulation	Y	94	220	178	67	148	4
Dept. of Children and Family Services	Y	25	158	40	382	37	5
Dept. of Corrections	Y	5	33	2	0	8	0
Dept. of Economic Opportunity (including the former Agency for Workforce Innovation; the former Office of Tourism, Trade and Economic Development; and the former Dept. of Community Affairs)	Y	17	104	104	37	46	3
Dept. of Elder Affairs	Y	10	31	19	26	21	1
Dept. of Environmental Protection	Y	146	760	443	347	745	21
Dept. of Health	Y	178	331	68	52	447	11
Dept. of Juvenile Justice	Y	11	30	3	0	8	0
Dept. of Management Services	Y	83	36	20	61	82	0
Dept. of State	Y	4	25	3	9	5	3

*Agencies completing earlier OFARR review and filing s. 120.745(9) exemption complete enhanced economic review and report in 12/2013.

Agency*	Rule Info Published on OFARR Website	Revenue Rules (No.)	Data Collection Rules (No.)	Rules & Subsections to be Repealed (No.)	Rules to be Amended to Reduce Economic Impact (No.)	No. of Rules for Economic Review Report (2013)	Identified Mandates Requiring Continued Imposition of Rules with Negative Economic Effect (No.)
Dept. of Transportation	Y	28	0	7	1	6	7
Executive Office of the Governor (including the Division of Emergency Management (formerly housed under Dept. of Community Affairs moved to Executive Office of the Governor))	Y	8	20	1	4	5	6
Florida Lottery	Y	54	15	4	6	2	0
OFFICES, COMMISSIONS, AND BOARDS							
Commission for the Transportation Disadvantaged (housed under Dept. of Transportation)	Y	1	4	0	0	0	0
Florida Unemployment Appeals Commission (formerly housed under Dept. of Management Services - Agency for Workforce Innovation moved to Dept. Of Economic Opportunity)							
State Retirement Commission (housed under Dept. of Management Services)	Y	0	0	2	2	1	0
Florida E911 Board (housed under Dept. of Management Services)	Y	2	4	0	0	0	0
Florida Commission on Human Relations (housed under Dept. of Management Services)							
Education Practices Commission (housed under Dept. of Education)	Y	1	1	0	0	1	0
Florida Elections Commission (housed under Dept. of State)	Y	0	5	2	0	0	0
Florida Housing Finance Corporation	Y	32	37	0	0	19	0
Office of Early Learning (formerly housed under AWI moved to Dept. of Education)	Y	1	2	0	0	1	0
Dept. of Business and Professional Regulation Boards and Commissions							
Barbers' Board	Y	39	15	35	1	27	1
Board of Accountancy	Y	5	15	10	10	18	0
Board of Architecture and Interior Design	Y	5	9	5	2	31	0

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Agency*	Rule Info Published on OFARR Website	Revenue Rules (No.)	Data Collection Rules (No.)	Rules & Subsections to be Repealed (No.)	Rules to be Amended to Reduce Economic Impact (No.)	No. of Rules for Economic Review Report (2013)	Identified Mandates Requiring Continued Imposition of Rules with Negative Economic Effect (No.)
Board of Auctioneers	Y	5	6	12	1	6	1
Construction Industry Licensing Board	Y	8	28	26	5	34	0
Board of Cosmetology	Y	29	17	40	16	27	2
Electrical Contractors' Licensing Board	Y	12	28	17	5	18	0
Florida Building Commission (<i>formerly housed under Dept. Of Community Affairs moved to Dept. Of Business and Professional Regulation</i>)	Y	5	7	1	0	3	0
Board of Employee Leasing Companies	Y	7	15	3	32	6	0
Board of Landscape Architecture	Y	9	10	5	7	10	1
Board of Pilot Commissioners	Y	12	10	5	0	14	0
Pilotage Rate Review Commission	Y	3	2	0	0	6	0
Board of Professional Engineers	Y	4	15	18	5	83	0
Board of Professional Geologists	Y	4	3	0	0	5	0
Board of Veterinary Medicine	Y	28	9	2	2	25	0
Florida Building Code Administrators and Inspectors Board	Y	13	14	17	2	17	1
Florida State Boxing Commission	Y	9	21	50	33	17	1
Real Estate Appraisal Board	Y	4	15	2	1	13	0
Real Estate Commission	Y	9	24	1	12	35	0
Regulatory Council of Community Association Managers	Y	2	3	0	0	0	0
Dept. of Health Boards and Councils							
Board of Acupuncture	Y	15	10	0	0	29	0
Board of Athletic Trainers	Y	3	6	2	0	3	0
Board of Chiropractic Medicine	Y	28	22	1	0	4	0
Board of Clinical Laboratory Personnel	Y	23	22	0	0	8	0
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling	Y	28	24	0	0	17	0
Board of Dentistry	Y	19	24	7	8	39	0
Board of Hearing Aid Specialists	Y	11	17	2	0	28	0
Board of Massage Therapy	Y	16	13	0	0	26	1

