



THE FLORIDA LEGISLATURE



# **JOINT ADMINISTRATIVE PROCEDURES COMMITTEE**

**2022 Annual Report**

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**KATHLEEN PASSIDOMO**

President



Representative Tobin Rogers "Toby" Overdorf, Chair  
Senator Blaise Ingoglia, Vice Chair  
Senator Colleen Burton  
Senator Erin Grall  
Senator Rosalind Osgood  
Senator Darryl Ervin Rouson  
Representative Shane G. Abbott  
Representative Kimberly Berfield  
Representative Jervonte "Tae" Edmonds  
Representative Alina Garcia  
Representative Yvonne Hayes Hinson

**PAUL RENNER**

Speaker



**KENNETH J. PLANTE**  
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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

March 9, 2023

Honorable Kathleen Passidomo  
President, Florida Senate  
The Capitol, Room 409  
Tallahassee, Florida 32399-1100

Honorable Paul Renner  
Speaker, House of Representatives  
The Capitol, Room 420  
Tallahassee, Florida 32399-1300

Madam President and Mr. Speaker:

Pursuant to Rule 4.6(6) of the Joint Rules of the Florida Legislature, I am pleased to submit the Joint Administrative Procedures Committee annual report, covering January 1, 2022 through December 31, 2022.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth J. Plante".

Kenneth J. Plante  
Coordinator

cc: Representative Toby Overdorf, Chair  
Senator Blaise Ingoglia, Vice Chair

Enclosure

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# **JOINT ADMINISTRATIVE PROCEDURES COMMITTEE MEMBERS**



**Representative Tobin Rogers “Toby” Overdorf, Chair**  
**Representative Shane G. Abbott**  
**Representative Kimberly Berfield**  
**Representative Jervonte “Tae” Edmonds**  
**Representative Alina Garcia**  
**Representative Yvonne Hayes Hinson**

**Senator Blaise Ingoglia, Vice Chair**  
**Senator Colleen Burton**  
**Senator Erin Grall**  
**Senator Rosalind Osgood**  
**Senator Darryl Ervin Rouson**



## THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

The Joint Administrative Procedures Committee is a standing committee of the Legislature created by Joint Rule Four of the Florida Legislature.

***The committee is composed of eleven members, five from the Senate, appointed by the President of the Senate, and six from the House of Representatives, appointed by the Speaker of the House.***

The Chair of the committee is designated by the President of the Senate in odd-numbered years and by the Speaker of the House in even-numbered years. The committee staff is headed by a Coordinator, and includes reviewing attorneys and administrative support staff.

The committee is required to report annually to the Speaker and President. This report is provided at the start of the regular session and covers the preceding calendar year. It contains statistical information regarding rulemaking in the various state agencies as well as summaries of all objections voted by the committee during the preceding year. The committee voted no formal objections in 2022.

The committee maintains a continuous review of the statutory authority upon which each administrative rule is based and notifies the agency if its authority is eliminated or significantly changed by repeal, amendment, or decision of a court of last resort. Following each session of the Legislature, the committee reviews each law signed by the Governor or

allowed to become law without his signature and determines whether the law will have a probable effect on an agency's rules. If so, the affected agency is notified.

If the reviewing attorneys have concerns that a proposed or existing rule may not be authorized or exceeds the delegated rulemaking authority, the agency is contacted. Often the agency agrees that there is no authority for the rule and withdraws or amends the rule to meet the staff concerns. If there is disagreement about whether or not there is authority for the rule, the rule is scheduled for consideration by the full committee. The agency may appear before the committee

and present argument and evidence in support of its rule. If, after hearing the agency's argument, the committee does not find statutory authority for the rule, an objection is voted and the agency has a period defined by statute in which to respond. If the agency refuses to modify or withdraw a rule to which the

committee has objected, public notice of the objection is given and a notation accompanies the rule when it is published in the Florida Administrative Code.

In the event that an agency fails to initiate administrative action to meet an objection voted by the committee, the committee is authorized to submit to the President of the Senate and Speaker of the House a recommendation that legislation be introduced to modify or suspend the adoption of a proposed rule, or amend or repeal an existing rule. If the committee



votes to recommend the introduction of legislation, the committee is required to notify the agency of its action, and may request that the agency temporarily suspend the rule or suspend the adoption of a proposed rule, pending consideration of proposed legislation during the next regular session of the Legislature. The agency must respond to the committee within a specified time either by temporarily suspending the rule or suspending the adoption of a proposed rule, or by notifying the committee that it refuses to suspend the rule or rule adoption. The committee is required to prepare bills to modify or suspend the adoption of a proposed rule, or to amend or repeal an existing rule, in accordance with rules of the Senate and the House of Representatives for introduction in the next regular legislative session. The proposed bill is then presented to the Senate President and Speaker of the House along with the committee recommendation.

