



26 proceeding in certain circumstances; providing that  
27 rulemaking timelines are tolled during such separate  
28 proceedings; requiring a notice of change for certain  
29 changes to a statement of estimated regulatory costs;  
30 revising the requirements for the contents of a notice  
31 of change; requiring the committee to notify the  
32 Department of State that the date for an agency to  
33 adopt a rule has expired under certain circumstances;  
34 requiring the department to publish a notice of  
35 withdrawal under certain circumstances; requiring that  
36 certain information be available on the agency's  
37 website; requiring emergency rules to be published in  
38 the Florida Administrative Code; prohibiting agencies  
39 from making changes to emergency rules by superseding  
40 the rule; authorizing an agency to make technical  
41 changes to an emergency rule during a specified  
42 timeframe; requiring publication of a notice of the  
43 technical change in the Florida Administrative  
44 Register; requiring an agency to file a copy of a  
45 certain petition with the committee; amending s.  
46 120.541, F.S.; requiring an agency to provide a copy  
47 of any proposal for a lower cost regulatory  
48 alternative to the committee within a certain  
49 timeframe; specifying the circumstances under which  
50 such a proposal is made in good faith; revising

51 requirements for an agency's consideration of a lower  
52 cost regulatory alternative; providing for an agency's  
53 revision and publication of a revised statement of  
54 estimated regulatory costs in response to certain  
55 circumstances; requiring that a revised statement of  
56 lower cost regulatory alternative be submitted to the  
57 rules ombudsman in the Executive Office of the  
58 Governor and published in a specified manner; revising  
59 the information required in a statement of estimated  
60 regulatory cost; deleting the definition of the term  
61 "transactional costs"; revising the applicability of  
62 specified provisions; providing additional  
63 requirements for the calculation of estimated  
64 regulatory costs; requiring the department to include  
65 specified information on a website; requiring certain  
66 agencies to include certain information in a statement  
67 of estimated regulatory costs and on their websites;  
68 providing certain requirements for an agency that  
69 revises a statement of estimated regulatory costs;  
70 creating s. 120.5435, F.S.; providing legislative  
71 intent; requiring agency review of rules and  
72 repromulgation of rules that do not require  
73 substantive changes within a specified timeframe;  
74 providing that failure of an agency to meet certain  
75 deadlines applicable to a rule required to be

76 | repromulgated constitutes the repeal of the rule;  
77 | requiring an agency to publish a notice of  
78 | repromulgation in the Florida Administrative Register  
79 | and file a rule for promulgation with the department  
80 | within a specified timeframe; requiring an agency to  
81 | file a notice of repromulgation with the committee  
82 | within a specified timeframe; providing requirements  
83 | for the notice of repromulgation; providing that a  
84 | repromulgated rule is not subject to challenge as a  
85 | proposed rule and that certain hearing requirements do  
86 | not apply; requiring an agency to file a specified  
87 | number of certified copies of a proposed repromulgated  
88 | rule and any material incorporated by reference;  
89 | providing that a rule is repromulgated upon its filing  
90 | with the department; requiring the department to  
91 | update certain information in the Florida  
92 | Administrative Code; requiring the department to adopt  
93 | rules by a certain date; amending s. 120.545, F.S.;  
94 | requiring the committee to examine existing rules;  
95 | amending s. 120.55, F.S.; requiring the Florida  
96 | Administrative Code to contain complete indexes to any  
97 | material incorporated by reference contained in the  
98 | code; requiring the Florida Administrative Code to be  
99 | published once daily and indicate certain information;  
100 | requiring material incorporated by reference to be

101 filed in a specified manner after a certain date;  
 102 requiring the department to include the date of a  
 103 technical change in the Florida Administrative Code;  
 104 providing that a technical change does not affect the  
 105 effective date of a rule; requiring a technical change  
 106 made after rule adoption to be published as a notice  
 107 of correction; requiring specified rulemaking;  
 108 amending s. 120.74, F.S.; requiring an agency's  
 109 regulatory plan to identify and describe each rule the  
 110 agency plans to develop, adopt, or repeal during the  
 111 forthcoming year; requiring such plan to identify any  
 112 rules that are required to be repromulgated during the  
 113 forthcoming year and include a certain 5-year  
 114 schedule; requiring such plan to include a list of  
 115 certain statutes and laws or parts thereof; requiring  
 116 the agency to provide such list to the Division of Law  
 117 Revision; requiring a certification in such plan to  
 118 make certain declarations; amending ss. 120.80,  
 119 120.81, 420.9072, 420.9075, and 443.091, F.S.;

120 conforming cross-references; providing an effective  
 121 date.

122

123 Be It Enacted by the Legislature of the State of Florida:

124

125 Section 1. Subsections (16) through (19) and subsections

126 (20) through (22) of section 120.52, Florida Statutes, are  
 127 renumbered as subsections (17) through (20) and subsections (22)  
 128 through (24), respectively, and new subsections (16) and (21)  
 129 are added to that section to read:

130 120.52 Definitions.—As used in this act:

131 (16) "Repromulgation" means the notice and adoption of an  
 132 existing rule following an agency's review of the rule for  
 133 consistency with the powers and duties granted by its enabling  
 134 statute.

135 (21) "Technical change" means a change limited to  
 136 correcting grammatical, typographical, or similar errors not  
 137 affecting the substance of the rule.

138 Section 2. Paragraph (i) of subsection (1), subsections  
 139 (2) and (3), and paragraph (a) of subsection (7) of section  
 140 120.54, Florida Statutes, are amended, and paragraphs (e), (f),  
 141 and (g) are added to subsection (4) of that section, to read:

142 120.54 Rulemaking.—

143 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN  
 144 EMERGENCY RULES.—

145 (i)1. A rule may incorporate material by reference but  
 146 only as the material exists on the date the rule is adopted. For  
 147 purposes of the rule, changes in the material are not effective  
 148 unless the rule is amended to incorporate the changes.

149 2. An agency rule that incorporates by specific reference  
 150 another rule of that agency automatically incorporates

151 subsequent amendments to the referenced rule unless a contrary  
152 intent is clearly indicated in the referencing rule. A notice of  
153 amendments to a rule that has been incorporated by specific  
154 reference in other rules of that agency must explain the effect  
155 of those amendments on the referencing rules.

156 3. In rules adopted after December 31, 2010, and rules  
157 repromulgated after December 31, 2022, material may not be  
158 incorporated by reference unless:

159 a. The material has been submitted in the prescribed  
160 electronic format to the Department of State and the full text  
161 of the material can be made available for free public access  
162 through an electronic hyperlink from the rule making the  
163 reference in the Florida Administrative Code; or

164 b. The agency has determined that posting the material on  
165 the Internet for purposes of public examination and inspection  
166 would constitute a violation of federal copyright law, in which  
167 case a statement to that effect, along with the address of  
168 locations at the Department of State and the agency at which the  
169 material is available for public inspection and examination,  
170 must be included in the notice required by subparagraph (3)(a)1.

171 4. A rule may not be amended by reference only. Amendments  
172 must set out the amended rule in full in the same manner as  
173 required by the State Constitution for laws.

174 5. Notwithstanding any contrary provision in this section,  
175 when an adopted rule of the Department of Environmental

176 Protection or a water management district is incorporated by  
177 reference in the other agency's rule to implement a provision of  
178 part IV of chapter 373, subsequent amendments to the rule are  
179 not effective as to the incorporating rule unless the agency  
180 incorporating by reference notifies the committee and the  
181 Department of State of its intent to adopt the subsequent  
182 amendment, publishes notice of such intent in the Florida  
183 Administrative Register, and files with the Department of State  
184 a copy of the amended rule incorporated by reference. Changes in  
185 the rule incorporated by reference are effective as to the other  
186 agency 20 days after the date of the published notice and filing  
187 with the Department of State. The Department of State shall  
188 amend the history note of the incorporating rule to show the  
189 effective date of such change. Any substantially affected person  
190 may, within 14 days after the date of publication of the notice  
191 of intent in the Florida Administrative Register, file an  
192 objection to rulemaking with the agency. The objection shall  
193 specify the portions of the rule incorporated by reference to  
194 which the person objects and the reasons for the objection. The  
195 agency shall not have the authority under this subparagraph to  
196 adopt those portions of the rule specified in such objection.  
197 The agency shall publish notice of the objection and of its  
198 action in response in the next available issue of the Florida  
199 Administrative Register.

