

1                   A bill to be entitled  
2           An act relating to administrative procedures; amending  
3           s. 120.52, F.S.; defining the term "technical change";  
4           amending s. 120.54, F.S.; requiring a notice of rule  
5           development to include certain information; requiring  
6           a notice of withdrawal if a notice of proposed rule is  
7           not filed within a certain timeframe; requiring a  
8           notice of proposed rule to include certain  
9           information; requiring certain notices to be published  
10          within a specified timeframe; requiring that material  
11          proposed to be incorporated by reference be made  
12          available in a specified manner; authorizing  
13          electronic delivery of notices to persons who have  
14          requested advance notice of agency rulemaking  
15          proceedings; requiring publication of a notice of  
16          correction in certain circumstances; providing that a  
17          notice of correction does not affect certain  
18          timeframes; revising the circumstances under which a  
19          proposed rule's adverse impact on small businesses is  
20          considered to exist; requiring an agency to provide  
21          notice of a regulatory alternative to the  
22          Administrative Procedures Committee before filing the  
23          rule for adoption; requiring an agency to publish a  
24          notice of convening a separate proceeding in certain  
25          circumstances; providing that rulemaking timelines are

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

51 revision and publication of a revised statement of  
52 estimated regulatory costs in response to certain  
53 circumstances; requiring that a revised statement of  
54 lower cost regulatory alternative be submitted to the  
55 rules ombudsman in the Executive Office of the  
56 Governor and published in a specified manner; revising  
57 the information required in a statement of estimated  
58 regulatory cost; deleting the definition of the term  
59 "transactional costs"; revising the applicability of  
60 specified provisions; providing additional  
61 requirements for the calculation of estimated  
62 regulatory costs; requiring the department to include  
63 specified information on a website; requiring certain  
64 agencies to include certain information in a statement  
65 of estimated regulatory costs and on their websites;  
66 providing certain requirements for an agency that  
67 revises a statement of estimated regulatory costs;  
68 amending s. 120.545, F.S.; requiring the committee to  
69 examine existing rules; authorizing the committee to  
70 file an objection in certain instances; amending s.  
71 120.55, F.S.; requiring the Florida Administrative  
72 Code to contain complete indexes to any material  
73 incorporated by reference contained in the code;  
74 requiring the Florida Administrative Register to be  
75 published once daily and indicate certain information;

76 requiring material incorporated by reference to be  
 77 filed in a specified manner after a certain date;  
 78 requiring the department to include the date of a  
 79 technical change in the Florida Administrative Code;  
 80 providing that a technical change does not affect the  
 81 effective date of a rule; requiring a technical change  
 82 made after rule adoption to be published as a notice  
 83 of correction; requiring specified rulemaking;  
 84 amending s. 120.74, F.S.; requiring an agency's  
 85 regulatory plan to identify and describe each rule the  
 86 agency plans to develop, adopt, or repeal during the  
 87 forthcoming year; requiring such plan to include a  
 88 schedule for rule review and an index and summary of  
 89 certain rules; requiring the agency to provide a  
 90 certain list to the Division of Law Revision;  
 91 requiring a certification in such plan to make certain  
 92 declarations; requiring an agency to deliver to  
 93 certain persons a written explanation of  
 94 noncompliance; providing an effective date.

95

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

97

98 Section 1. Subsections (20) through (22) of section  
 99 120.52, Florida Statutes, are renumbered as subsections (21)  
 100 through (23), respectively, and a new subsection (20) is added

101 to that section to read:

102 120.52 Definitions.—As used in this act:

103 (20) "Technical change" means a change limited to  
 104 correcting grammatical, typographical, or similar errors not  
 105 affecting the substance of the rule.

106 Section 2. Subsections (2) and (3) and paragraph (a) of  
 107 subsection (7) of section 120.54, Florida Statutes, are amended,  
 108 and paragraphs (e), (f), and (g) are added to subsection (4) of  
 109 that section, to read:

110 120.54 Rulemaking.—

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

112 (a)1. Except when the intended action is the repeal of a  
 113 rule, agencies shall provide notice of the development of  
 114 proposed rules by publication of a notice of rule development in  
 115 the Florida Administrative Register before providing notice of a  
 116 proposed rule as required by paragraph (3) (a). The notice of  
 117 rule development must ~~shall~~ indicate the subject area to be  
 118 addressed by rule development, provide a short, plain  
 119 explanation of the purpose and effect of the proposed rule, cite  
 120 the grant of rulemaking authority for the proposed rule and the  
 121 law being implemented ~~specific legal authority for the proposed~~  
 122 ~~rule~~, and include the proposed rule number and the preliminary  
 123 text of the proposed rule ~~rules~~, if available, or a statement of  
 124 how a person may promptly obtain, without cost, a copy of any  
 125 preliminary draft, when ~~if~~ available.