***The committee constantly monitors judicial decisions in administrative law and advises the agency when either its statutory rulemaking authority or its rules are affected by these decisions.***

The committee has a duty to recommend needed changes in the Administrative Procedure Act (APA) to the Legislature. These recommendations may be based upon its review of judicial decisions as well as its daily interaction with executive agencies and with citizens as they participate in the administrative procedures of the state.

Joint Rule 4.6 directs the committee to undertake and maintain a systematic and continuous review of the Florida Statutes that authorize agencies to adopt rules, and to make recommendations to the appropriate standing committees of the Senate and the House of Representatives as to the advisability of considering changes to the delegated legislative authority to adopt rules in specific circumstances.

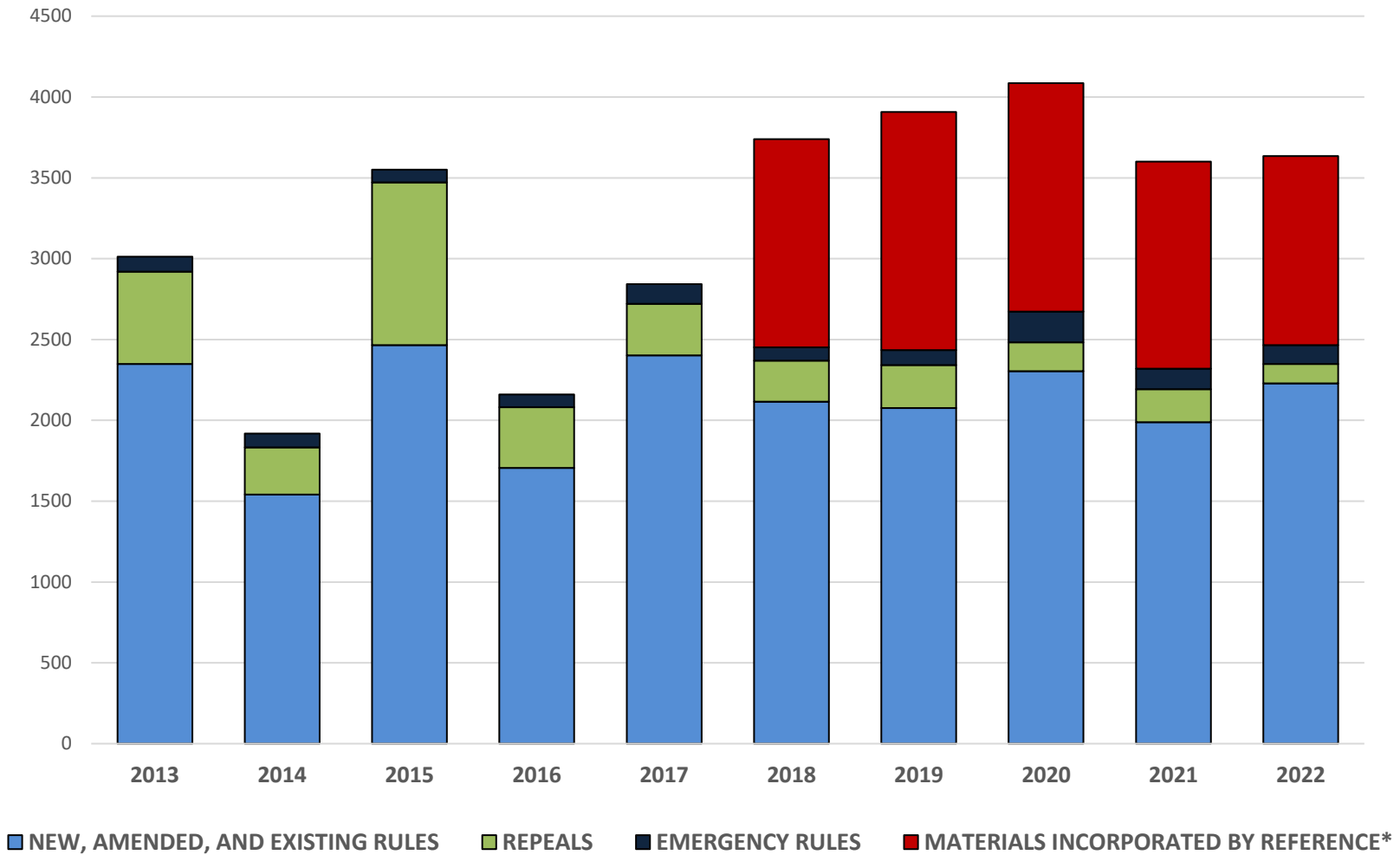
The committee has long had standing to seek judicial review of the validity of any rule to which it has objected and which has not been modified or repealed to meet the objection. To date, the committee has never found it necessary to exercise this power. Before judicial review, the committee must first notify the head of the agency involved and the Governor and provide an opportunity for consultation with the committee. If the issue cannot be resolved in this manner, the committee may bring an action in the appropriate court asking that the rule be declared invalid.

