

Committee on Governmental Oversight and Accountability

CS/SB 108 — Administrative Procedures

by Rules Committee and Senators Grall, Burgess, and Avila

The bill amends the Administrative Procedure Act’s rulemaking process to provide for additional public input and transparency. The bill also:

- Mandates that an agency conduct a review of all of its existing rules over the next five years. The review must examine the rule’s consistency with the powers and duties granted by the agency’s enabling statutes and for any need for update.
- Requires a review during the fifth year of each new rule adopted after July 1, 2025. This review mimics the existing rule review described above.
- Requires an agency to file a notice of rule development within 30 days of legislation mandating rulemaking, and to file a notice of proposed rule within 180 days thereafter. If the agency fails to meet this timeframe, and does not file an extension notice with the Joint Administrative Procedures Committee (JAPC), then it must withdraw the rule and begin rulemaking again.
- Requires at least seven days between the publications of a notice of rule development and a notice of proposed rule to allow for better public notice during rulemaking.
- Requires any material incorporated by reference to be published with the notice of proposed rule, made available in an electronic searchable format, and coded with underlining and strike-throughs to make it easier to determine changes made to its text.
- Requires that the full text of emergency rules be published in the Florida Administrative Code.
- Provides for additional public input in the statement of estimated regulatory cost (SERC) by allowing an individual to request a SERC workshop.
- Supplements the agency evaluation of transactional costs and market impacts in its creation of a SERC by providing specific examples of such costs and impacts.
- Prohibits the sunset or repeal of a rule by its own terms, unless specifically provided for in the underlying statute that provides authority to adopt the rule.
- Requires an agency to withdraw a rule that was not ratified by the Legislature within one regular legislative session after its referral to the body. If an underlying mandatory delegation of rulemaking authority persists at the time the agency withdraws the rule, then the agency must reinstate rulemaking within 90 days of adjournment sine die.
- Requires each agency to publish specific licensing data in its annual agency regulatory plan.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 37-0; House 111-0