

# CHAPTER 95- 280

## Senate Bill No. 580

An act relating to the Florida Statutes; amending ss. 18.07, 24.119, 27.345(2), 27.345(1), 27.7001, 39.421(2)(b), (3), 39.422(2), 39.423(2), (3), (4), 39.426(1), (2), 45.051, 63.062(1)(b), 92.26, 99.0955(3)(b), 100.361(1)(i), 106.07(8)(c), (e), 110.131(3), (5), 113.01, 117.01(2), 117.107(4), 120.545(1), 154.245, 163.3164(1), 163.3213(6), 186.003(9), 186.503(7), (9), 189.415(3), 190.024, 193.1145(9), (11), 193.481(6), 196.121(2), 196.24, 205.171(1), 212.052(1)(b), 212.0596(6), 212.081, 212.66, 213.05, 215.34(1), 215.605(3), 216.181(7)(c), 216.231(1), 216.262(1)(b), (3), 228.501(3), 228.502(8), 229.512(15), 229.57(3)(c), 229.602(10)(d), 229.8333(4), 230.643, and 231.1713, Florida Statutes, and ss. 20.15(5), (6), 26.012(4), 39.024(4)(b), 44.1011(2)(c), 110.205(2)(1), 159.27(16), 196.1995(7)(d), (8)(d), (9)(d), 206.9935(2)(b), (d), 212.02(2), 212.06(11)(c), 215.20(4)(a), 230.2303(8)(b), 236.083(1)(d), and 236.13(2), Florida Statutes (1994 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions that have expired or served their purpose; revising or correcting cross-references; correcting grammatical or like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; and correcting errors in the editing, publishing, and printing of the Florida Statutes.

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

Reviser's note.-Amended to improve clarity and facilitate correct interpretation

Section 20. Subsection (1) of section 120.545, Florida Statutes, is amended to read:

120.545 Committee review of agency rules

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.54(11)(a), and its accompanying material, and each emergency rule, and may examine any existing rule, for the purpose of determining whether:

- (a) The rule is an invalid exercise of delegated legislative authority.
- (b) The statutory authority for the rule has been repealed.
- (c) The rule reiterates or paraphrases statutory material.
- (d) The rule is in proper form.
- (e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule
- (f) An economic impact statement was prepared that informs the public of the economic effect of the rule, if such statement is required pursuant to paragraph (2)(b) or is requested by the committee.
- (g) The rule is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements.
- (h) The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law which the rule implements.
- (i) The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected the rule
- (j) The rule could be made less complex or more easily comprehensible to the general public
- (k) The rule reflects the approach to the regulatory objective involving the lowest net cost to society to the degree consistent with the provisions of law which the rule implements.
- (l) The rule will require additional appropriations.

(m) If the rule is an emergency rule, there exists an emergency justifying the promulgation of such rule, whether the agency has exceeded the scope of its statutory authority, and whether the rule was promulgated in compliance with the requirements and limitations of s. 120.54(9).

The committee may request from an agency such information as is reasonably necessary for examination of a rule required by this subsection. The committee shall consult with legislative standing committees with jurisdiction over the subject areas pertinent to any rule examined regarding legislative authority for the rule. If the committee objects to an emergency rule or; a proposed or existing rule, it shall, within 5 days of the objection, certify that fact to the agency whose rule has been examined and include with the certification a statement detailing its objections with particularity. The committee shall notify the Speaker of the House of Representatives and the President of the Senate of any objection to an agency rule concurrent with the certification of that fact to the agency. Such notice shall include a copy of the rule and the statement detailing the committee's objections to the rule.