***Thus, the committee performs services for the Legislature, the administrative agencies of the state and the people whom they regulate.***



# **Statistical Information on Committee Review of Rules**

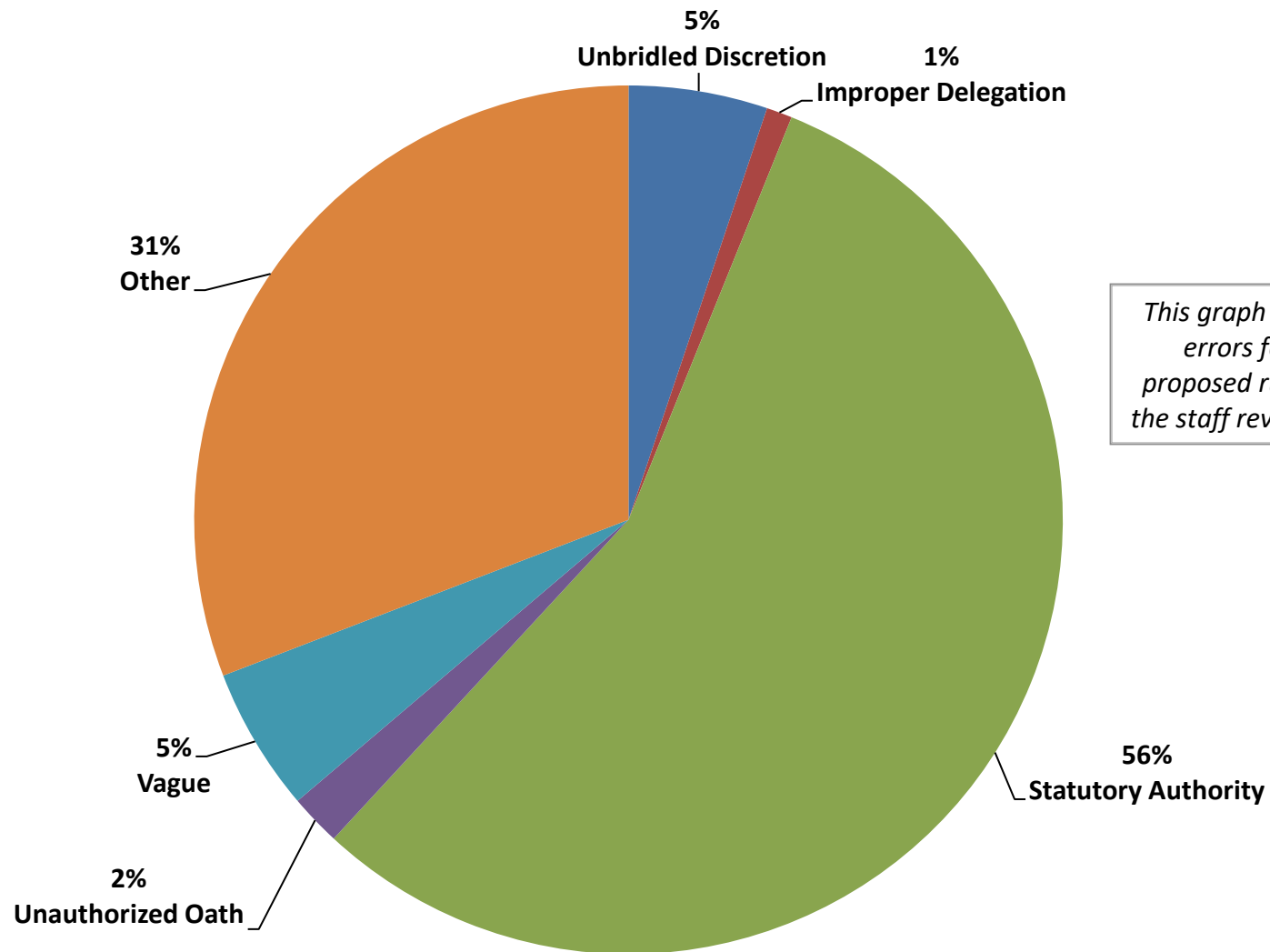
# NUMBER OF RULES UNDER REVIEW 2013 - 2022



