## COMMITTEE ON GOVERNMENTAL OPERATIONS

BILL# <u>H</u>	HB 216	OTHER COMMITTEES OF REFERENCE	
SPONSOI	R <u>R</u>	ep. D. L. Jones None	
RELATIN	IG TO <u>A</u>	PA; written and COMPANION/ SIMILAR BILLS	
oral comm	nunication	s None	
		April 20, 1981	
I. S	UMMAF	Y	
Α	a re m p	resent Situation – Chapter 120, Florida Statutes, the administrative procedures act, lows an agency which is conducting a rulemaking proceeding under s. 120.54, FS, to cognize any material which may be judicially recognized, and to incorporate the aterial into the record. Subsection (6) of s. 120.54, FS, also requires the agency to ovide a list of such materials to all parties and allow the parties a reasonable oportunity to examine the materials and offer written comments or rebuttal.	
	n	absection 11 of s. 120.54 requires those agencies which are required to publish their les in the Florida Administrative Weekly to include a summary of the rule, and a stailed written statement of the facts and circumstances justifying the rule.	
В		<u>ffect of Proposed Change</u> – This bill would require agencies, in their rulemaking ocedures, to fully consider all written and oral testimony respecting the proposed rule.	
	a	his bill would also require agencies to include in the Florida Administrative Code, in dition to the items mentioned above, a statement of its reasons for overruling the onsiderations urged against the agency action.	
	<u>s</u>	ectional Analysis:	
	a	ection 1. Amends s. 120.54 to require state agencies to give full consideration to written do oral submissions regarding proposed rules and to require written justification by the gency for overruling considerations urged against the proposed action.	
	S	ection 2. Effective date of October 1, 1981.	
П.	Week mater estima	L IMPACT State agencies are charged for entries in the Florida Administrative y on a per line basis. The provisions of HB 216 will require the printing of additional al. Therefore, there would be an increase in these costs. It is not possible, however, to te the volume of comments that will be offered in future administrative rules and the onal printing costs.	
III.	COM affect	MENTS Presently, while s. 120.54(3) requires the rulemaking agency to give any ed person the opportunity to present evidence and argument on all relevant issues, it of require the agency to consider this evidence when deciding to adopt, or repeal, a rule of the rulemaking agency to give any	le.
IV.	PREP	ARED BY Mark O'Mara	
V.	STAF	F DIRECTOR Mike Cusick	

COMMITTE	E INFOR	MATION RECORD	House of Representatives				
Commit	tee on	Governmental Or			Bill N	lo. HB	216
		ng April 22, 1981	eration	S			
	10:00	-					
Place	21 HO	В					
			FINAL	ACTION:	FAVORABLE		
			11100		FAVORABLE WITH	1A	ENDMENTS
					_x_ FAVORABLE WITH	SUBSTIT	TUTE
	Vote:				UNFAVORABLE		
	YEA	MEMBER	NAY.	YEA	MEMBER	NAY	
		Mr. Batchelor		x	Mrs. Weinstock		
	x	Mr. Clements		x	Mr. Wetherell		
	x	Mr. Deratany		x	Mr. Sheldon		
	x				MI. OHEIGON		
	X	Mr. Dunbar					
	-	Mr. Dyer				+	
	X	Mr. Hagler					
	X	Mr. W. R. Hodges					
		Mr. R. Johnson			9.00		
		Mr. F. Jones					
	X	Mr. Messersmith	-				
		Mr. Moore					
		Mr. O'Malley					
		Mr. Robinson					
		Mr. Shackelford					
	X						
1 1		Mr. Webster	L-	otal 11	Total	1 0	
	Th during <u>Name</u>	E following persons (cthe consideration of	ther tha	APPEARANCI n legisla : presenting	tors) appeared before	the con	mittee
File 2		: Please indicate by request of Committee (If additional perso	e Chairma	n.	mployee appearing at rse side and check he		H-22(197€
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