*Agencies completing earlier OFARR review and filing s. 120.745(9) exemption complete enhanced economic review and report in 12/2013.

Agency*	Rule Info Published on OFARR Website	Revenue Rules (No.)	Data Collection Rules (No.)	Rules & Subsections to be Repealed (No.)	Rules to be Amended to Reduce Economic Impact (No.)	No. of Rules for Economic Review Report (2013)	Identified Mandates Requiring Continued Imposition of Rules with Negative Economic Effect (No.)
Board of Medicine	Y	48	57	2	0	93	4
Board of Nursing	Y	6	21	0	0	10	0
Board of Nursing Home Administrators	Y	22	16	6	18	12	2
Board of Occupational Therapy Practice	Y	16	14	0	0	30	0
Board of Opticianry	Y	27	22	2	12	28	0
Board of Optometry	Y	12	11	0	0	14	0
Board of Orthotists and Prosthetists	Y	12	4	0	0	8	0
Board of Osteopathic Medicine	Y	32	32	4	2	53	0
Board of Pharmacy	Y	13	29	2	1	62	0
Board of Physical Therapy Practice	Y	7	14	0	0	21	0
Board of Podiatric Medicine	Y	18	13	0	0	17	0
Board of Psychology	Y	28	18	0	1	31	0
Board of Respiratory Care	Y	8	8	0	11	11	1
Board of Speech-Language Pathology and Audiology	Y	33	20	0	0	47	0
Water Management Districts							
Northwest Florida Water Management District	Y	15	42	21	41	32	0
St. Johns River Water Management District	Y	23	73	63	12	9	1
South Florida Water Management District	Y	21	103	53	71	114	0
Southwest Florida Water Management District	Y	12	62	51	38	6	1
Suwannee River Water Management District	Y	14	39	45	6	28	1
Totals		2078	3529	1852	1441	3056	108

*Agencies completing earlier OFARR review and filing s. 120.745(9) exemption complete enhanced economic review and report in 12/2013.

Agency	Date Report Received	Revenue Rules (No.)	Data Collection Rules (No.)	Rules to be Repealed (No.)	Rules to be Amended* (No.)	Rules for Economic Review Report (2012)	Rules for Economic Review Report (2013)	Certification Filed with JAPC	Published on Agency Website
Statewide Entities									
Board of Governors	11/30/2011	1	0	0	1	0	0	Y	Y
Commission on Ethics	12/5/2011	5	24	0	0	0	0	Y	Y
Department of Financial Services	N	111	308	72	114	152	113	N	Y
Dept. of Agriculture and Consumer Services [Note: Repeal of Rule 5K-4.010 will repeal 157 subparts]	12/5/2011	231	498	194	1	186	51	Y	Y
Dept. of Education (& all sub-entities, such as State Board of Education).	12/1/2011	10	96	46	1	1	1	Y	Y
Division of Administrative Hearings	12/2/2011	0	0	0	0	0	0		Y
Financial Services Commission – Office of Financial Regulation	12/6/2011	70	114	29	27	3	2	Y	Y
Fish and Wildlife Conservation Commission	N	18	15	9	1	0	0	N	Y
Florida Parole Commission	11/22/2011	3	3	0	0	0	0	Y	Y
Public Service Commission	11/22/2011	16	67	7	26	5	5	Y	Y
Regional Entities									
Florida Inland Navigation District	12/2/2011	0	0	0	0	0	0	Y	Y
Lake Apopka Natural Gas District	11/28/2011	1	0	0	0	0	0	Y	N
Tampa Bay Regional Planning Council	11/23/2011	0	4	0	0	0	0	Y	N
Tampa Bay Water - A Regional Water Supply Authority	12/6/2011	0	0	0	0	0	0	Y	N
Treasure Coast Regional Planning Council	12/6/2011	1	0	0	0	0	0	Y	Y
Universities									
Florida A&M University	12/1/2011	1	0	1	0	0	0	Y	Y
Florida Atlantic University	12/1/2011	0	0	0	0	0	0	Y	N [former rule superseded by BOG regulation]
Florida Gulf Coast University	12/1/2011	3	0	0	0	0	0	Y	Y
Florida International University	12/1/2011	1	0	0	0	0	0	Y	Y