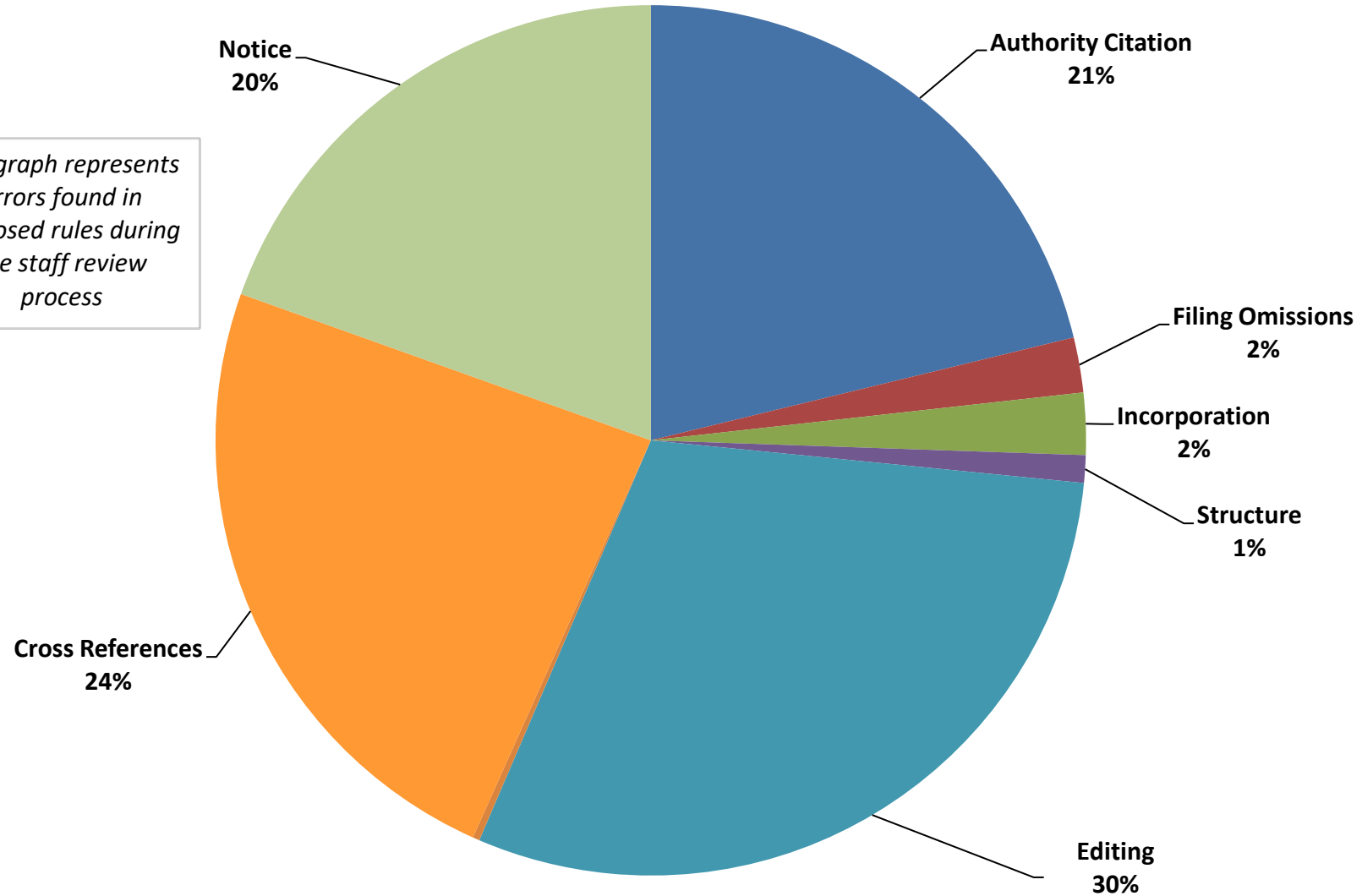
*\*Forms and other materials incorporated by reference that meet the definition of a "rule" pursuant to s.120.52(16).  
Statistics regarding the number of materials incorporated by reference reviewed were not collected prior to 2018.*