126        2. If a notice of a proposed rule is not filed within 12  
127 months after the notice of rule development, the agency shall  
128 withdraw the rule and give notice of the withdrawal in the next  
129 available issue of the Florida Administrative Register.

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

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

134            2. It avoids the use of unnecessary technical or  
135 specialized language that is understood only by members of  
136 particular trades or professions.

137        (c) An agency may hold public workshops for purposes of  
138 rule development. If requested in writing by any affected  
139 person, an agency must hold public workshops, including  
140 workshops in various regions of the state or the agency's  
141 service area, for purposes of rule development ~~if requested in~~  
142 ~~writing by any affected person,~~ unless the agency head explains  
143 in writing why a workshop is unnecessary. The explanation is not  
144 final agency action subject to review pursuant to ss. 120.569  
145 and 120.57. The failure to provide the explanation when required  
146 may be a material error in procedure pursuant to s.  
147 120.56(1)(c). When a workshop or public hearing is held, the  
148 agency must ensure that the persons responsible for preparing  
149 the proposed rule are available to explain the agency's proposal  
150 and to respond to questions or comments regarding the rule being

151 developed. The workshop may be facilitated or mediated by a  
152 neutral third person, or the agency may employ other types of  
153 dispute resolution alternatives for the workshop that are  
154 appropriate for rule development. Notice of a workshop for rule  
155 development must ~~workshop shall~~ be by publication in the Florida  
156 Administrative Register not fewer ~~less~~ than 14 days before ~~prior~~  
157 ~~to~~ the date on which the workshop is scheduled to be held and  
158 must ~~shall~~ indicate the subject area that ~~which~~ will be  
159 addressed; the agency contact person; and the place, date, and  
160 time of the workshop.

161 (d)1. An agency may use negotiated rulemaking in  
162 developing and adopting rules. The agency should consider the  
163 use of negotiated rulemaking when complex rules are being  
164 drafted or strong opposition to the rules is anticipated. The  
165 agency should consider, but is not limited to considering,  
166 whether a balanced committee of interested persons who will  
167 negotiate in good faith can be assembled, whether the agency is  
168 willing to support the work of the negotiating committee, and  
169 whether the agency can use the group consensus as the basis for  
170 its proposed rule. Negotiated rulemaking uses a committee of  
171 designated representatives to draft a mutually acceptable  
172 proposed rule.

173 2. An agency that chooses to use the negotiated rulemaking  
174 process described in this paragraph shall publish in the Florida  
175 Administrative Register a notice of negotiated rulemaking that

176 includes a listing of the representative groups that will be  
177 invited to participate in the negotiated rulemaking process. Any  
178 person who believes that his or her interest is not adequately  
179 represented may apply to participate within 30 days after  
180 publication of the notice. All meetings of the negotiating  
181 committee shall be noticed and open to the public pursuant to  
182 ~~the provisions of~~ this chapter. The negotiating committee shall  
183 be chaired by a neutral facilitator or mediator.

184 3. The agency's decision to use negotiated rulemaking, its  
185 selection of the representative groups, and approval or denial  
186 of an application to participate in the negotiated rulemaking  
187 process are not agency action. ~~Nothing in~~ This subparagraph is  
188 not intended to affect the rights of a substantially ~~an~~ affected  
189 person to challenge a proposed rule developed under this  
190 paragraph in accordance with s. 120.56(2).

191 (3) ADOPTION PROCEDURES.—

192 (a) Notices.—

193 1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
194 any rule other than an emergency rule, an agency, upon approval  
195 of the agency head, shall give notice of its intended action,  
196 setting forth a short, plain explanation of the purpose and  
197 effect of the proposed action; the proposed rule number and the  
198 full text of the proposed rule or amendment and a summary  
199 thereof; a reference to the grant of rulemaking authority  
200 pursuant to which the rule is adopted; and a reference to the

201 section or subsection of the Florida Statutes or the Laws of  
202 Florida being implemented or interpreted. The notice must  
203 include a summary of the agency's statement of the estimated  
204 regulatory costs, if one has been prepared, based on the factors  
205 set forth in s. 120.541(2), which describes the regulatory  
206 impact of the proposed rule in readable language; an agency  
207 website address where the statement of estimated regulatory  
208 costs can be viewed in its entirety, if one has been prepared; a  
209 statement that any person who wishes to provide the agency with  
210 information regarding the statement of estimated regulatory  
211 costs, or to provide a proposal for a lower cost regulatory  
212 alternative as provided by s. 120.541(1), must do so in writing  
213 within 21 days after publication of the notice; and a statement  
214 as to whether, based on the statement of the estimated  
215 regulatory costs or other information expressly relied upon and  
216 described by the agency if no statement of regulatory costs is  
217 required, the proposed rule is expected to require legislative  
218 ratification pursuant to s. 120.541(3). The notice must state  
219 the procedure for requesting a public hearing on the proposed  
220 rule. Except when the intended action is the repeal of a rule,  
221 the notice must include a reference both to the date on which  
222 and to the place where the notice of rule development that is  
223 required by subsection (2) appeared.