200 6. The Department of State may adopt by rule requirements

201 for incorporating materials pursuant to this paragraph.

202 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

203 (a)1. Except when the intended action is the repeal of a  
 204 rule, agencies shall provide notice of the development of  
 205 proposed rules by publication of a notice of rule development in  
 206 the Florida Administrative Register before providing notice of a  
 207 proposed rule as required by paragraph (3) (a). The notice of  
 208 rule development must ~~shall~~ indicate the subject area to be  
 209 addressed by rule development, provide a short, plain  
 210 explanation of the purpose and effect of the proposed rule, cite  
 211 the grant of rulemaking authority for the proposed rule and the  
 212 law being implemented ~~specific legal authority for the proposed~~  
 213 ~~rule~~, and include the proposed rule number and the preliminary  
 214 text of the proposed rule ~~rules~~, if available, or a statement of  
 215 how a person may promptly obtain, without cost, a copy of any  
 216 preliminary draft, when ~~if~~ available.

217 2. If a notice of a proposed rule is not filed within 12  
 218 months after the notice of rule development, the agency shall  
 219 withdraw the rule and give notice of the withdrawal in the next  
 220 available issue of the Florida Administrative Register.

221 (b) All rules should be drafted in readable language. The  
 222 language is readable if:

223 1. It avoids the use of obscure words and unnecessarily  
 224 long or complicated constructions; and

225 2. It avoids the use of unnecessary technical or

226 specialized language that is understood only by members of  
227 particular trades or professions.

228 (c) An agency may hold public workshops for purposes of  
229 rule development. If requested in writing by any affected  
230 person, an agency must hold public workshops, including  
231 workshops in various regions of the state or the agency's  
232 service area, for purposes of rule development ~~if requested in~~  
233 ~~writing by any affected person,~~ unless the agency head explains  
234 in writing why a workshop is unnecessary. The explanation is not  
235 final agency action subject to review pursuant to ss. 120.569  
236 and 120.57. The failure to provide the explanation when required  
237 may be a material error in procedure pursuant to s.  
238 120.56(1)(c). When a workshop or public hearing is held, the  
239 agency must ensure that the persons responsible for preparing  
240 the proposed rule are available to explain the agency's proposal  
241 and to respond to questions or comments regarding the rule being  
242 developed. The workshop may be facilitated or mediated by a  
243 neutral third person, or the agency may employ other types of  
244 dispute resolution alternatives for the workshop that are  
245 appropriate for rule development. Notice of a workshop for rule  
246 development must ~~workshop shall~~ be by publication in the Florida  
247 Administrative Register not fewer ~~less~~ than 14 days before ~~prior~~  
248 ~~to~~ the date on which the workshop is scheduled to be held and  
249 must ~~shall~~ indicate the subject area that ~~which~~ will be  
250 addressed; the agency contact person; and the place, date, and

251 time of the workshop.

252 (d)1. An agency may use negotiated rulemaking in  
253 developing and adopting rules. The agency should consider the  
254 use of negotiated rulemaking when complex rules are being  
255 drafted or strong opposition to the rules is anticipated. The  
256 agency should consider, but is not limited to considering,  
257 whether a balanced committee of interested persons who will  
258 negotiate in good faith can be assembled, whether the agency is  
259 willing to support the work of the negotiating committee, and  
260 whether the agency can use the group consensus as the basis for  
261 its proposed rule. Negotiated rulemaking uses a committee of  
262 designated representatives to draft a mutually acceptable  
263 proposed rule.

264 2. An agency that chooses to use the negotiated rulemaking  
265 process described in this paragraph shall publish in the Florida  
266 Administrative Register a notice of negotiated rulemaking that  
267 includes a listing of the representative groups that will be  
268 invited to participate in the negotiated rulemaking process. Any  
269 person who believes that his or her interest is not adequately  
270 represented may apply to participate within 30 days after  
271 publication of the notice. All meetings of the negotiating  
272 committee shall be noticed and open to the public pursuant to  
273 ~~the provisions of~~ this chapter. The negotiating committee shall  
274 be chaired by a neutral facilitator or mediator.

275 3. The agency's decision to use negotiated rulemaking, its

276 selection of the representative groups, and approval or denial  
 277 of an application to participate in the negotiated rulemaking  
 278 process are not agency action. ~~Nothing in~~ This subparagraph is  
 279 not intended to affect the rights of a substantially an affected  
 280 person to challenge a proposed rule developed under this  
 281 paragraph in accordance with s. 120.56(2).

282 (3) ADOPTION PROCEDURES.—

283 (a) Notices.—

284 1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
 285 any rule other than an emergency rule, an agency, upon approval  
 286 of the agency head, shall give notice of its intended action,  
 287 setting forth a short, plain explanation of the purpose and  
 288 effect of the proposed action; the proposed rule number and the  
 289 full text of the proposed rule or amendment and a summary  
 290 thereof; a reference to the grant of rulemaking authority  
 291 pursuant to which the rule is adopted; and a reference to the  
 292 section or subsection of the Florida Statutes or the Laws of  
 293 Florida being implemented or interpreted. The notice must  
 294 include a summary of the agency's statement of the estimated  
 295 regulatory costs, if one has been prepared, based on the factors  
 296 set forth in s. 120.541(2), which describes the regulatory  
 297 impact of the proposed rule in readable language; an agency  
 298 website address where the statement of estimated regulatory  
 299 costs can be viewed in its entirety, if one has been prepared; a  
 300 statement that any person who wishes to provide the agency with

301 information regarding the statement of estimated regulatory  
302 costs, or to provide a proposal for a lower cost regulatory  
303 alternative as provided by s. 120.541(1), must do so in writing  
304 within 21 days after publication of the notice; and a statement  
305 as to whether, based on the statement of the estimated  
306 regulatory costs or other information expressly relied upon and  
307 described by the agency if no statement of regulatory costs is  
308 required, the proposed rule is expected to require legislative  
309 ratification pursuant to s. 120.541(3). The notice must state  
310 the procedure for requesting a public hearing on the proposed  
311 rule. Except when the intended action is the repeal of a rule,  
312 the notice must include a reference both to the date on which  
313 and to the place where the notice of rule development that is  
314 required by subsection (2) appeared.

315 2. The notice shall be published in the Florida  
316 Administrative Register for at least 7 days after the  
317 publication of the notice of rule development and at least ~~not~~  
318 ~~less than~~ 28 days before ~~prior to~~ the intended action. The  
319 proposed rule, including all materials proposed to be  
320 incorporated by reference and the statement of estimated  
321 regulatory costs, if one has been prepared, must ~~shall~~ be  
322 available for inspection and copying by the public at the time  
323 of the publication of notice. After December 31, 2022, material  
324 proposed to be incorporated by reference in the notice required  
325 by this paragraph must be made available in the manner

326 prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph  
327 (1)(i)3.b.

328 3. The notice shall be mailed to all persons named in the  
329 proposed rule and mailed or delivered electronically to all  
330 persons who, at least 14 days before publication of the notice  
331 ~~prior to such mailing~~, have made requests of the agency for  
332 advance notice of its proceedings. The agency shall also give  
333 such notice as is prescribed by rule to those particular classes  
334 of persons to whom the intended action is directed.

335 4. The adopting agency shall file with the committee, at  
336 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
337 of each rule it proposes to adopt; a copy of any material  
338 incorporated by reference in the rule; a detailed written  
339 statement of the facts and circumstances justifying the proposed  
340 rule; a copy of any statement of estimated regulatory costs that  
341 has been prepared pursuant to s. 120.541; a statement of the  
342 extent to which the proposed rule relates to federal standards  
343 or rules on the same subject; and the notice required by  
344 subparagraph 1.

345 5. If any of the information, other than substantive  
346 changes to the rule text, which is required to be included in  
347 the notice required by subparagraph 1., is omitted or is  
348 incorrect, the agency must publish a notice of correction. A  
349 notice of correction does not affect the timeframes for filing  
350 the rule for adoption as set forth in paragraph (e). Technical

351 changes are not required to be published as a notice of  
 352 correction.