## TYPES OF SUBSTANTIVE ERRORS - 2022



## TYPES OF TECHNICAL ERRORS - 2022





# Proposed Rules (2013 - 2022)

## PROPOSED RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
01	State	25	14	52	18	12	11	16	15	15	12	190
02	Legal Affairs	15	12	34	9	17	8	17	23	5	4	144
05	Agriculture and Consumer Services	99	147	54	92	167	107	147	81	47	58	999
06	Education	84	107	109	130	105	90	61	62	61	141	950
11	Law Enforcement	0	30	35	35	34	29	29	24	21	23	260
12	Revenue	160	29	129	29	67	52	56	66	18	98	704
14	Transportation	27	14	64	18	18	40	8	3	3	15	210
15	Highway Safety and Motor Vehicles	2	24	2	2	26	0	7	0	0	0	63
18	Board of Trustees of the Internal Improvement Trust Fund	4	0	10	2	0	20	6	0	3	0	45
19	State Board of Administration	47	51	28	39	18	13	10	23	9	19	257
20	Citrus	4	9	37	4	25	78	8	12	102	5	284
23	Florida Commission on Offender Review	14	6	2	0	20	2	0	0	0	0	44
25	Public Service Commission	14	19	25	13	9	12	16	27	12	38	185
27	Executive Office of the Governor	14	0	1	0	0	1	7	10	0	7	40
28	Administration Commission	52	0	17	0	0	0	0	6	19	0	94
29	Regional Planning Councils	5	0	0	0	0	3	71	1	1	4	85
32	Florida State Fair Authority	0	0	0	0	0	0	0	0	0	0	0
33	Corrections	55	44	9	21	26	19	0	26	22	17	239

*\*Repealed*

## PROPOSED RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
34	Commission on Ethics	34	21	48	10	6	4	9	8	12	5	157
35	Metropolitan Planning Organizations	0	9	0	0	0	0	0	0	0	0	9
40	Water Management Districts	493	109	211	72	32	66	33	51	75	13	1,155
41	Commission for the Transportation Disadvantaged	1	0	2	0	1	3	0	2	1	0	10
42	Florida Land and Water Adjudicatory Commission	7	0	4	2	2	11	1	0	3	6	36
49	Regional Utility Authorities	0	17	0	0	0	0	0	0	0	0	17
53	Lottery	3	0	65	1	1	0	0	0	0	0	70
54	Interlocal Agencies	0	0	0	0	0	0	0	0	0	0	0
55	Veterans' Affairs	0	3	36	10	4	0	3	0	0	21	77
57	Space Florida	0	0	0	0	0	0	0	0	0	0	0
58	Elder Affairs	26	0	20	14	3	12	0	0	0	0	75
59	Agency for Health Care Administration	73	108	76	126	73	101	43	8	46	31	685
60	Management Services	42	42	125	68	134	18	16	3	53	38	539
61	Business and Professional Regulation	247	114	270	175	182	119	153	208	131	117	1,716
62	Environmental Protection	307	129	175	159	38	124	76	195	156	28	1,387
63	Juvenile Justice	131	4	57	4	16	15	15	67	37	4	350
64	Health	289	254	510	399	226	284	216	227	292	151	2,848

*\*Repealed*

## PROPOSED RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
65	Children and Families	86	63	259	90	115	101	137	99	69	65	1,084
66	Navigation Districts	10	4	4	0	0	0	0	35	4	4	61
67	Florida Housing Finance Corporation	79	69	1	61	71	64	62	63	60	61	591
68	Fish and Wildlife Conservation Commission	238	62	80	88	58	96	138	76	52	96	984
69	Financial Services	83	222	260	144	192	150	196	104	71	150	1,572
70	Military Affairs	0	0	0	0	0	0	0	0	0	0	0
71	Agency for Enterprise Information Technology*	0	0	0	33	0	0	0	0	0	0	33
72	Board of Governors	0	0	1	1	0	0	0	0	0	0	2
73	Economic Opportunity	25	35	24	38	59	32	16	11	2	28	270
74	Agency for State Technology*	0	0	15	11	3	6	0	0	0	0	35
75	Florida Gaming Control Commission	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		2,795	1,771	2,851	1,918	1,760	1,691	1,573	1,536	1,402	1,259	18,556

