

2015
SUMMARY OF AMENDMENTS TO CHAPTER 120

Chapter 2015-3, Laws of Florida, a reviser's bill, repealed section 120.745, which related to legislative review of agency rules in effect on or before November 16, 2010. The cited section was repealed pursuant to its own terms, effective July 1, 2014.

Effective date: 60 days after adjournment sine die (June 30, 2015).

Chapter 2015-155, Laws of Florida, amended section 120.53 to require that specified agency final orders rendered on or after July 1, 2015, be uploaded within 90 days to a centralized database maintained by the Division of Administrative Hearings (DOAH). The chapter law also amended section 120.533 to provide that the Department of State shall administer the coordination of the maintenance of agency orders that are not required to be uploaded to the DOAH database.

Effective date: July 1, 2015.

Chapter 2015-162, Laws of Florida, amended several sections of chapter 120.

Section 120.54

- Paragraph 120.54(1)(b) is amended to establish new timeframes for required agency rulemaking.

Section 120.74 is substantially reworded:

- Subsection (1) provides that by October 1 of each year, each agency shall prepare a regulatory plan listing each law enacted during the previous 12 months which creates or modifies the authority of the agency, including whether rulemaking is required to implement the law. The plan must also include a listing of any other law which the agency expects to implement by rulemaking before the following July 1, and any desired update to the prior year's regulatory plan. The plan must include a certification by the agency head and the legal advisor to the agency head verifying that the persons executing the certification have reviewed the plan, and that the agency has reviewed all of its rules to determine if the rules remain consistent with the agency's authority.
- Subsection (2) provides that by October 1 of each year, each agency shall publish its regulatory plan on its website or another state website; electronically deliver to the Joint Administrative Procedures Committee (JAPC) a copy of the certification of the agency head and the legal advisor to the agency head, and publish in the Florida Administrative Register (FAR) notice of the date of publication of the plan and include a link to the plan. A board or commission receiving administrative support from the Department of Business and Professional Regulation (DBPR) or the Department of Health (DOH) may coordinate with the respective department for inclusion of the board's or commission's plan and notice requirements in the department's plan and notice. Regulatory plans shall be maintained for 10 years on the agency's website or another state website.
- Subsection (3) provides that for each board or commission receiving administrative support from DBPR or DOH, the respective department shall file with JAPC a certification that the department has reviewed each board's and commission's regulatory plan.

- Subsection (4) provides that by November 1 of each year, each agency shall publish a notice of rule development for each new law for which rulemaking is necessary, if the agency has not already done so.
- Subsection (5) provides that for each new law for which rulemaking is necessary, the agency shall publish a notice of proposed rule by April 1 of the following year. The deadline may be extended by publication of a notice to that effect in the FAR. A published regulatory plan may be corrected at any time by publication of a notice of correction in the FAR.
- Subsection (6) provides that each agency shall file a certification with JAPC of compliance with the November 1 deadline, and upon filing notice of a deadline extension or plan correction under subsection (5).
- Subsection (7) provides for supplementing a regulatory plan if a law is enacted before the next regular session of the Legislature, and includes notice and publication requirements.
- Subsection (8) provides that if an agency fails to comply with the October 1 deadline for publication of its regulatory plan or the April 1 deadline for publication of a notice of proposed rule, within 15 days after written demand from JAPC, the agency must deliver a written explanation of the reasons for noncompliance to JAPC, the Senate President, the House Speaker, and the chair of any committee requesting the explanation.
- Subsection (9) provides that s. 120.74 does not apply to educational units.

Subsection 120.7455 Legislative survey of regulatory impacts, is repealed.

Effective date: July 1, 2015