

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 7033

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Rules, Calendar & Ethics
Committee and Eisnaugle

118 Y's 0 N's

**COMPANION
BILLS:** SB 706

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 7031 passed the House on March 11, 2015, as SB 706.

Section 11.242(5)(j), F.S., directs the Office of Legislative Services to include duplicative, redundant, or unused statutory rulemaking authority among its proposed repeals in reviser's bill recommendations. The purpose of this directive is not to diminish the authority of executive branch agencies to adopt administrative rules necessary to implement their statutory responsibilities but to remove unnecessary text from the statutes.

This reviser's bill removes duplicative, redundant, or unused statutory provisions authorizing rulemaking through revision of existing statutes or repeal of unnecessary provisions. The bill also makes conforming changes to correct cross-references.

As technical and non-substantive, this reviser's bill has no fiscal impact on state or local governments or the private sector.

The bill was approved by the Governor on March 19, 2015, ch. 2015-4, L.O.F., and will become effective June 30, 2015.

I. SUBSTANTIVE INFORMATION

A. PRESENT SITUATION:

Annual Review of Rulemaking Authority

In 2012 the Legislature directed the Office of Legislative Services (OLS), through the process of duly proposed reviser's bills, to omit duplicative, redundant, or unused grants of rulemaking authority from inclusion in the statutes. Rulemaking authority is deemed unused if the provision has been in effect for more than 5 years without being relied upon to adopt rules.¹

This bill implements that oversight of rulemaking authority. In preparing the bill OLS, together with the respective staffs of the Joint Administrative Procedures Committee (JAPC) and the House Rulemaking Oversight & Repeal Subcommittee developed a list of statutory grants of rulemaking authority that initially appeared to meet the requirements for omission. This summary then was submitted for review and comment by the staff of other substantive House committees, which in turn consulted with the various administrative agencies affected by the proposed revisions. Adhering to the recommendations received from the other substantive committees, the final list of sections was included in the bill.

B. EFFECT OF CHANGES:

The present bill is technical and non-substantive, amending or deleting various statutory provisions or statutory language to omit duplicative, redundant, or unused and unnecessary grants of rulemaking authority. Where necessary, the bill also deletes expired or obsolete language, corrects cross-references and grammatical errors, and improves the clarity of the statutes to facilitate correct and proper interpretation relative to legislative grants of rulemaking authority to administrative agencies.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

¹ Section 11.242(5)(j), F.S., as amended by Chapter 2012-116, s. 9, Laws of Florida.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See FISCAL COMMENTS in Part II, D.
2. Expenditures: See FISCAL COMMENTS in Part II, D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: See FISCAL COMMENTS in Part II, D.
2. Expenditures: See FISCAL COMMENTS in Part II, D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: See FISCAL COMMENTS in Part II, D.

D. FISCAL COMMENTS: This reviser's bill is a technical, non-substantive bill. The bill has no fiscal impact on state or local governments or on the private sector.