Agency	Date Report Received	Revenue Rules (No.)	Data Collection Rules (No.)	Rules to be Repealed (No.)	Rules to be Amended* (No.)	Rules for Economic Review Report (2012)	Rules for Economic Review Report (2013)	Certification Filed with JAPC	Published on Agency Website
Florida State University	12/1/2011	2	0	0	0	0	0	Y	Y
New College	12/1/2011	1	0	0	0	0	0	Y	N
University of Central Florida	12/1/2011	1	0	0	0	0	0	Y	Y
University of Florida	12/1/2011	1	0	0	0	0	0	Y	Y
University of North Florida	12/1/2011	10	0	0	0	0	0	Y	Y
University of South Florida	12/1/2011	2	0	0	12	0	0	Y	Y
University of West Florida	12/1/2011	2	0	0	0	0	0	Y	N
Totals		491	1129	358	183	347	172		

Agency	Date Report Received	Rules Comply With Statutes (Y/N)	Rule Changes Since 2009 (Y/N)	Rules Impacting Small Business (Y/N)	No. of Rules to be Amended	No. of New Rules to be Adopted	Recommend Statute Changes (Y/N)*	House Substantive Committee Copied by Agency	Senate Substantive Committee Copied by Agency	Filed with JAPC
Agencies Required to File Under s. 120.745										
Dept. of Military Affairs	1/20/2012	Y	N	N	1	1	None			Y
North Central Florida Regional Planning Council	11/3/2011	Y	N		0	0	None	Economic Affairs		Y
Public Employees Relations Commission (PERC)	1/6/2012	Y		N	3	0	0			Y
State Fair Authority	12/7/2011	Y	N	N	0	0	None	State Affairs; Agriculture & Natural Resources	Agriculture; Commerce & Tourism	
Entities Not Required to File Under s. 120.745										
Colleges										
Brevard Community College	1/30/2012	Y	Y	N	0	0	N	K-20	Higher	Y
Chipolola College	1/24/2012	Y	N	N	0	0	N			Y
College of Central Florida	1/11/2012	Y	Y	N	0	0	N		Higher	Y
Daytona State College	11/4/2011	Y	Y	N	0	0	N			Y
Edison State College	11/28/2011	Y	Y	N	0	0	N	Education		Y
Florida Gateway College	1/9/2012	Y	N	N	0	0	N		Higher Education	Y
Florida Keys Community College	1/9/2012	Y	N	N	0	0	N		Higher Education	Y
Florida State College at Jacksonville	1/30/2012	Y	Y	N	0	0	N		Higher Education	Y
Gulf Coast State College	1/11/2012	Y	N	N	0	0	N			Y
Hillsborough Community College	11/4/2011	Y	N		0	0	N			Y
Indian River State College	1/9/2012	Y	Y	N	0	0	N			Y
Miami Dade College	1/12/2012	Y	Y	N	0	0	N		Higher Education	Y