*\*Repealed*



# Emergency Rules (2013 - 2022)

## EMERGENCY RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
01	State	0	0	0	0	0	0	0	3	0	0	3
02	Legal Affairs	1	0	0	1	0	1	0	0	1	1	5
05	Agriculture and Consumer Services	0	0	0	2	5	0	3	5	4	8	27
06	Education	1	0	0	0	0	0	1	0	2	0	4
11	Law Enforcement	0	0	0	0	0	0	0	0	0	0	0
12	Revenue	7	7	3	2	4	7	4	16	20	17	87
14	Transportation	0	0	0	0	0	0	0	0	0	0	0
15	Highway Safety and Motor Vehicles	0	0	0	0	0	0	0	0	0	0	0
18	Board of Trustees of the Internal Improvement Trust Fund	0	0	0	0	0	0	0	0	0	0	0
19	State Board of Administration	0	0	0	0	0	0	0	0	0	0	0
20	Citrus	1	0	3	2	5	1	0	0	0	1	13
23	Florida Commission on Offender Review	0	0	0	0	0	0	0	0	0	0	0
25	Public Service Commission	0	0	0	0	0	0	0	0	0	0	0
27	Executive Office of the Governor	0	0	0	0	0	0	0	0	0	0	0
28	Administration Commission	0	0	0	0	0	0	0	0	0	0	0
29	Regional Planning Councils	0	0	0	0	0	0	0	0	0	0	0
32	Florida State Fair Authority	0	0	0	0	0	0	0	0	0	0	0
33	Corrections	0	0	0	0	0	0	0	0	0	0	0



## EMERGENCY RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
34	Commission on Ethics	0	0	0	0	0	0	0	0	0	0	0
40	Water Management Districts	0	0	0	0	5	0	0	0	0	0	5
41	Commission for the Transportation Disadvantaged	0	0	0	0	0	0	0	0	0	0	0
42	Florida Land and Water Adjudicatory Commission	0	0	0	0	0	0	0	0	0	0	0
49	Regional Utility Authorities	0	0	0	0	0	0	0	0	0	0	0
53	Lottery	82	69	70	67	79	69	75	90	67	71	739
54	Interlocal Agencies	0	0	0	0	0	0	0	0	0	0	0
55	Veterans' Affairs	0	0	0	0	0	0	0	0	0	0	0
57	Space Florida	0	0	0	0	0	0	0	0	0	0	0
58	Elder Affairs	0	0	0	0	2	0	0	0	0	0	2
59	Agency for Health Care Administration	0	0	0	0	2	0	0	15	3	0	20
60	Management Services	0	0	0	1	2	2	2	0	0	4	11
61	Business and Professional Regulation	0	0	1	1	2	1	1	13	3	1	23
62	Environmental Protection	0	0	0	1	0	0	0	0	0	0	1
63	Juvenile Justice	0	0	0	0	0	0	0	0	0	0	0
64	Health	0	2	0	2	14	1	8	44	20	10	101
65	Children and Families	0	6	0	0	2	0	0	1	3	2	14

## EMERGENCY RULES 2013 THROUGH 2022

CHPT #	Agency	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	TOTAL
66	Navigation Districts	0	0	0	0	0	0	0	0	0	0	0
67	Florida Housing Finance Corporation	0	0	0	0	0	0	0	1	0	0	1
68	Fish and Wildlife Conservation Commission	0	0	0	0	0	0	0	0	1	1	2
69	Financial Services	0	0	0	0	0	0	0	1	0	0	1
70	Military Affairs	0	0	0	0	0	0	0	0	0	0	0
72	Board of Governors	0	0	0	0	0	0	0	0	0	0	0
73	Economic Opportunity	0	1	2	0	0	0	0	2	2	0	7
75	Florida Gaming Control Commission	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		92	85	79	79	122	82	94	191	126	116	1,066



# **Legislative Report:**

## **2022 Session**

### **Changes in**

### **Chapter 120, F.S.**

## **2022 Summary of Amendments to Chapter 120**

**Chapter 2022-103**, Laws of Florida, amends section 120.81(1)(d)1., F.S., to allow educational units to publish notices “on a publicly accessible website as provided in s. 50.0311.”

Effective Date: January 1, 2023

**Chapter 2022-178**, Laws of Florida, amends section 120.80(3)(a)4., F.S., to allow foreign nationals seeking to own 10 percent or more of any class of voting securities of a bank to appear by video during the public hearing on the application.

Effective Date: July 1, 2022

**Chapter 2022-179**, Laws of Florida, amends section 120.80(4) and creates section 120.80(19) F.S., to move the hearing and notice requirements exemption in chapter 120, F.S., for pari-mutuel stewards, judges, and boards of judges from the Division of Pari-mutuel Wagering to the Florida Gaming Control Commission.