353 (b) Special matters to be considered in rule adoption.—

354 1. Statement of estimated regulatory costs.—Before the  
 355 adoption , amendment, or repeal of any rule other than an  
 356 emergency rule, an agency is encouraged to prepare a statement  
 357 of estimated regulatory costs of the proposed rule, as provided  
 358 by s. 120.541. However, an agency must prepare a statement of  
 359 estimated regulatory costs of the proposed rule, as provided by  
 360 s. 120.541, if:

361 a. The proposed rule will have an adverse impact on small  
 362 business; or

363 b. The proposed rule is likely to directly or indirectly  
 364 increase regulatory costs in excess of \$200,000 in the aggregate  
 365 in this state within 1 year after the implementation of the  
 366 rule.

367 2. Small businesses, small counties, and small cities.—

368 a. For purposes of this subsection and s. 120.541(2), an  
 369 adverse impact on small businesses, as defined in s. 288.703 or  
 370 sub-subparagraph b., exists if, for any small business:

371 (I) An owner, officer, operator, or manager must complete  
 372 any education, training, or testing to comply with the rule in  
 373 the first year or is likely to spend at least 10 hours or  
 374 purchase professional advice to understand and comply with the  
 375 rule in the first year;

376 (II) Taxes or fees assessed on transactions are likely to  
 377 increase by \$500 or more in the aggregate in 1 year because of  
 378 the rule;

379 (III) Prices charged for goods and services are restricted  
 380 or are likely to increase because of the rule;

381 (IV) Specially trained, licensed, or tested employees will  
 382 be required because of the rule;

383 (V) Operating costs are expected to increase by at least  
 384 \$1,000 annually because of the rule; or

385 (VI) Capital expenditures in excess of \$1,000 are  
 386 necessary to comply with the rule.

387 b. Each agency, before the adoption, amendment, or repeal  
 388 of a rule, shall consider the impact of the rule on small  
 389 businesses as defined in ~~by~~ s. 288.703 and the impact of the  
 390 rule on small counties or small cities as defined in ~~by~~ s.  
 391 120.52. Whenever practicable, an agency shall tier its rules to  
 392 reduce disproportionate impacts on small businesses, small  
 393 counties, or small cities to avoid regulating small businesses,  
 394 small counties, or small cities that do not contribute  
 395 significantly to the problem the rule is designed to address. An  
 396 agency may define "small business" to include businesses  
 397 employing more than 200 persons, may define "small county" to  
 398 include those with populations of more than 75,000, and may  
 399 define "small city" to include those with populations of more  
 400 than 10,000, if it finds that such a definition is necessary to

401 adapt a rule to the needs and problems of small businesses,  
 402 small counties, or small cities. The agency shall consider each  
 403 of the following methods for reducing the impact of the proposed  
 404 rule on small businesses, small counties, and small cities, or  
 405 any combination of these entities:

406 (I) Establishing less stringent compliance or reporting  
 407 requirements in the rule.

408 (II) Establishing less stringent schedules or deadlines in  
 409 the rule for compliance or reporting requirements.

410 (III) Consolidating or simplifying the rule's compliance  
 411 or reporting requirements.

412 (IV) Establishing performance standards or best management  
 413 practices to replace design or operational standards in the  
 414 rule.

415 (V) Exempting small businesses, small counties, or small  
 416 cities from any or all requirements of the rule.

417 c.(I)~~b.(I)~~ If the agency determines that the proposed  
 418 action will affect small businesses as defined by the agency as  
 419 provided in sub-subparagraph b. ~~a.~~, the agency shall send  
 420 written notice of the rule to the rules ombudsman in the  
 421 Executive Office of the Governor at least 28 days before the  
 422 intended action.

423 (II) Each agency shall adopt those regulatory alternatives  
 424 offered by the rules ombudsman in the Executive Office of the  
 425 Governor and provided to the agency no later than 21 days after

426 the rules ombudsman's receipt of the written notice of the rule  
427 which it finds are feasible and consistent with the stated  
428 objectives of the proposed rule and which would reduce the  
429 impact on small businesses. When regulatory alternatives are  
430 offered by the rules ombudsman in the Executive Office of the  
431 Governor, the 90-day period for filing the rule in subparagraph  
432 (e)2. is extended for a period of 21 days. Before filing the  
433 rule for adoption, the agency shall provide a copy of any  
434 regulatory alternative offered to the agency to the committee.

435 (III) If an agency does not adopt all alternatives offered  
436 pursuant to this sub-subparagraph, it shall, before rule  
437 adoption or amendment and pursuant to subparagraph (d)1., file a  
438 detailed written statement with the committee explaining the  
439 reasons for failure to adopt such alternatives. Within 3 working  
440 days after the filing of such notice, the agency shall send a  
441 copy of such notice to the rules ombudsman in the Executive  
442 Office of the Governor.

443 (c) Hearings.—

444 1. If the intended action concerns any rule other than one  
445 relating exclusively to procedure or practice, the agency shall,  
446 on the request of any affected person received within 21 days  
447 after the date of publication of the notice of intended agency  
448 action, give affected persons an opportunity to present evidence  
449 and argument on all issues under consideration. The agency may  
450 schedule a public hearing on the proposed rule and, if requested

451 by any affected person, shall schedule a public hearing on the  
452 proposed rule. When a public hearing is held, the agency must  
453 ensure that staff are available to explain the agency's proposal  
454 and to respond to questions or comments regarding the proposed  
455 rule. If the agency head is a board or other collegial body  
456 created under s. 20.165(4) or s. 20.43(3)(g), and one or more  
457 requested public hearings is scheduled, the board or other  
458 collegial body shall conduct at least one of the public hearings  
459 itself and may not delegate this responsibility without the  
460 consent of those persons requesting the public hearing. Any  
461 material pertinent to the issues under consideration submitted  
462 to the agency within 21 days after the date of publication of  
463 the notice or submitted to the agency between the date of  
464 publication of the notice and the end of the final public  
465 hearing shall be considered by the agency and made a part of the  
466 record of the rulemaking proceeding.

467 2. Rulemaking proceedings shall be governed solely by the  
468 provisions of this section unless a person timely asserts that  
469 the person's substantial interests will be affected in the  
470 proceeding and affirmatively demonstrates to the agency that the  
471 proceeding does not provide adequate opportunity to protect  
472 those interests. If the agency determines that the rulemaking  
473 proceeding is not adequate to protect the person's interests, it  
474 shall suspend the rulemaking proceeding and convene a separate  
475 proceeding under the provisions of ss. 120.569 and 120.57. The

476 agency shall publish notice of convening a separate proceeding  
477 in the Florida Administrative Register. Similarly situated  
478 persons may be requested to join and participate in the separate  
479 proceeding. Upon conclusion of the separate proceeding, the  
480 rulemaking proceeding shall be resumed. All timelines in this  
481 section are tolled during any suspension of the rulemaking  
482 proceeding under this subparagraph, beginning on the date the  
483 notice of convening a separate proceeding is published and  
484 resuming on the day after the conclusion of the separate  
485 proceeding.

486 (d) Modification or withdrawal of proposed rules.—

487 1. After the final public hearing on the proposed rule, or  
488 after the time for requesting a hearing has expired, if the  
489 proposed rule has not been changed from the proposed rule as  
490 previously filed with the committee, or contains only technical  
491 changes, the adopting agency shall file a notice to that effect  
492 with the committee at least 7 days before ~~prior to~~ filing the  
493 proposed rule for adoption. Any change, other than a technical  
494 change ~~that does not affect the substance of the rule~~, must be  
495 supported by the record of public hearings held on the proposed  
496 rule, must be in response to written material submitted to the  
497 agency within 21 days after the date of publication of the  
498 notice of intended agency action or submitted to the agency  
499 between the date of publication of the notice and the end of the  
500 final public hearing, or must be in response to a proposed

501 objection by the committee. Any change, other than a technical  
502 change, to a statement of estimated regulatory costs requires a  
503 notice of change. In addition, ~~when~~ any change, other than a  
504 technical change, to the text of is made in a proposed rule or  
505 any material incorporated by reference requires, ~~other than a~~  
506 ~~technical change,~~ the adopting agency to shall provide a copy of  
507 a notice of change by certified mail or actual delivery to any  
508 person who requests it in writing no later than 21 days after  
509 the notice required in paragraph (a). The agency shall file the  
510 notice of change with the committee, along with the reasons for  
511 the change, and provide the notice of change to persons  
512 requesting it, at least 21 days before ~~prior to~~ filing the  
513 proposed rule for adoption. The notice of change shall be  
514 published in the Florida Administrative Register at least 21  
515 days before ~~prior to~~ filing the proposed rule for adoption. The  
516 notice of change must include a summary of any revision to a  
517 statement of estimated regulatory costs required by s.  
518 120.541(1)(c). This subparagraph does not apply to emergency  
519 rules adopted pursuant to subsection (4). After December 31,  
520 2022, material proposed to be incorporated by reference in the  
521 notice required by this paragraph must be made available in the  
522 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-  
523 subparagraph (1)(i)3.b.