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Agency	Date Report Received	Rules Comply With Statutes (Y/N)	Rule Changes Since 2009 (Y/N)	Rules Impacting Small Business (Y/N)	No. of Rules to be Amended	No. of New Rules to be Adopted	Recommend Statute Changes (Y/N)*	House Substantive Committee Copied by Agency	Senate Substantive Committee Copied by Agency	Filed with JAPC
North Florida Community College	10/20/2011	Y	N	N	0	0	N		Higher Education	Y
Northwest Florida State College	1/10/2012	Y	N	Y	0	0	N		Higher Education	Y
Pasco-Hernando Community College	10/27/2011	Y	Y	N	0	0	N	Approps; Higher Education Approps; Education; K-20 Competitiveness; K-20 Innovation	Budget; Gov't Oversight & Accntbly; Higher Education Approps; Higher Education	Y
Pensacola State College	1/17/2012	Y	Y	N	0	0	N			Y
Sante Fe College	2/1/2012	Y	Y	Y	0	0	N	Education	Education	Y
Seminole State College	1/24/2012	Y	Y	N	0	0	Y		Higher Education	Y
South Florida Community College	10/24/2011	Y	N	N	0	0	N		Higher Education	Y
St. Petersburg College	2/3/2012	Y	Y	N	0	0	N		Higher Education	Y
State College of Florida	10/24/2011	Y	Y	N	0	0	N	Education	Higher Education	Y
Tallahassee Community College	1/10/2012	Y	N/A	N	0	0	N	Education	Higher Education	Y
Valencia College	10/24/2011	Y	Y	N	0	0	N	Education	Higher Education	Y
School Districts										
Baker County Public Schools	1/30/2012	Y	Y	N	0	0	N	K-20 Competitiveness; K-20 Innovation; Pre K-12 Approps; Education	Education Pre K-12	Y

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Agency	Date Report Received	Rules Comply With Statutes (Y/N)	Rule Changes Since 2009 (Y/N)	Rules Impacting Small Business (Y/N)	No. of Rules to be Amended	No. of New Rules to be Adopted	Recommend Statute Changes (Y/N)*	House Substantive Committee Copied by Agency	Senate Substantive Committee Copied by Agency	Filed with JAPC
Bay District School	11/1/2011	Y	Y	N	0	0	N	K-20 Competitiveness; K-20 Innovation; Pre K-12 Approps; Education	Pre-K -12 Approps; Education Pre-K-12	Y
Brevard County School District	11/7/2011	Y	Y	Y	0	0	Y	Education Approps	Education	Y
Clay County District Schools	10/27/2011	Y	Y		0	0	N			Y
Columbia County School District	10/24/2011	Y	Y	N	0	0	N	Education	Education	Y
District School Board of Madison County	11/7/2011	Y	Y	N	0	0	N			Y
District School Board of Pasco County	2/6/2012	Y	Y	N	0	0	N			Y
District School Board of Taylor County	10/4/2011	Y	Y	N	0	0	N			Y
Dixie District Schools	11/7/2011	Y	Y	N	0	0	N			Y
Gilchrist County School District	11/7/2011	Y	Y	N	0	0	N			Y
Glades County School District	10/24/2011	Y	Y	N	0	0	Y	Education	Education Pre K-12	Y
Gulf County Schools	11/21/2011	Y	Y	N	0	0	N			Y
Hamilton County School District	11/7/2011	Y	Y	N	0	0	N			Y
Hendry County Distric School Board	11/2/2011	Y	Y	N	0	0	N			Y
Hernando County School Board	1/27/2012	Y	Y	N	0	0	N			Y
Hillsborough County Public Schools	11/2/2011	Y	Y	N	0	0	N	Education	Education Pre K-12	Y
Holmes District School Board	10/24/2011	Y	Y	N	0	0	N			Y
Jefferson County School Board	10/21/2011	Y	Y	N	0	0	N			Y
Lake County Schools	10/19/2011	Y	Y	N	0	0	N			Y
Leon County Schools	11/15/2011	Y	Y	N	0	0	N			Y
Marion County Public Schools	1/26/2012	Y	Y	N	0	0	N			Y
Nassau County School District	10/26/2011	Y	Y	N	0	0	Y			Y
Sante Rosa County District Schools	11/4/2011	Y	N	N	0	0	N			Y
Sarasota County Schools	10/31/2011	Y	Y	N	0	0	N			Y