Effective Date: July 1, 2022



# **Administrative Determinations and Petitions for Judicial Review**

## 2022 ADMINISTRATIVE DETERMINATIONS AND PETITIONS FOR JUDICIAL REVIEW FILED ON THE INVALIDITY OF PROPOSED AND EXISTING RULES\*

### NUMBER OF CASES FILED AT DOAH IN 2022:

	CLOSED CASES	ACTIVE CASES
PROPOSED RULES	5	3
EXISTING RULES	4	2

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### JUDICIAL REVIEW CASES:

**CASE NUMBER:** 22-0968RX

**STYLE:** SOUTH MARION REAL ESTATE HOLDINGS, LLC, D/B/A OXFORD DOWNS AND DAROLD R. DONNELLY vs. DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF PARI-MUTUEL WAGERING

**RULE:** 61D-11.005(5)

**DOAH FINAL ORDER DATE:** 6/6/2022

**CASE SUMMARY:** Petitioners failed to demonstrate that Rule 61D-11.005(5) is an invalid exercise of delegated legislative authority.

**DCA CASE:** 5D22-1477 filed 6/21/2022

**CASE NUMBER:** 21-2495RX

**STYLE:** NE 32 STREET LLC; HILLSBORO INLET INVESTMENTS, LLC; BROWARD ICW INVESTMENTS, LLC; AND SOUTH SPANISH TRAIL, LLC vs. THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

**RULE:** Chapter 18-21

**DOAH FINAL ORDER DATE:** 2/3/2022

**CASE SUMMARY:** Petitioners have standing to challenge existing rules, but failed to prove rules violated sections 120.52(8)(d) or (e).

**DCA CASE:** 1D22-0532 filed 2/24/2022

**CASE NUMBER:** 21-1488RX

**STYLE:** WKDR II, INC. vs. DEPARTMENT OF REVENUE

**RULE:** 12-6.003

**DOAH FINAL ORDER DATE:** 3/4/2022

**CASE SUMMARY:** Petitioner did not establish that the challenged rule violated section 120.52(8)(c), (d), or (e).

**DCA CASE:** 2D22-0943 filed 3/24/2022

*\*Note: As of January 19, 2023. Data obtained from the [Division of Administrative Hearings \(DOAH\)](#).*



# **Joint Rule Four of the Florida Legislature: Joint Committees**



**Joint Rule Four—Joint Committees****4.1—Standing Joint Committees**

(1) The following standing joint committees are established:

- (a) Administrative Procedures Committee.
- (b) Committee on Public Counsel Oversight.
- (c) Legislative Auditing Committee.

(2) No other joint committee shall exist except as agreed to by the presiding officers or by concurrent resolution approved by the Senate and the House of Representatives.

(3) Appointments to each standing joint committee shall be made or altered and vacancies shall be filled by the Senate and the House of Representatives in accordance with their respective rules. There shall be appointed to each standing joint committee no fewer than five and no more than seven members from each house.

(4)(a) The President of the Senate shall appoint a member of the Senate to serve as the chair, and the Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from the Organization Session until noon on August 1 of the calendar year following the general election.

2. The Administrative Procedures Committee for the period from noon on August 1 of the calendar year following the general election until the next general election.

(b) The Speaker of the House of Representatives shall appoint a member of the House of Representatives to serve as the chair, and the President of the Senate shall appoint a member of the Senate to serve as the vice chair, for:

1. The Legislative Auditing Committee and the Committee on Public Counsel Oversight, for the period from noon on August 1 of the calendar year following the general election until the next general election.

2. The Administrative Procedures Committee for the period from the Organization Session until noon on August 1 of the calendar year following the general election.

(c) A vacancy in an appointed chair or vice chair shall be filled in the same manner as the original appointment.

**4.2—Procedures in Joint Committees**

The following rules shall govern procedures in joint committees other than conference committees:

(1) A quorum for a joint committee shall be a majority of the appointees of each house. No business of any type may be conducted in the absence of a quorum.

(2)(a) Joint committees shall meet only within the dates, times, and locations authorized by both the President of the Senate and the Speaker of the House of Representatives.

(b) Joint committee meetings shall meet at the call of the chair. In the absence of the chair, the vice chair shall assume the duty to convene and preside over meetings and such other duties as provided by law or joint rule. During a meeting properly convened, the presiding chair may temporarily assign the duty to preside at that meeting to another joint committee member until the assignment is relinquished or revoked.