524 2. After the notice required by paragraph (a) and before  
525 ~~prior to~~ adoption, the agency may withdraw the proposed rule in

526 whole or in part.

527 3. After the notice required by paragraph (a), the agency  
528 shall withdraw the proposed rule if the agency has failed to  
529 adopt it within the prescribed timeframes in this chapter. The  
530 committee shall notify the agency that it has exceeded the  
531 timeframe to adopt the proposed rule. If, 30 days after notice  
532 by the committee, the agency has not given notice of the  
533 withdrawal of the rule, the committee shall notify the  
534 Department of State that the date for adoption of the rule has  
535 expired, and the Department of State shall publish a notice of  
536 withdrawal of the proposed rule.

537 ~~4.3.~~ After adoption and before the rule becomes effective,  
538 a rule may be modified or withdrawn only in the following  
539 circumstances:

540 a. When the committee objects to the rule;

541 b. When a final order, which is not subject to further  
542 appeal, is entered in a rule challenge brought pursuant to s.  
543 120.56 after the date of adoption but before the rule becomes  
544 effective pursuant to subparagraph (e)6.;

545 c. If the rule requires ratification, when more than 90  
546 days have passed since the rule was filed for adoption without  
547 the Legislature ratifying the rule, in which case the rule may  
548 be withdrawn but may not be modified; or

549 d. When the committee notifies the agency that an  
550 objection to the rule is being considered, in which case the

551 rule may be modified to extend the effective date by not more  
552 than 60 days.

553 ~~5.4.~~ The agency shall give notice of its decision to  
554 withdraw or modify a rule in the first available issue of the  
555 publication in which the original notice of rulemaking was  
556 published, shall notify those persons described in subparagraph  
557 (a)3. in accordance with the requirements of that subparagraph,  
558 and shall notify the Department of State if the rule is required  
559 to be filed with the Department of State.

560 ~~6.5.~~ After a rule has become effective, it may be repealed  
561 or amended only through the rulemaking procedures specified in  
562 this chapter.

563 (e) Filing for final adoption; effective date.—

564 1. If the adopting agency is required to publish its rules  
565 in the Florida Administrative Code, the agency, upon approval of  
566 the agency head, shall file with the Department of State three  
567 certified copies of the rule it proposes to adopt; one copy of  
568 any material incorporated by reference in the rule, certified by  
569 the agency; a summary of the rule; a summary of any hearings  
570 held on the rule; and a detailed written statement of the facts  
571 and circumstances justifying the rule. Agencies not required to  
572 publish their rules in the Florida Administrative Code shall  
573 file one certified copy of the proposed rule, and the other  
574 material required by this subparagraph, in the office of the  
575 agency head, and such rules shall be open to the public.

576           2. A rule may not be filed for adoption less than 28 days  
577 or more than 90 days after the notice required by paragraph (a),  
578 until 21 days after the notice of change required by paragraph  
579 (d), until 14 days after the final public hearing, until 21 days  
580 after a statement of estimated regulatory costs required under  
581 s. 120.541 has been provided to all persons who submitted a  
582 lower cost regulatory alternative and made available to the  
583 public at a readily accessible page on the agency's website, or  
584 until the administrative law judge has rendered a decision under  
585 s. 120.56(2), whichever applies. When a required notice of  
586 change is published before ~~prior to~~ the expiration of the time  
587 to file the rule for adoption, the period during which a rule  
588 must be filed for adoption is extended to 45 days after the date  
589 of publication. If notice of a public hearing is published  
590 before ~~prior to~~ the expiration of the time to file the rule for  
591 adoption, the period during which a rule must be filed for  
592 adoption is extended to 45 days after adjournment of the final  
593 hearing on the rule, 21 days after receipt of all material  
594 authorized to be submitted at the hearing, or 21 days after  
595 receipt of the transcript, if one is made, whichever is latest.  
596 The term "public hearing" includes any public meeting held by  
597 any agency at which the rule is considered. If a petition for an  
598 administrative determination under s. 120.56(2) is filed, the  
599 period during which a rule must be filed for adoption is  
600 extended to 60 days after the administrative law judge files the

601 final order with the clerk or until 60 days after subsequent  
602 judicial review is complete.

603 3. At the time a rule is filed, the agency shall certify  
604 that the time limitations prescribed by this paragraph have been  
605 complied with, that all statutory rulemaking requirements have  
606 been met, and that there is no administrative determination  
607 pending on the rule.

608 4. At the time a rule is filed, the committee shall  
609 certify whether the agency has responded in writing to all  
610 material and timely written comments or written inquiries made  
611 on behalf of the committee. The Department of State shall reject  
612 any rule that is not filed within the prescribed time limits;  
613 that does not comply with all statutory rulemaking requirements  
614 and rules of the Department of State; upon which an agency has  
615 not responded in writing to all material and timely written  
616 inquiries or written comments; upon which an administrative  
617 determination is pending; or which does not include a statement  
618 of estimated regulatory costs, if required.

619 5. If a rule has not been adopted within the time limits  
620 imposed by this paragraph or has not been adopted in compliance  
621 with all statutory rulemaking requirements, the agency proposing  
622 the rule shall withdraw the proposed rule and give notice of its  
623 action in the next available issue of the Florida Administrative  
624 Register.

625 6. The proposed rule shall be adopted on being filed with

626 the Department of State and become effective 20 days after being  
 627 filed, on a later date specified in the notice required by  
 628 subparagraph (a)1., on a date required by statute, or upon  
 629 ratification by the Legislature pursuant to s. 120.541(3). Rules  
 630 not required to be filed with the Department of State shall  
 631 become effective when adopted by the agency head, on a later  
 632 date specified by rule or statute, or upon ratification by the  
 633 Legislature pursuant to s. 120.541(3). If the committee notifies  
 634 an agency that an objection to a rule is being considered, the  
 635 agency may postpone the adoption of the rule to accommodate  
 636 review of the rule by the committee. When an agency postpones  
 637 adoption of a rule to accommodate review by the committee, the  
 638 90-day period for filing the rule is tolled until the committee  
 639 notifies the agency that it has completed its review of the  
 640 rule.

641  
 642 For the purposes of this paragraph, the term "administrative  
 643 determination" does not include subsequent judicial review.

644 (4) EMERGENCY RULES.—

645 (e) Emergency rules shall be published in the Florida  
 646 Administrative Code.

647 (f) An agency may not supersede an emergency rule  
 648 currently in effect.

649 (g) An agency may make technical changes to an emergency  
 650 rule within the first 7 days after the rule is adopted and must

651 publish a notice of the technical change in the Florida  
 652 Administrative Register.

653 (7) PETITION TO INITIATE RULEMAKING.—

654 (a) Any person regulated by an agency or having  
 655 substantial interest in an agency rule may petition an agency to  
 656 adopt, amend, or repeal a rule or to provide the minimum public  
 657 information required by this chapter. The petition shall specify  
 658 the proposed rule and action requested. The agency shall file a  
 659 copy of the petition with the committee. Not later than 30  
 660 calendar days following the date of filing a petition, the  
 661 agency shall initiate rulemaking proceedings under this chapter,  
 662 otherwise comply with the requested action, or deny the petition  
 663 with a written statement of its reasons for the denial.

