

Section 120.543

CHAPTER 92-166

Section 11. Section 120.543, Florida Statutes, is created to read:

120.543 Adoption of federal standards.--Notwithstanding any contrary provision of s. 120.54, the pursuance of state implementation, operation, or enforcement of federal programs, the agency head is empowered to adopt rules substantively identical to regulations adopted pursuant to federal law, in accordance with the following procedures:

(1) The agency head shall publish notice of intent to adopt a rule pursuant to this section in the Florida Administrative Weekly at least 21 days prior to filing the rule with the Department of State. The agency head shall provide a copy of the notice of intent to adopt a rule to the Administrative Procedures Committee at least 21 days prior to the date of filing with the Department of State. Prior to filing the rule with the Department of State, the agency head shall consider any written comments received within 14 days after the date of publication of the notice of intent to adopt a rule. The rule shall be adopted upon filing with the Department of State. Substantive changes from the rules as noticed shall require republishing of notice as required in this section.

(2) Any rule adopted pursuant to this section shall become effective upon the date designated in the rule by the agency head; however, no such rule shall become effective earlier than the effective date of the effective date of the substantively identical federal regulation.

(3) Any substantially affected person may, within 14 days after the date of publication of the notice of intent to adopt a rule, file an objection to rulemaking with the agency head. The objection shall specify the portions of the proposed rule to which the person objects and the specific reasons for the objection. The agency shall not proceed pursuant to this section, to adopt those portions of the proposed rule specified in an objection, unless the agency deems the objection to be frivolous, but may proceed pursuant to s. 120.54. An objection to a proposed rule, which rule in no material respect differs from the requirements of the federal regulation upon which it is based, is deemed to be frivolous.

(4) Whenever any federal regulation adopted as an agency rule pursuant to this section is declared invalid, or withdrawn, revoked, repealed, remanded, or suspended, the agency head shall, within 60 days thereafter, publish a notice of repeal of the substantively identical agency rule in the Florida Administrative Weekly. Such repeal is effective upon publication of the notice. Whenever any federal regulation adopted as an agency rule pursuant to this section is substantially amended, the agency may adopt the amended regulation as a rule. If the amended regulation is not adopted as a rule within 180 days of the effective date of the amended regulation, the original rule is deemed repealed and the agency shall publish a notice of repeal of the original agency rule in the next available Florida Administrative Weekly.

(5) Whenever all or part of any rule proposed for adoption by the agency is substantively identical to a regulation adopted pursuant to federal law, such rule shall be written in a manner so that the rule specifically references such regulation whenever possible.

Section 12. Except as otherwise provided herein, this act shall take effect July 1, 1992.

Became a law without the Governor's approval April 9, 1992

Filed in Office Secretary of State April 8, 1992

CHAPTER 96-159

Section 1. It is the intent of the Legislature to consider the impact of any agency rulemaking required by proposed legislation and to determine whether the proposed legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

Section 13. Section 120.543, Florida Statutes, is hereby repealed.