224 2. The notice shall be published in the Florida  
225 Administrative Register at least 7 days after the publication of

226 the notice of rule development and at least ~~not less than~~ 28  
227 days ~~prior to~~ before the intended action. The proposed rule,  
228 including all materials proposed to be incorporated by reference  
229 and the statement of estimated regulatory costs, if one has been  
230 prepared, must ~~shall~~ be available for inspection and copying by  
231 the public at the time of the publication of notice. ~~After~~  
232 December 31, 2022, material proposed to be incorporated by  
233 reference in the notice required by this paragraph must be made  
234 available in the manner prescribed by sub-subparagraph  
235 (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

236 3. The notice shall be mailed to all persons named in the  
237 proposed rule and mailed or delivered electronically to all  
238 persons who, at least 14 days before publication of the notice  
239 ~~prior to such mailing~~, have made requests of the agency for  
240 advance notice of its proceedings. The agency shall also give  
241 such notice as is prescribed by rule to those particular classes  
242 of persons to whom the intended action is directed.

243 4. The adopting agency shall file with the committee, at  
244 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
245 of each rule it proposes to adopt; a copy of any material  
246 incorporated by reference in the rule; a detailed written  
247 statement of the facts and circumstances justifying the proposed  
248 rule; a copy of any statement of estimated regulatory costs that  
249 has been prepared pursuant to s. 120.541; a statement of the  
250 extent to which the proposed rule relates to federal standards

251 or rules on the same subject; and the notice required by  
252 subparagraph 1.

253 5. If any of the information, other than substantive  
254 changes to the rule text, which is required to be included in  
255 the notice required by subparagraph 1., is omitted or is  
256 incorrect, the agency must publish a notice of correction. A  
257 notice of correction does not affect the timeframes for filing  
258 the rule for adoption as set forth in paragraph (e). Technical  
259 changes are not required to be published as a notice of  
260 correction.

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

262 1. Statement of estimated regulatory costs.—Before the  
263 adoption, amendment, or repeal of any rule other than an  
264 emergency rule, an agency is encouraged to prepare a statement  
265 of estimated regulatory costs of the proposed rule, as provided  
266 by s. 120.541. However, an agency must prepare a statement of  
267 estimated regulatory costs of the proposed rule, as provided by  
268 s. 120.541, if:

269 a. The proposed rule will have an adverse impact on small  
270 business; or

271 b. The proposed rule is likely to directly or indirectly  
272 increase regulatory costs in excess of \$200,000 in the aggregate  
273 in this state within 1 year after the implementation of the  
274 rule.

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

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

279 (I) An owner, officer, operator, or manager must complete  
 280 any education, training, or testing to comply with the rule in  
 281 the first year or is likely to spend at least 10 hours or  
 282 purchase professional advice to understand and comply with the  
 283 rule in the first year;

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

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

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

291 (V) Operating costs are expected to increase by at least  
 292 \$1,000 annually because of the rule; or

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

295 b. Each agency, before the adoption, amendment, or repeal  
 296 of a rule, shall consider the impact of the rule on small  
 297 businesses as defined in ~~by~~ s. 288.703 and the impact of the  
 298 rule on small counties or small cities as defined in ~~by~~ s.  
 299 120.52. Whenever practicable, an agency shall tier its rules to  
 300 reduce disproportionate impacts on small businesses, small

301 counties, or small cities to avoid regulating small businesses,  
 302 small counties, or small cities that do not contribute  
 303 significantly to the problem the rule is designed to address. An  
 304 agency may define "small business" to include businesses  
 305 employing more than 200 persons, may define "small county" to  
 306 include those with populations of more than 75,000, and may  
 307 define "small city" to include those with populations of more  
 308 than 10,000, if it finds that such a definition is necessary to  
 309 adapt a rule to the needs and problems of small businesses,  
 310 small counties, or small cities. The agency shall consider each  
 311 of the following methods for reducing the impact of the proposed  
 312 rule on small businesses, small counties, and small cities, or  
 313 any combination of these entities:

314 (I) Establishing less stringent compliance or reporting  
 315 requirements in the rule.

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

318 (III) Consolidating or simplifying the rule's compliance  
 319 or reporting requirements.

320 (IV) Establishing performance standards or best management  
 321 practices to replace design or operational standards in the  
 322 rule.