664 Section 3. Section 120.541, Florida Statutes, is amended  
 665 to read:

666 120.541 Statement of estimated regulatory costs.—

667 (1)(a) Within 21 days after publication of the notice of a  
 668 proposed rule or notice of change ~~required under s.~~

669 ~~120.54(3)(a)~~, a substantially affected person may submit to an  
 670 agency a good faith written proposal for a lower cost regulatory  
 671 alternative to a proposed rule which substantially accomplishes  
 672 the objectives of the law being implemented. The agency shall  
 673 provide a copy of any proposal for a lower cost regulatory  
 674 alternative to the committee at least 21 days before filing the  
 675 rule for adoption. The proposal may include the alternative of

676 not adopting any rule if the proposal explains how the lower  
677 costs and objectives of the law will be achieved by not adopting  
678 any rule. If submitted after a notice of change, a proposal for  
679 a lower cost regulatory alternative is deemed to be made in good  
680 faith only if the person reasonably believes, and the proposal  
681 states the person's reasons for believing, that the proposed  
682 rule as changed by the notice of change increases the regulatory  
683 costs or creates an adverse impact on small businesses that was  
684 not created by the previous proposed rule. If such a proposal is  
685 submitted, the 90-day period for filing the rule is extended 21  
686 days. Upon the submission of the lower cost regulatory  
687 alternative, the agency shall prepare a statement of estimated  
688 regulatory costs as provided in subsection (2), or shall revise  
689 its prior statement of estimated regulatory costs, and ~~either~~  
690 adopt the alternative proposal, reject the alternative proposal,  
691 or modify the proposed rule to reduce the regulatory costs. If  
692 the agency rejects the alternative proposal or modifies the  
693 proposed rule, the agency shall ~~or~~ provide a statement of the  
694 reasons for rejecting the alternative in favor of the proposed  
695 rule.

696 (b) If a proposed rule will have an adverse impact on  
697 small business or if the proposed rule is likely to directly or  
698 indirectly increase regulatory costs in excess of \$200,000 in  
699 the aggregate within 1 year after the implementation of the  
700 rule, the agency shall prepare a statement of estimated

701 regulatory costs as required by s. 120.54(3)(b).

702 (c) The agency shall revise a statement of estimated  
703 regulatory costs if any change to the rule made under s.  
704 120.54(3)(d) increases the regulatory costs of the rule or if  
705 the rule is modified in response to the submission of a lower  
706 cost regulatory alternative. A summary of the revised statement  
707 must be included with any subsequent notice published under s.  
708 120.54(3).

709 (d) At least 21 days before filing the proposed rule for  
710 adoption, an agency that is required to revise a statement of  
711 estimated regulatory costs shall provide the statement to the  
712 person who submitted the lower cost regulatory alternative, to  
713 the rules ombudsman in the Executive Office of the Governor, and  
714 to the committee. The revised statement shall be published and  
715 made available in the same manner as the original statement of  
716 estimated regulatory costs ~~and shall provide notice on the~~  
717 ~~agency's website that it is available to the public.~~

718 (e) Notwithstanding s. 120.56(1)(c), the failure of the  
719 agency to prepare and publish a statement of estimated  
720 regulatory costs or to respond to a written lower cost  
721 regulatory alternative as provided in this subsection is a  
722 material failure to follow the applicable rulemaking procedures  
723 or requirements set forth in this chapter.

724 (f) An agency's failure to prepare and publish a statement  
725 of estimated regulatory costs or to respond to a written lower

726 cost regulatory alternative may not be raised in a proceeding  
 727 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
 728 unless:

729 1. Raised in a petition filed no later than 1 year after  
 730 the effective date of the rule; and

731 2. Raised by a person whose substantial interests are  
 732 affected by the rule's regulatory costs.

733 (g) A rule that is challenged pursuant to s. 120.52(8)(f)  
 734 may not be declared invalid unless:

735 1. The issue is raised in an administrative proceeding  
 736 within 1 year after the effective date of the rule;

737 2. The challenge is to the agency's rejection of a lower  
 738 cost regulatory alternative offered under paragraph (a) or s.  
 739 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

740 3. The substantial interests of the person challenging the  
 741 rule are materially affected by the rejection.

742 (2) A statement of estimated regulatory costs must ~~shall~~  
 743 include:

744 (a) An economic analysis showing whether the rule directly  
 745 or indirectly:

746 1. Is likely to have an adverse impact on economic growth,  
 747 private sector job creation or employment, or private sector  
 748 investment in excess of \$1 million in the aggregate within 5  
 749 years after the implementation of the rule;

750 2. Is likely to have an adverse impact on business

751 competitiveness, including the ability of persons doing business  
752 in the state to compete with persons doing business in other  
753 states or domestic markets, productivity, or innovation in  
754 excess of \$1 million in the aggregate within 5 years after the  
755 implementation of the rule; or

756 3. Is likely to increase regulatory costs, including all  
757 any transactional costs and impacts estimated in the statement  
758 of estimated regulatory costs, in excess of \$1 million in the  
759 aggregate within 5 years after the implementation of the rule.

760 (b) A good faith estimate of the number of individuals,   
761 small businesses, and other entities likely to be required to  
762 comply with the rule, together with a general description of the  
763 types of individuals likely to be affected by the rule.

764 (c) A good faith estimate of the cost to the agency, and  
765 to any other state and local government entities, of  
766 implementing and enforcing the proposed rule, and any  
767 anticipated effect on state or local revenues.

768 (d) A good faith estimate of the compliance ~~transactional~~  
769 costs likely to be incurred by individuals and entities,  
770 including local government entities, required to comply with the  
771 requirements of the rule. ~~As used in this section,~~  
772 ~~"transactional costs" are direct costs that are readily~~  
773 ~~ascertainable based upon standard business practices, and~~  
774 ~~include filing fees, the cost of obtaining a license, the cost~~  
775 ~~of equipment required to be installed or used or procedures~~

776 ~~required to be employed in complying with the rule, additional~~  
777 ~~operating costs incurred, the cost of monitoring and reporting,~~  
778 ~~and any other costs necessary to comply with the rule.~~

779 (e) An analysis of the impact on small businesses as  
780 defined in ~~by~~ s. 288.703~~7~~, and an analysis of the impact on small  
781 counties and small cities as defined in s. 120.52. The impact  
782 analysis for small businesses must include the basis for the  
783 agency's decision not to implement alternatives that would  
784 reduce adverse impacts on small businesses.

785 (f) Any additional information that the agency determines  
786 may be useful.

787 (g) In the statement or revised statement, whichever  
788 applies, a description of any regulatory alternatives submitted  
789 under paragraph (1)(a) and a statement adopting the alternative  
790 or a statement of the reasons for rejecting the alternative in  
791 favor of the proposed rule.

792 (3) If the adverse impact or regulatory costs of the rule  
793 exceed any of the criteria established in paragraph (2)(a), the  
794 rule shall be submitted to the President of the Senate and  
795 Speaker of the House of Representatives no later than 30 days  
796 before ~~prior to~~ the next regular legislative session, and the  
797 rule may not take effect until it is ratified by the  
798 Legislature.

799 (4) Subsection (3) does not apply to the adoption of:

800 (a) Federal standards pursuant to s. 120.54(6).

801 (b) Triennial updates of and amendments to the Florida  
 802 Building Code which are expressly authorized by s. 553.73.

803 (c) Triennial updates of and amendments to the Florida  
 804 Fire Prevention Code which are expressly authorized by s.  
 805 633.202.

806 (d) Emergency rules adopted pursuant to s. 120.54(4).

807 (5) For purposes of subsections (2) and (3), adverse  
 808 impacts and regulatory costs likely to occur within 5 years  
 809 after implementation of the rule include adverse impacts and  
 810 regulatory costs estimated to occur within 5 years after the  
 811 effective date of the rule. However, if any provision of the  
 812 rule is not fully implemented upon the effective date of the  
 813 rule, the adverse impacts and regulatory costs associated with  
 814 such provision must be adjusted to include any additional  
 815 adverse impacts and regulatory costs estimated to occur within 5  
 816 years after implementation of such provision.

817 (6)(a) In evaluating the impacts described in paragraphs  
 818 (2)(a) and (2)(e), an agency shall include good faith estimates  
 819 of market impacts likely to result from compliance with the  
 820 proposed rule, including:

- 821 1. Increased customer charges for goods or services.
- 822 2. Decreased market value of goods or services produced,  
 823 provided, or sold.
- 824 3. Increased costs resulting from the purchase of  
 825 substitute or alternative goods or services.

826        4. The reasonable value of time to be spent by owners,  
827 officers, operators, and managers to understand and comply with  
828 the proposed rule, including, but not limited to, time to be  
829 spent to complete required education, training, or testing.

830        5. Capital costs.