(c) Before any joint committee may hold a meeting, a notice of such meeting shall be provided to the Secretary of the Senate and the Clerk of the House of Representatives. When the Legislature is not in session, notice must be provided no later than 4:30 p.m. of the 7th day before the meeting. When the Legislature is in session, notice must be provided no later than 4:30 p.m. of the 3rd day before the meeting. For purposes of effecting notice to members of the house to which the chair does not belong, notice to the Secretary of the Senate shall be deemed notice to members of the Senate and notice to the Clerk of the

House shall be deemed notice to members of the House of Representatives. Noticed meetings may be canceled by the chair with the approval of at least one presiding officer.

(d) If a majority of its members from each house agree, a joint committee may continue a properly noticed meeting after the expiration of the time called for the meeting. However, a joint committee may not meet beyond the time authorized by the presiding officers without special leave granted by both presiding officers.

(3) The presiding officers shall interpret, apply, and enforce rules governing joint committees by agreement when the rule at issue is a joint rule. Unless otherwise determined or overruled by an agreement of the presiding officers, the chair shall determine all questions of order arising in joint committee meetings, but such determinations may be appealed to the committee during the meeting.

(4) Each question, including any appeal of a ruling of the chair, shall be decided by a majority vote of the members of the joint committee of each house present and voting.

#### **4.3—Powers of Joint Committees**

(1) A joint committee may exercise the subpoena powers vested by law in a standing committee of the Legislature. A subpoena issued under this rule must be approved and signed by the President of the Senate and the Speaker of the House of Representatives and attested by the Secretary of the Senate and the Clerk of the House.

(2) A joint committee may adopt rules of procedure that do not conflict with the Florida Constitution or any law or joint rule, subject to the joint approval of the President of the Senate and the Speaker of the House of Representatives.

(3) A joint committee may not create subcommittees or workgroups unless authorized by both presiding officers.

#### **4.4—Administration of Joint Committees**

(1) Within the monetary limitations of the approved operating budget, the expenses of the members and the salaries and expenses of the staff of each joint committee shall be governed by joint policies adopted under Joint Rule 3.2.

(2) Subject to joint policies adopted under Joint Rule 3.2, the presiding officers shall appoint and remove the staff director and, if needed, a general counsel and any other staff necessary to assist each joint committee. All joint committee staff shall serve at the pleasure of the presiding officers. Upon the initial adoption of these joint rules in a biennium, each joint committee staff director position shall be deemed vacant until an appointment is made.

\* \* \* \* \*

#### **4.6—Special Powers and Duties of the Administrative Procedures Committee**

The Administrative Procedures Committee shall:

(1) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(2) Maintain a continuous review of administrative rules and identify and request an agency to repeal any rule or any provision of any rule that reiterates or paraphrases any statute or for which the statutory authority has been repealed.

(3) Review administrative rules and advise the agencies concerned of its findings.

(4) Exercise the duties prescribed by chapter 120, Florida Statutes, concerning the adoption and promulgation of rules.

(5) Generally review agency action pursuant to the operation of chapter 120, Florida Statutes, the Administrative Procedure Act.

(6) Report to the President of the Senate and the Speaker of the House of Representatives at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action. Such report shall include the number of objections voted by the committee, the number of suspensions recommended by the committee, the number of administrative determinations filed on the invalidity of a proposed or existing rule, the number of petitions for judicial review filed on the invalidity of a proposed or existing rule, and the outcomes of such actions. Such report shall also include any recommendations provided to the standing committees during the preceding year under subsection (11).

(7) Consult regularly with legislative standing committees that have jurisdiction over the subject areas addressed in agency proposed rules regarding legislative authority for the proposed rules and other matters relating to legislative authority for agency action.

(8) Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, have standing to seek judicial review, on behalf of the Legislature or the citizens of this state, of the validity or invalidity of any administrative rule to which the committee has voted an objection and that has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this subsection may not be initiated until the Governor and the head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity, not to exceed 60 days, for consultation with the committee. The committee may expend public funds from its appropriation for the purpose of seeking judicial review.

(9) Maintain a continuous review of the administrative rulemaking process, including a review of agency procedure and of complaints based on such agency procedure.

(10) Establish measurement criteria to evaluate whether agencies are complying with the delegation of legislative authority in adopting and implementing rules.

(11) Maintain a continuous review of statutes that authorize agencies to adopt rules and shall make recommendations to the appropriate standing committees of the Senate and the House of Representatives as to the advisability of considering changes to the delegated legislative authority to adopt rules in specific circumstances.

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