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

325 c. (I) ~~b. (I)~~ If the agency determines that the proposed

326 | action will affect small businesses as defined by the agency as  
 327 | provided in sub-subparagraph b. ~~a.~~, the agency shall send  
 328 | written notice of the rule to the rules ombudsman in the  
 329 | Executive Office of the Governor at least 28 days before the  
 330 | intended action.

331 | (II) Each agency shall adopt those regulatory alternatives  
 332 | offered by the rules ombudsman in the Executive Office of the  
 333 | Governor and provided to the agency no later than 21 days after  
 334 | the rules ombudsman's receipt of the written notice of the rule  
 335 | which it finds are feasible and consistent with the stated  
 336 | objectives of the proposed rule and which would reduce the  
 337 | impact on small businesses. When regulatory alternatives are  
 338 | offered by the rules ombudsman in the Executive Office of the  
 339 | Governor, the 90-day period for filing the rule in subparagraph  
 340 | (e)2. is extended for a period of 21 days. At least 21 days  
 341 | before filing the rule for adoption, the agency shall provide a  
 342 | copy of any regulatory alternative offered to the agency to the  
 343 | committee.

344 | (III) If an agency does not adopt all alternatives offered  
 345 | pursuant to this sub-subparagraph, it shall, before rule  
 346 | adoption or amendment and pursuant to subparagraph (d)1., file a  
 347 | detailed written statement with the committee explaining the  
 348 | reasons for failure to adopt such alternatives. Within 3 working  
 349 | days after the filing of such notice, the agency shall send a  
 350 | copy of such notice to the rules ombudsman in the Executive

351 Office of the Governor.

352 (c) Hearings.—

353 1. If the intended action concerns any rule other than one  
354 relating exclusively to procedure or practice, the agency shall,  
355 on the request of any affected person received within 21 days  
356 after the date of publication of the notice of intended agency  
357 action, give affected persons an opportunity to present evidence  
358 and argument on all issues under consideration. The agency may  
359 schedule a public hearing on the proposed rule and, if requested  
360 by any affected person, shall schedule a public hearing on the  
361 proposed rule. When a public hearing is held, the agency must  
362 ensure that staff are available to explain the agency's proposal  
363 and to respond to questions or comments regarding the proposed  
364 rule. If the agency head is a board or other collegial body  
365 created under s. 20.165(4) or s. 20.43(3)(g), and one or more  
366 requested public hearings is scheduled, the board or other  
367 collegial body shall conduct at least one of the public hearings  
368 itself and may not delegate this responsibility without the  
369 consent of those persons requesting the public hearing. Any  
370 material pertinent to the issues under consideration submitted  
371 to the agency within 21 days after the date of publication of  
372 the notice or submitted to the agency between the date of  
373 publication of the notice and the end of the final public  
374 hearing shall be considered by the agency and made a part of the  
375 record of the rulemaking proceeding.

376           2. Rulemaking proceedings shall be governed solely by the  
377 provisions of this section unless a person timely asserts that  
378 the person's substantial interests will be affected in the  
379 proceeding and affirmatively demonstrates to the agency that the  
380 proceeding does not provide adequate opportunity to protect  
381 those interests. If the agency determines that the rulemaking  
382 proceeding is not adequate to protect the person's interests, it  
383 shall suspend the rulemaking proceeding and convene a separate  
384 proceeding under the provisions of ss. 120.569 and 120.57. The  
385 agency shall publish notice of convening a separate proceeding  
386 in the Florida Administrative Register. Similarly situated  
387 persons may be requested to join and participate in the separate  
388 proceeding. Upon conclusion of the separate proceeding, the  
389 rulemaking proceeding shall be resumed. All timelines in this  
390 section are tolled during any suspension of the rulemaking  
391 proceeding under this subparagraph, beginning on the date the  
392 notice of convening a separate proceeding is published and  
393 resuming on the day after the conclusion of the separate  
394 proceeding.

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

396           1. After the final public hearing on the proposed rule, or  
397 after the time for requesting a hearing has expired, if the  
398 proposed rule has not been changed from the proposed rule as  
399 previously filed with the committee, or contains only technical  
400 changes, the adopting agency shall file a notice to that effect