831        6. Any other impacts suggested by the rules ombudsman in  
832 the Executive Office of the Governor or interested persons.

833        (b) In estimating and analyzing the information required  
834 in paragraphs (2) (b)-(e), the agency may use surveys of  
835 individuals, businesses, business organizations, counties, and  
836 municipalities to collect data helpful to estimate and analyze  
837 the costs and impacts.

838        (c) In estimating compliance costs under paragraph (2) (d),  
839 the agency shall consider, among other matters, all direct and  
840 indirect costs necessary to comply with the proposed rule that  
841 are readily ascertainable based upon standard business  
842 practices, including, but not limited to, costs related to:

843            1. Filing fees.

844            2. Expenses to obtain a license.

845            3. Necessary equipment.

846            4. Installation, utilities, and maintenance of necessary  
847 equipment.

848            5. Necessary operations and procedures.

849            6. Accounting, financial, information management, and  
850 other administrative processes.

- 851        7. Other processes.
- 852        8. Labor based on relevant rates of wages, salaries, and  
 853 benefits.
- 854        9. Materials and supplies.
- 855        10. Capital expenditures, including financing costs.
- 856        11. Professional and technical services, including  
 857 contracted services necessary to implement and maintain  
 858 compliance.
- 859        12. Monitoring and reporting.
- 860        13. Qualifying and recurring education, training, and  
 861 testing.
- 862        14. Travel.
- 863        15. Insurance and surety requirements.
- 864        16. A fair and reasonable allocation of administrative  
 865 costs and other overhead.
- 866        17. Reduced sales or other revenues.
- 867        18. Other items suggested by the rules ombudsman in the  
 868 Executive Office of the Governor or any interested person,  
 869 business organization, or business representative.
- 870        (7) (a) The Department of State shall include on the  
 871 Florida Administrative Register website the agency website  
 872 addresses where statements of estimated regulatory costs may be  
 873 viewed in their entirety.
- 874        (b) An agency that prepares a statement of estimated  
 875 regulatory costs must provide, as part of the notice required

876 under s. 120.54(3)(a), the agency website address where the  
877 statement of estimated regulatory costs can be read in its  
878 entirety to the Department of State for publication in the  
879 Florida Administrative Register.

880 (c) If an agency revises its statement of estimated  
881 regulatory costs, the agency must provide notice that a revision  
882 has been made as provided in s. 120.54(3)(d). Such notice must  
883 include the agency website address where the revision can be  
884 viewed in its entirety.

885 Section 4. Section 120.5435, Florida Statutes, is created  
886 to read:

887 120.5435 Repromulgation of rules.—

888 (1) It is the intent of the Legislature that each agency  
889 periodically review its rules for consistency with the powers  
890 and duties granted by its enabling statutes.

891 (2) If an agency determines after review that substantive  
892 changes to update a rule are not required, such agency must  
893 repromulgate the rule to reflect the date of the review. All  
894 rules adopted or repromulgated on or after July 1, 2022, must be  
895 reviewed within 5 years after their respective dates of adoption  
896 or repromulgation. Each agency must review its existing rules in  
897 accordance with this section by July 1, 2027. Failure of an  
898 agency to adhere to the deadlines imposed in this section  
899 constitutes repeal of any affected rule. In the event of such a  
900 failure, the committee shall notify the Department of State that

901 the agency, by its failure to repromulgate the affected rule,  
902 has elected to repeal the rule. Upon receipt of the committee's  
903 notice, the Department of State shall publish a notice to that  
904 effect in the next available issue of the Florida Administrative  
905 Register. Upon publication of the notice, the rule shall be  
906 stricken from the files of the Department of State and the files  
907 of the agency.

908 (3) Before repromulgation of a rule, the agency must, upon  
909 approval by the agency head:

910 (a) Publish a notice of repromulgation in the Florida  
911 Administrative Register. A notice of repromulgation is not  
912 required to include the text of the rule being repromulgated.

913 (b) File the rule for repromulgation with the Department  
914 of State. A rule may not be filed for repromulgation fewer than  
915 28 days, nor more than 90 days, after the date of publication of  
916 the notice required by paragraph (a).

917 (4) The agency must file a notice of repromulgation with  
918 the committee at least 14 days before filing the rule for  
919 repromulgation. At the time the rule is filed for  
920 repromulgation, the committee shall certify whether the agency  
921 has responded in writing to all material and timely written  
922 comments or written inquiries made on behalf of the committee.

923 (5) A repromulgated rule is not subject to challenge as a  
924 proposed rule pursuant to s. 120.56(2).

925 (6) The hearing requirements of s. 120.54 do not apply to

926 repromulgation of a rule.

927 (7)(a) The agency, upon approval of the agency head or his  
 928 or her designee, shall file with the Department of State three  
 929 certified copies of the repromulgated rule it proposes to adopt  
 930 and one certified copy of any material incorporated by reference  
 931 in the rule.

932 (b) The rule is repromulgated upon its filing with the  
 933 Department of State.

934 (c) The Department of State shall update the history note  
 935 of the rule in the Florida Administrative Code to reflect the  
 936 effective date of the repromulgated rule.

937 (8) The Department of State shall adopt rules to implement  
 938 this section by December 31, 2022.

939 Section 5. Subsection (1) of section 120.545, Florida  
 940 Statutes, is amended to read:

941 120.545 Committee review of agency rules.—

942 (1) As a legislative check on legislatively created  
 943 authority, the committee shall examine each existing rule and  
 944 proposed rule, except for those proposed rules exempted by s.  
 945 120.81(1)(e) and (2), and its accompanying material, and each  
 946 emergency rule, and may examine any existing rule, for the  
 947 purpose of determining whether:

948 (a) The rule is an invalid exercise of delegated  
 949 legislative authority.

950 (b) The statutory authority for the rule has been

951 repealed.

952 (c) The rule reiterates or paraphrases statutory material.

953 (d) The rule is in proper form.

954 (e) The notice given before ~~prior to~~ its adoption was  
 955 sufficient to give adequate notice of the purpose and effect of  
 956 the rule.

957 (f) The rule is consistent with expressed legislative  
 958 intent pertaining to the specific provisions of law which the  
 959 rule implements.

960 (g) The rule is necessary to accomplish the apparent or  
 961 expressed objectives of the specific provision of law which the  
 962 rule implements.

963 (h) The rule is a reasonable implementation of the law as  
 964 it affects the convenience of the general public or persons  
 965 particularly affected by the rule.

966 (i) The rule could be made less complex or more easily  
 967 comprehensible to the general public.

968 (j) The rule's statement of estimated regulatory costs  
 969 complies with the requirements of s. 120.541 and whether the  
 970 rule does not impose regulatory costs on the regulated person,  
 971 county, or city which could be reduced by the adoption of less  
 972 costly alternatives that substantially accomplish the statutory  
 973 objectives.

974 (k) The rule will require additional appropriations.

975 (l) If the rule is an emergency rule, there exists an

976 emergency justifying the adoption of such rule, the agency is  
977 within its statutory authority, and the rule was adopted in  
978 compliance with the requirements and limitations of s.  
979 120.54(4).

980 Section 6. Paragraphs (a) and (c) of subsection (1) of  
981 section 120.55, Florida Statutes, are amended to read:

982 120.55 Publication.—

983 (1) The Department of State shall:

984 (a)1. Through a continuous revision and publication  
985 system, compile and publish electronically, on a website managed  
986 by the department, the "Florida Administrative Code." The  
987 Florida Administrative Code shall contain all rules adopted by  
988 each agency, citing the grant of rulemaking authority and the  
989 specific law implemented pursuant to which each rule was  
990 adopted, all history notes as authorized in s. 120.545(7),  
991 complete indexes to all rules and any material incorporated by  
992 reference contained in the code, and any other material required  
993 or authorized by law or deemed useful by the department. The  
994 electronic code shall display each rule chapter currently in  
995 effect in browse mode and allow full text search of the code and  
996 each rule chapter. The department may contract with a publishing  
997 firm for a printed publication; however, the department shall  
998 retain responsibility for the code as provided in this section.  
999 The electronic publication shall be the official compilation of  
1000 the administrative rules of this state. The Florida

1001 Administrative Code shall be published once daily by 8 a.m. If,  
 1002 after publication, a rule is corrected and replaced, the Florida  
 1003 Administrative Code shall indicate:

1004 a. That the Florida Administrative Code has been  
 1005 republished.