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School Board Highlands County	10/28/2011	Y	Y	N	0	0	N			Y
School Board of Escambia County	10/31/2011	Y	Y	N	0	0	N			Y
School Board of Gadsden County	1/24/2012	Y	Y	N	0	0	Y	K-12 Policy	K-12	Y
School Board of Hardee County	11/1/2011	Y	Y	N	0	0	N			Y
School Board of Marting County	1/24/2012	Y	Y	N	0	0	N			Y
School Board of Osceola County	9/30/2011		Y				N			
School Board of Polk County	1/26/2012	Y	Y	N	0	0	N	K-20 Competitiveness; K-20 Innovation; Pre K-12 Approps; Education	Education Pre K-12	Y
School Board of Union County	10/24/2011	Y	Y	N	0	0	N		Education	Y
School District of DeSoto	11/11/2011	Y	Y	Unknown	0	0	N			Y
School District of Lee County	10/27/2011	Y	Y	N	0	0	N			Y
School District of Okaloosa County	10/31/2011	Y	Y	N	0	0	N	Education	Education Pre K-12	Y
School District of Okeechobee County	10/31/2011	Y	Y	N	0	0	Y			Y
Seminole County Public Schools	2/6/2012	Y	Y	N	0	0	N	K-20 Competitiveness; K-20 Innovation; Pre K-12 Approps; Education	Education Pre K-12	Y
St. Johns County School District	12/7/2011	Y	Y	N	0	0	Y			Y
Sumter County School Board	11/1/2011	Y	Y	N	0	0	N			Y
Suwannee County School Board	10/28/2011	Y	Y	N	0	0	N			Y
Volusia County Schools	10/24/2011	Y	Y	N	0	0	N	Pre K-12; K-20 Competitiveness; K-20 Innovation; Education	Pre-K -12 Approps; Education Pre-K-12	Y

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AGENCIES REPORTING UNDER s. 120.74

Agency	Date Report Received	Rules Comply With Statutes (Y/N)	Rule Changes Since 2009 (Y/N)	Rules Impacting Small Business (Y/N)	No. of Rules to be Amended	No. of New Rules to be Adopted	Recommend Statute Changes (Y/N)*	House Substantive Committee Copied by Agency	Senate Substantive Committee Copied by Agency	Filed with JAPC
Wakulla County School Board	11/10/2011	Y	Y	N	0	0	N			Y
Walton County School District	11/7/2011	Y	Y	N	0	0	N			Y
Washington County District School Board	10/26/2011	Y	Y	N	0	0	N			Y

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AGENCIES FAILING TO REPORT AS REQUIRED BY s. 120.745, F.S.*

Agency	Title/ Subtitle of FAC	No. of Existing Rules
Statewide Entities		
Dept. of Citrus	20	361
Regional Entities		
Apalachee Regional Planning Council	29L	58
Aucilla Area Solid Waste Management Administration	54A	15
Central Florida Regional Planning Council	29G	1
East Central Florida Regional Planning Council	29F	35
Loxahatchee River Environmental Control District	31	69
Metropolitan Planning Organization Advisory Council	35-1	8
New River Solid Waste Association	54B	15
North Central Florida Regional Planning Council	29C	17
Northeast Florida Regional Planning Council	29D	45
Peace River/Manasota Regional Water Supply Authority	49D	9
South Florida Regional Planning Council	29J	20
South Florida Regional Transportation Authority	30C	13
Southwest Florida Regional Planning Council	29I	44
Walton/Okaloosa/Santa Rosa Regional Utility Authority	49A	10
West Coast Inland Navigation District	66A	15
West Florida Regional Planning Council	29A	30
Withlacoochee Regional Planning Council	29E	74
Withlacoochee Regional Water Supply Authority	49C	14
Total Rules		853

*Failure to Complete Report and File Certification with JAPC Suspends Rulemaking Authority under s. 120.745(8), F.S.