401 with the committee at least 7 days before ~~prior to~~ filing the  
402 proposed rule for adoption. Any change, other than a technical  
403 change ~~that does not affect the substance of the rule~~, must be  
404 supported by the record of public hearings held on the proposed  
405 rule, must be in response to written material submitted to the  
406 agency within 21 days after the date of publication of the  
407 notice of intended agency action or submitted to the agency  
408 between the date of publication of the notice and the end of the  
409 final public hearing, or must be in response to a proposed  
410 objection by the committee. Any change, other than a technical  
411 change, to a statement of estimated regulatory costs requires a  
412 notice of change. In addition, ~~when~~ any change, other than a  
413 technical change, to the text of is made in a proposed rule or  
414 any material incorporated by reference requires, ~~other than a~~  
415 ~~technical change,~~ the adopting agency to shall provide a copy of  
416 a notice of change by certified mail or actual delivery to any  
417 person who requests it in writing no later than 21 days after  
418 the notice required in paragraph (a). The agency shall file the  
419 notice of change with the committee, along with the reasons for  
420 the change, and provide the notice of change to persons  
421 requesting it, at least 21 days before ~~prior to~~ filing the  
422 proposed rule for adoption. The notice of change shall be  
423 published in the Florida Administrative Register at least 21  
424 days before ~~prior to~~ filing the proposed rule for adoption. The  
425 notice of change must include a summary of any revision to a

426 statement of estimated regulatory costs required by s.  
427 120.541(1)(c). This subparagraph does not apply to emergency  
428 rules adopted pursuant to subsection (4). After December 31,  
429 2022, material proposed to be incorporated by reference in the  
430 notice required by this paragraph must be made available in the  
431 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-  
432 subparagraph (1)(i)3.b.

433 2. After the notice required by paragraph (a) and before  
434 ~~prior to~~ adoption, the agency may withdraw the proposed rule in  
435 whole or in part.

436 3. After the notice required by paragraph (a), the agency  
437 shall withdraw the proposed rule if the agency has failed to  
438 adopt it within the prescribed timeframes in this chapter. The  
439 committee shall notify the agency that it has exceeded the  
440 timeframe to adopt the proposed rule. If, 30 days after notice  
441 by the committee, the agency has not given notice of the  
442 withdrawal of the rule, the committee shall notify the  
443 Department of State that the date for adoption of the rule has  
444 expired, and the Department of State shall publish a notice of  
445 withdrawal of the proposed rule.

446 ~~4.3.~~ After adoption and before the rule becomes effective,  
447 a rule may be modified or withdrawn only in the following  
448 circumstances:

- 449 a. When the committee objects to the rule;  
450 b. When a final order, which is not subject to further

451 appeal, is entered in a rule challenge brought pursuant to s.  
452 120.56 after the date of adoption but before the rule becomes  
453 effective pursuant to subparagraph (e)6.;

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

458 d. When the committee notifies the agency that an  
459 objection to the rule is being considered, in which case the  
460 rule may be modified to extend the effective date by not more  
461 than 60 days.

462 ~~5.4.~~ The agency shall give notice of its decision to  
463 withdraw or modify a rule in the first available issue of the  
464 publication in which the original notice of rulemaking was  
465 published, shall notify those persons described in subparagraph  
466 (a)3. in accordance with the requirements of that subparagraph,  
467 and shall notify the Department of State if the rule is required  
468 to be filed with the Department of State.

469 ~~6.5.~~ After a rule has become effective, it may be repealed  
470 or amended only through the rulemaking procedures specified in  
471 this chapter.

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

473 1. If the adopting agency is required to publish its rules  
474 in the Florida Administrative Code, the agency, upon approval of  
475 the agency head, shall file with the Department of State three

476 certified copies of the rule it proposes to adopt; one copy of  
477 any material incorporated by reference in the rule, certified by  
478 the agency; a summary of the rule; a summary of any hearings  
479 held on the rule; and a detailed written statement of the facts  
480 and circumstances justifying the rule. Agencies not required to  
481 publish their rules in the Florida Administrative Code shall  
482 file one certified copy of the proposed rule, and the other  
483 material required by this subparagraph, in the office of the  
484 agency head, and such rules shall be open to the public.

485 2. A rule may not be filed for adoption less than 28 days  
486 or more than 90 days after the notice required by paragraph (a),  
487 until 21 days after the notice of change required by paragraph  
488 (d), until 14 days after the final public hearing, until 21 days  
489 after a statement of estimated regulatory costs required under  
490 s. 120.541 has been provided to all persons who submitted a  
491 lower cost regulatory alternative and made available to the  
492 public at a readily accessible page on the agency's website, or  
493 until the administrative law judge has rendered a decision under  
494 s. 120.56(2), whichever applies. When a required notice of  
495 change is published before ~~prior to~~ the expiration of the time  
496 to file the rule for adoption, the period during which a rule  
497 must be filed for adoption is extended to 45 days after the date  
498 of publication. If notice of a public hearing is published  
499 before ~~prior to~~ the expiration of the time to file the rule for  
500 adoption, the period during which a rule must be filed for

501 adoption is extended to 45 days after adjournment of the final  
 502 hearing on the rule, 21 days after receipt of all material  
 503 authorized to be submitted at the hearing, or 21 days after  
 504 receipt of the transcript, if one is made, whichever is latest.  
 505 The term "public hearing" includes any public meeting held by  
 506 any agency at which the rule is considered. If a petition for an  
 507 administrative determination under s. 120.56(2) is filed, the  
 508 period during which a rule must be filed for adoption is  
 509 extended to 60 days after the administrative law judge files the  
 510 final order with the clerk or until 60 days after subsequent  
 511 judicial review is complete.