1006 b. The rule that has been corrected by the Department of  
 1007 State.

1008  
 1009 The Department of State shall retain the copyright over the  
 1010 Florida Administrative Code.

1011 2. Not publish in the Florida Administrative Code rules  
 1012 general in form but applicable to only one school district,  
 1013 community college district, or county, or a part thereof, or  
 1014 state university rules relating to internal personnel or  
 1015 business and finance ~~shall not be published in the Florida~~  
 1016 ~~Administrative Code.~~ Exclusion from publication in the Florida  
 1017 Administrative Code does ~~shall~~ not affect the validity or  
 1018 effectiveness of such rules.

1019 3. At the beginning of the section of the code dealing  
 1020 with an agency that files copies of its rules with the  
 1021 department, ~~the department shall~~ publish the address and  
 1022 telephone number of the executive offices of each agency, the  
 1023 manner by which the agency indexes its rules, a listing of all  
 1024 rules of that agency excluded from publication in the code, a  
 1025 listing of all forms and material incorporated by reference

1026 adopted by rule which are used by the agency, and a statement as  
 1027 to where those rules may be inspected.

1028 4. Not publish forms ~~shall not be published~~ in the Florida  
 1029 Administrative Code. However, ~~but~~ any form that ~~which~~ an agency  
 1030 uses in its dealings with the public, along with any  
 1031 accompanying instructions, shall be filed with the committee  
 1032 before it is used. Any form or instruction which meets the  
 1033 definition of the term "rule" as defined ~~provided~~ in s. 120.52  
 1034 shall be incorporated by reference into the appropriate rule.  
 1035 The reference shall specifically state that the form is being  
 1036 incorporated by reference and shall include the number, title,  
 1037 and effective date of the form and an explanation of how the  
 1038 form may be obtained. Each form created by an agency which is  
 1039 incorporated by reference in a rule notice of which is given  
 1040 under s. 120.54(3)(a) after December 31, 2007, must clearly  
 1041 display the number, title, and effective date of the form and  
 1042 the number of the rule in which the form is incorporated.

1043 5. Require all materials incorporated by reference in any  
 1044 part of an adopted rule and in any part of a repromulgated rule,  
 1045 after December 31, 2022, ~~The department shall allow adopted~~  
 1046 ~~rules and material incorporated by reference to be filed in the~~  
 1047 manner prescribed by s. 120.54(1)(i)3.a. or s. 120.54(1)(i)3.b.  
 1048 ~~electronic form as prescribed by department rule.~~ When a rule is  
 1049 filed for adoption or repromulgation with incorporated material  
 1050 in electronic form, the department's publication of the Florida

1051 Administrative Code on its website must contain a hyperlink from  
1052 the incorporating reference in the rule directly to that  
1053 material. The department may not allow hyperlinks from rules in  
1054 the Florida Administrative Code to any material other than that  
1055 filed with and maintained by the department, but may allow  
1056 hyperlinks to incorporated material maintained by the department  
1057 from the adopting agency's website or other sites.

1058 6. Include the date of any technical changes to a rule in  
1059 the history note of the rule in the Florida Administrative Code.  
1060 A technical change does not affect the effective date of the  
1061 rule. A technical change made after the adoption of a rule must  
1062 be published as a notice of correction.

1063 (c) Prescribe by rule the style and form required for  
1064 rules, notices, and other materials submitted for filing,  
1065 including a rule requiring documents created by an agency that  
1066 are proposed to be incorporated by reference in notices  
1067 published pursuant to s. 120.54(3)(a) and (d) to be coded in the  
1068 same manner as notices published pursuant to s. 120.54(3)(a)1.

1069 Section 7. Subsection (1) and paragraph (a) of subsection  
1070 (2) of section 120.74, Florida Statutes, are amended to read:

1071 120.74 Agency annual rulemaking and regulatory plans;  
1072 reports.—

1073 (1) REGULATORY PLAN.—By October 1 of each year, each  
1074 agency shall prepare a regulatory plan.

1075 (a) The plan must include a listing of each law enacted or

1076 amended during the previous 12 months which creates or modifies  
 1077 the duties or authority of the agency. If the Governor or the  
 1078 Attorney General provides a letter to the committee stating that  
 1079 a law affects all or most agencies, the agency may exclude the  
 1080 law from its plan. For each law listed by an agency under this  
 1081 paragraph, the plan must state:

1082 1. Whether the agency must adopt rules to implement the  
 1083 law.

1084 2. If rulemaking is necessary to implement the law:

1085 a. Whether a notice of rule development has been published  
 1086 and, if so, the citation to such notice in the Florida  
 1087 Administrative Register.

1088 b. The date by which the agency expects to publish the  
 1089 notice of proposed rule under s. 120.54(3) (a).

1090 3. If rulemaking is not necessary to implement the law, a  
 1091 concise written explanation of the reasons why the law may be  
 1092 implemented without rulemaking.

1093 (b) The plan must also identify and describe each rule,  
 1094 including each rule number or proposed rule number, that ~~include~~  
 1095 ~~a listing of each law not otherwise listed pursuant to paragraph~~  
 1096 ~~(a) which~~ the agency expects to develop, adopt, or repeal for  
 1097 the 12-month period beginning on October 1 and ending on  
 1098 September 30 ~~implement by rulemaking before the following July~~  
 1099 ~~1, excluding emergency rules except emergency rulemaking.~~ For  
 1100 each rule identified and described ~~law listed~~ under this

1101 paragraph, the plan must state whether the rulemaking is  
1102 intended to simplify, clarify, increase efficiency, improve  
1103 coordination with other agencies, reduce regulatory costs, or  
1104 delete obsolete, unnecessary, or redundant rules.

1105 (c) The plan must include any desired update to the prior  
1106 year's regulatory plan or supplement published pursuant to  
1107 subsection (7). If, in a prior year, a law was identified under  
1108 this paragraph or under subparagraph (a)1. as a law requiring  
1109 rulemaking to implement but a notice of proposed rule has not  
1110 been published:

1111 1. The agency shall identify and again list such law,  
1112 noting the applicable notice of rule development by citation to  
1113 the Florida Administrative Register; or

1114 2. If the agency has subsequently determined that  
1115 rulemaking is not necessary to implement the law, the agency  
1116 shall identify such law, reference the citation to the  
1117 applicable notice of rule development in the Florida  
1118 Administrative Register, and provide a concise written  
1119 explanation of the reason why the law may be implemented without  
1120 rulemaking.

1121 (d) The plan must identify any rules that are required to  
1122 be repromulgated pursuant to s. 120.5435 for the 12-month period  
1123 beginning on October 1 and ending on September 30.

1124 (e) The plan must include a 5-year schedule for the review  
1125 and repromulgation of all rules existing as of July 1, 2022.

1126 (f) The plan must include a list of all statutes and laws,  
 1127 or parts thereof, which grant duplicative, redundant, or unused  
 1128 rulemaking authority, as set out in s. 11.242(5)(j), and a  
 1129 recommendation as to what statutes, laws, or parts thereof,  
 1130 should be repealed. The agency must also provide the list to the  
 1131 Division of Law Revision.

1132 (g)-(d) The plan must include a certification executed on  
 1133 behalf of the agency by both the agency head, or, if the agency  
 1134 head is a collegial body, the presiding officer; and the  
 1135 individual acting as principal legal advisor to the agency head.  
 1136 The certification must declare:

1137 1. ~~Verify~~ That the persons executing the certification  
 1138 have reviewed the plan.

1139 2. ~~Verify~~ That the agency regularly reviews all of its  
 1140 rules and identify the period during which all rules have most  
 1141 recently been reviewed to determine if the rules remain  
 1142 consistent with the agency's rulemaking authority and the laws  
 1143 implemented.

1144 3. That the agency understands that regulatory  
 1145 accountability is necessary to ensure public confidence in the  
 1146 integrity of state government and, to that end, the agency is  
 1147 diligently working toward lowering the total number of rules  
 1148 adopted.

1149 4. The total number of rules adopted and repealed during  
 1150 the previous 12 months.

