

REVISED: January 27, 1982

FINAL UPDATE: April 20, 1982

DATE: January 11, 1982

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Ponder</u>	<u>Overstreet</u>	1. <u>G.O.</u>	<u>Fav/2 amend.</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

BILL NO.: AND SPONSOR

Administrative Procedure Act;  
Publication of Rules

Enrolled SB 219 by  
Senator Lewis

I. SUMMARY:

A. Present Situation:

Section 120.54, F.S., requires that agencies give notice, during rulemaking proceedings, of their intended actions with respect to rules, legal authority for the rules, and estimated economic impact of the rules. The Department of State when publishing the rules in the Florida Administrative Code, is required to include cites to the statutes giving the agencies rulemaking authority, and indexes of rules. There is no requirement that agencies furnish to the department, nor that the department publish, the names of persons responsible for drafting, approving, or filing for adoption, rules.

B. Effect of Proposed Changes:

The department would be required to publish along with any proposed rule the name of the person originating the rule, the name of the supervisor who approved the rule, and the date upon which the proposed rule was approved.

II. ECONOMIC IMPACT AND FISCAL NOTE:

None

III. COMMENTS:

This bill became law as ch. 82-47, L.O.F.

“Originating” is not defined, and may be subject to broad interpretation. “Approved” is not defined, and may also be broadly construed. For example, the Governor and Cabinet “approve” rules for adoption, but it may not be helpful to publish their names along with rules. The use of “approved” may also be confusing in that there is no step in the rulemaking provisions of the APA which deals with “approval.”