512 3. At the time a rule is filed, the agency shall certify  
 513 that the time limitations prescribed by this paragraph have been  
 514 complied with, that all statutory rulemaking requirements have  
 515 been met, and that there is no administrative determination  
 516 pending on the rule.

517 4. At the time a rule is filed, the committee shall  
 518 certify whether the agency has responded in writing to all  
 519 material and timely written comments or written inquiries made  
 520 on behalf of the committee. The Department of State shall reject  
 521 any rule that is not filed within the prescribed time limits;  
 522 that does not comply with all statutory rulemaking requirements  
 523 and rules of the Department of State; upon which an agency has  
 524 not responded in writing to all material and timely written  
 525 inquiries or written comments; upon which an administrative

526 determination is pending; or which does not include a statement  
527 of estimated regulatory costs, if required.

528 5. If a rule has not been adopted within the time limits  
529 imposed by this paragraph or has not been adopted in compliance  
530 with all statutory rulemaking requirements, the agency proposing  
531 the rule shall withdraw the proposed rule and give notice of its  
532 action in the next available issue of the Florida Administrative  
533 Register.

534 6. The proposed rule shall be adopted on being filed with  
535 the Department of State and become effective 20 days after being  
536 filed, on a later date specified in the notice required by  
537 subparagraph (a)1., on a date required by statute, or upon  
538 ratification by the Legislature pursuant to s. 120.541(3). Rules  
539 not required to be filed with the Department of State shall  
540 become effective when adopted by the agency head, on a later  
541 date specified by rule or statute, or upon ratification by the  
542 Legislature pursuant to s. 120.541(3). If the committee notifies  
543 an agency that an objection to a rule is being considered, the  
544 agency may postpone the adoption of the rule to accommodate  
545 review of the rule by the committee. When an agency postpones  
546 adoption of a rule to accommodate review by the committee, the  
547 90-day period for filing the rule is tolled until the committee  
548 notifies the agency that it has completed its review of the  
549 rule.

550

551 For the purposes of this paragraph, the term "administrative  
552 determination" does not include subsequent judicial review.

553 (4) EMERGENCY RULES.—

554 (e) Emergency rules shall be published in the Florida  
555 Administrative Code.

556 (f) An agency may not supersede an emergency rule  
557 currently in effect.

558 (g) An agency may make technical changes to an emergency  
559 rule within the first 7 days after the rule is adopted and must  
560 publish a notice of the technical change in the Florida  
561 Administrative Register.

562 (7) PETITION TO INITIATE RULEMAKING.—

563 (a) Any person regulated by an agency or having  
564 substantial interest in an agency rule may petition an agency to  
565 adopt, amend, or repeal a rule or to provide the minimum public  
566 information required by this chapter. The petition shall specify  
567 the proposed rule and action requested. The agency shall file a  
568 copy of the petition with the committee. Not later than 30  
569 calendar days following the date of filing a petition, the  
570 agency shall initiate rulemaking proceedings under this chapter,  
571 otherwise comply with the requested action, or deny the petition  
572 with a written statement of its reasons for the denial.

573 Section 3. Section 120.541, Florida Statutes, is amended  
574 to read:

575 120.541 Statement of estimated regulatory costs.—

576 (1) (a) Within 21 days after publication of the notice of a  
577 proposed rule or notice of change ~~required under s.~~  
578 ~~120.54(3)(a)~~, a substantially affected person may submit to an  
579 agency a good faith written proposal for a lower cost regulatory  
580 alternative to a proposed rule which substantially accomplishes  
581 the objectives of the law being implemented. The agency shall  
582 provide a copy of any proposal for a lower cost regulatory  
583 alternative to the committee at least 21 days before filing the  
584 rule for adoption. The proposal may include the alternative of  
585 not adopting any rule if the proposal explains how the lower  
586 costs and objectives of the law will be achieved by not adopting  
587 any rule. If submitted after a notice of change, a proposal for  
588 a lower cost regulatory alternative is deemed to be made in good  
589 faith only if the person reasonably believes, and the proposal  
590 states the person's reasons for believing, that the proposed  
591 rule as changed by the notice of change increases the regulatory  
592 costs or creates an adverse impact on small businesses that was  
593 not created by the previous proposed rule. If such a proposal is  
594 submitted, the 90-day period for filing the rule is extended 21  
595 days. Upon the submission of the lower cost regulatory  
596 alternative, the agency shall prepare a statement of estimated  
597 regulatory costs as provided in subsection (2), or shall revise  
598 its prior statement of estimated regulatory costs, and ~~either~~  
599 adopt the alternative proposal, reject the alternative proposal,  
600 or modify the proposed rule to reduce the regulatory costs. If

601 the agency rejects the alternative proposal or modifies the  
602 proposed rule, the agency shall ~~or~~ provide a statement of the  
603 reasons for rejecting the alternative in favor of the proposed  
604 rule.