1151 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—  
 1152 (a) By October 1 of each year, each agency shall:  
 1153 1. Publish its regulatory plan on its website or on  
 1154 another state website established for publication of  
 1155 administrative law records. A clearly labeled hyperlink to the  
 1156 current plan must be included on the agency's primary website  
 1157 homepage.  
 1158 2. Electronically deliver to the committee a copy of the  
 1159 certification required in paragraph (1) (g) ~~(1) (d)~~.  
 1160 3. Publish in the Florida Administrative Register a notice  
 1161 identifying the date of publication of the agency's regulatory  
 1162 plan. The notice must include a hyperlink or website address  
 1163 providing direct access to the published plan.  
 1164 Section 8. Subsection (11) of section 120.80, Florida  
 1165 Statutes, is amended to read:  
 1166 120.80 Exceptions and special requirements; agencies.—  
 1167 (11) NATIONAL GUARD.—Notwithstanding s. 120.52 (17) ~~s.~~  
 1168 ~~120.52 (16)~~, the enlistment, organization, administration,  
 1169 equipment, maintenance, training, and discipline of the militia,  
 1170 National Guard, organized militia, and unorganized militia, as  
 1171 provided by s. 2, Art. X of the State Constitution, are not  
 1172 rules as defined by this chapter.  
 1173 Section 9. Paragraph (c) of subsection (1) of section  
 1174 120.81, Florida Statutes, is amended to read:  
 1175 120.81 Exceptions and special requirements; general

1176 areas.—

1177 (1) EDUCATIONAL UNITS.—

1178 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any  
 1179 tests, test scoring criteria, or testing procedures relating to  
 1180 student assessment which are developed or administered by the  
 1181 Department of Education pursuant to s. 1003.4282, s. 1008.22, or  
 1182 s. 1008.25, or any other statewide educational tests required by  
 1183 law, are not rules.

1184 Section 10. Paragraph (a) of subsection (1) of section  
 1185 420.9072, Florida Statutes, is amended to read:

1186 420.9072 State Housing Initiatives Partnership Program.—  
 1187 The State Housing Initiatives Partnership Program is created for  
 1188 the purpose of providing funds to counties and eligible  
 1189 municipalities as an incentive for the creation of local housing  
 1190 partnerships, to expand production of and preserve affordable  
 1191 housing, to further the housing element of the local government  
 1192 comprehensive plan specific to affordable housing, and to  
 1193 increase housing-related employment.

1194 (1)(a) In addition to the legislative findings set forth  
 1195 in s. 420.6015, the Legislature finds that affordable housing is  
 1196 most effectively provided by combining available public and  
 1197 private resources to conserve and improve existing housing and  
 1198 provide new housing for very-low-income households, low-income  
 1199 households, and moderate-income households. The Legislature  
 1200 intends to encourage partnerships in order to secure the

1201 benefits of cooperation by the public and private sectors and to  
 1202 reduce the cost of housing for the target group by effectively  
 1203 combining all available resources and cost-saving measures. The  
 1204 Legislature further intends that local governments achieve this  
 1205 combination of resources by encouraging active partnerships  
 1206 between government, lenders, builders and developers, real  
 1207 estate professionals, advocates for low-income persons, and  
 1208 community groups to produce affordable housing and provide  
 1209 related services. Extending the partnership concept to encompass  
 1210 cooperative efforts among small counties as defined in s. 120.52  
 1211 ~~s. 120.52(19)~~, and among counties and municipalities is  
 1212 specifically encouraged. Local governments are also intended to  
 1213 establish an affordable housing advisory committee to recommend  
 1214 monetary and nonmonetary incentives for affordable housing as  
 1215 provided in s. 420.9076.

1216 Section 11. Subsection (7) of section 420.9075, Florida  
 1217 Statutes, is amended to read:

1218 420.9075 Local housing assistance plans; partnerships.—

1219 (7) The moneys deposited in the local housing assistance  
 1220 trust fund shall be used to administer and implement the local  
 1221 housing assistance plan. The cost of administering the plan may  
 1222 not exceed 5 percent of the local housing distribution moneys  
 1223 and program income deposited into the trust fund. A county or an  
 1224 eligible municipality may not exceed the 5-percent limitation on  
 1225 administrative costs, unless its governing body finds, by

1226 resolution, that 5 percent of the local housing distribution  
1227 plus 5 percent of program income is insufficient to adequately  
1228 pay the necessary costs of administering the local housing  
1229 assistance plan. The cost of administering the program may not  
1230 exceed 10 percent of the local housing distribution plus 5  
1231 percent of program income deposited into the trust fund, except  
1232 that small counties, as defined in s. 120.52 ~~s. 120.52(19)~~, and  
1233 eligible municipalities receiving a local housing distribution  
1234 of up to \$350,000 may use up to 10 percent of program income for  
1235 administrative costs.

1236 Section 12. Paragraph (d) of subsection (1) of section  
1237 443.091, Florida Statutes, is amended to read:

1238 443.091 Benefit eligibility conditions.—

1239 (1) An unemployed individual is eligible to receive  
1240 benefits for any week only if the Department of Economic  
1241 Opportunity finds that:

1242 (d) She or he is able to work and is available for work.  
1243 In order to assess eligibility for a claimed week of  
1244 unemployment, the department shall develop criteria to determine  
1245 a claimant's ability to work and availability for work. A  
1246 claimant must be actively seeking work in order to be considered  
1247 available for work. This means engaging in systematic and  
1248 sustained efforts to find work, including contacting at least  
1249 five prospective employers for each week of unemployment  
1250 claimed. The department may require the claimant to provide

1251 proof of such efforts to the one-stop career center as part of  
1252 reemployment services. A claimant's proof of work search efforts  
1253 may not include the same prospective employer at the same  
1254 location in 3 consecutive weeks, unless the employer has  
1255 indicated since the time of the initial contact that the  
1256 employer is hiring. The department shall conduct random reviews  
1257 of work search information provided by claimants. As an  
1258 alternative to contacting at least five prospective employers  
1259 for any week of unemployment claimed, a claimant may, for that  
1260 same week, report in person to a one-stop career center to meet  
1261 with a representative of the center and access reemployment  
1262 services of the center. The center shall keep a record of the  
1263 services or information provided to the claimant and shall  
1264 provide the records to the department upon request by the  
1265 department. However:

1266 1. Notwithstanding any other provision of this paragraph  
1267 or paragraphs (b) and (e), an otherwise eligible individual may  
1268 not be denied benefits for any week because she or he is in  
1269 training with the approval of the department, or by reason of s.  
1270 443.101(2) relating to failure to apply for, or refusal to  
1271 accept, suitable work. Training may be approved by the  
1272 department in accordance with criteria prescribed by rule. A  
1273 claimant's eligibility during approved training is contingent  
1274 upon satisfying eligibility conditions prescribed by rule.

1275 2. Notwithstanding any other provision of this chapter, an

1276 otherwise eligible individual who is in training approved under  
1277 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
1278 determined ineligible or disqualified for benefits due to  
1279 enrollment in such training or because of leaving work that is  
1280 not suitable employment to enter such training. As used in this  
1281 subparagraph, the term "suitable employment" means work of a  
1282 substantially equal or higher skill level than the worker's past  
1283 adversely affected employment, as defined for purposes of the  
1284 Trade Act of 1974, as amended, the wages for which are at least  
1285 80 percent of the worker's average weekly wage as determined for  
1286 purposes of the Trade Act of 1974, as amended.

1287 3. Notwithstanding any other provision of this section, an  
1288 otherwise eligible individual may not be denied benefits for any  
1289 week because she or he is before any state or federal court  
1290 pursuant to a lawfully issued summons to appear for jury duty.

1291 4. Union members who customarily obtain employment through  
1292 a union hiring hall may satisfy the work search requirements of  
1293 this paragraph by reporting daily to their union hall.

1294 5. The work search requirements of this paragraph do not  
1295 apply to persons who are unemployed as a result of a temporary  
1296 layoff or who are claiming benefits under an approved short-time  
1297 compensation plan as provided in s. 443.1116.

1298 6. In small counties as defined in s. 120.52 ~~s.~~  
1299 ~~120.52(19)~~, a claimant engaging in systematic and sustained  
1300 efforts to find work must contact at least three prospective

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1301 employers for each week of unemployment claimed.

1302       7. The work search requirements of this paragraph do not  
1303 apply to persons required to participate in reemployment  
1304 services under paragraph (e).

1305       Section 13. This act shall take effect July 1, 2022.