605 (b) If a proposed rule will have an adverse impact on  
606 small business or if the proposed rule is likely to directly or  
607 indirectly increase regulatory costs in excess of \$200,000 in  
608 the aggregate within 1 year after the implementation of the  
609 rule, the agency shall prepare a statement of estimated  
610 regulatory costs as required by s. 120.54(3)(b).

611 (c) The agency shall revise a statement of estimated  
612 regulatory costs if any change to the rule made under s.  
613 120.54(3)(d) increases the regulatory costs of the rule or if  
614 the rule is modified in response to the submission of a lower  
615 cost regulatory alternative. A summary of the revised statement  
616 must be included with any subsequent notice published under s.  
617 120.54(3).

618 (d) At least 21 days before filing the proposed rule for  
619 adoption, an agency that is required to revise a statement of  
620 estimated regulatory costs shall provide the statement to the  
621 person who submitted the lower cost regulatory alternative, to  
622 the rules ombudsman in the Executive Office of the Governor, and  
623 to the committee. The revised statement shall be published and  
624 made available in the same manner as the original statement of  
625 estimated regulatory costs ~~and shall provide notice on the~~

626 | ~~agency's website that it is available to the public.~~

627 |       (e) Notwithstanding s. 120.56(1)(c), the failure of the  
628 | agency to prepare and publish a statement of estimated  
629 | regulatory costs or to respond to a written lower cost  
630 | regulatory alternative as provided in this subsection is a  
631 | material failure to follow the applicable rulemaking procedures  
632 | or requirements set forth in this chapter.

633 |       (f) An agency's failure to prepare and publish a statement  
634 | of estimated regulatory costs or to respond to a written lower  
635 | cost regulatory alternative may not be raised in a proceeding  
636 | challenging the validity of a rule pursuant to s. 120.52(8)(a)  
637 | unless:

638 |           1. Raised in a petition filed no later than 1 year after  
639 | the effective date of the rule; and

640 |           2. Raised by a person whose substantial interests are  
641 | affected by the rule's regulatory costs.

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

644 |           1. The issue is raised in an administrative proceeding  
645 | within 1 year after the effective date of the rule;

646 |           2. The challenge is to the agency's rejection of a lower  
647 | cost regulatory alternative offered under paragraph (a) or s.  
648 | 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

649 |           3. The substantial interests of the person challenging the  
650 | rule are materially affected by the rejection.

651 (2) A statement of estimated regulatory costs must ~~shall~~  
652 include:

653 (a) An economic analysis showing whether the rule directly  
654 or indirectly:

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

659 2. Is likely to have an adverse impact on business  
660 competitiveness, including the ability of persons doing business  
661 in the state to compete with persons doing business in other  
662 states or domestic markets, productivity, or innovation in  
663 excess of \$1 million in the aggregate within 5 years after the  
664 implementation of the rule; or

665 3. Is likely to increase regulatory costs, including all  
666 any ~~transactional~~ costs and impacts estimated in the statement  
667 of estimated regulatory costs, in excess of \$1 million in the  
668 aggregate within 5 years after the implementation of the rule.

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

673 (c) A good faith estimate of the cost to the agency, and  
674 to any other state and local government entities, of  
675 implementing and enforcing the proposed rule, and any

676 anticipated effect on state or local revenues.

677 (d) A good faith estimate of the compliance ~~transactional~~  
678 costs likely to be incurred by individuals and entities,  
679 including local government entities, required to comply with the  
680 requirements of the rule. ~~As used in this section,~~  
681 ~~"transactional costs" are direct costs that are readily~~  
682 ~~ascertainable based upon standard business practices, and~~  
683 ~~include filing fees, the cost of obtaining a license, the cost~~  
684 ~~of equipment required to be installed or used or procedures~~  
685 ~~required to be employed in complying with the rule, additional~~  
686 ~~operating costs incurred, the cost of monitoring and reporting,~~  
687 ~~and any other costs necessary to comply with the rule.~~

688 (e) An analysis of the impact on small businesses as  
689 defined in ~~by~~ s. 288.703~~7~~, and an analysis of the impact on small  
690 counties and small cities as defined in s. 120.52. The impact  
691 analysis for small businesses must include the basis for the  
692 agency's decision not to implement alternatives that would  
693 reduce adverse impacts on small businesses.

694 (f) Any additional information that the agency determines  
695 may be useful.

696 (g) In the statement or revised statement, whichever  
697 applies, a description of any regulatory alternatives submitted  
698 under paragraph (1)(a) and a statement adopting the alternative  
699 or a statement of the reasons for rejecting the alternative in  
700 favor of the proposed rule.

701 (3) If the adverse impact or regulatory costs of the rule  
702 exceed any of the criteria established in paragraph (2) (a), the  
703 rule shall be submitted to the President of the Senate and  
704 Speaker of the House of Representatives no later than 30 days  
705 before ~~prior to~~ the next regular legislative session, and the  
706 rule may not take effect until it is ratified by the  
707 Legislature.

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

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

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

712 (c) Triennial updates of and amendments to the Florida  
713 Fire Prevention Code which are expressly authorized by s.  
714 633.202.

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

716 (5) For purposes of subsections (2) and (3), adverse  
717 impacts and regulatory costs likely to occur within 5 years  
718 after implementation of the rule include adverse impacts and  
719 regulatory costs estimated to occur within 5 years after the  
720 effective date of the rule. However, if any provision of the  
721 rule is not fully implemented upon the effective date of the  
722 rule, the adverse impacts and regulatory costs associated with  
723 such provision must be adjusted to include any additional  
724 adverse impacts and regulatory costs estimated to occur within 5  
725 years after implementation of such provision.

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

730 1. Increased customer charges for goods or services.

731 2. Decreased market value of goods or services produced,  
732 provided, or sold.

733 3. Increased costs resulting from the purchase of  
734 substitute or alternative goods or services.

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

739 5. Capital costs.

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

742 (b) In estimating and analyzing the information required  
743 in paragraphs (2) (b)-(e), the agency may use surveys of  
744 individuals, businesses, business organizations, counties, and  
745 municipalities to collect data helpful to estimate and analyze  
746 the costs and impacts.

747 (c) In estimating compliance costs under paragraph (2) (d),  
748 the agency shall consider, among other matters, all direct and  
749 indirect costs necessary to comply with the proposed rule that  
750 are readily ascertainable based upon standard business

- 751 | practices, including, but not limited to, costs related to:
- 752 |     1. Filing fees.
- 753 |     2. Expenses to obtain a license.
- 754 |     3. Necessary equipment.
- 755 |     4. Installation, utilities, and maintenance of necessary
- 756 | equipment.
- 757 |     5. Necessary operations and procedures.
- 758 |     6. Accounting, financial, information management, and
- 759 | other administrative processes.
- 760 |     7. Other processes.
- 761 |     8. Labor based on relevant rates of wages, salaries, and
- 762 | benefits.
- 763 |     9. Materials and supplies.
- 764 |     10. Capital expenditures, including financing costs.
- 765 |     11. Professional and technical services, including
- 766 | contracted services necessary to implement and maintain
- 767 | compliance.
- 768 |     12. Monitoring and reporting.
- 769 |     13. Qualifying and recurring education, training, and
- 770 | testing.
- 771 |     14. Travel.
- 772 |     15. Insurance and surety requirements.
- 773 |     16. A fair and reasonable allocation of administrative
- 774 | costs and other overhead.
- 775 |     17. Reduced sales or other revenues.

776 18. Other items suggested by the rules ombudsman in the  
777 Executive Office of the Governor or any interested person,  
778 business organization, or business representative.

779 (7)(a) The Department of State shall include on the  
780 Florida Administrative Register website the agency website  
781 addresses where statements of estimated regulatory costs may be  
782 viewed in their entirety.

783 (b) An agency that prepares a statement of estimated  
784 regulatory costs must provide, as part of the notice required  
785 under s. 120.54(3)(a), the agency website address where the  
786 statement of estimated regulatory costs can be read in its  
787 entirety to the Department of State for publication in the  
788 Florida Administrative Register.

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

794 Section 4. Subsections (1) and (2) of section 120.545,  
795 Florida Statutes, are amended to read:

796 120.545 Committee review of agency rules.—

797 (1) As a legislative check on legislatively created  
798 authority, the committee shall examine each existing rule and  
799 proposed rule, except for those proposed rules exempted by s.  
800 120.81(1)(e) and (2), and its accompanying material, and each

801 emergency rule, ~~and may examine any existing rule,~~ for the  
802 purpose of determining whether:

803 (a) The rule is an invalid exercise of delegated  
804 legislative authority.

805 (b) The statutory authority for the rule has been  
806 repealed.

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

808 (d) The rule is in proper form.

809 (e) The notice given before ~~prior to~~ its adoption was  
810 sufficient to give adequate notice of the purpose and effect of  
811 the rule.

812 (f) The rule is consistent with expressed legislative  
813 intent pertaining to the specific provisions of law which the  
814 rule implements.

815 (g) The rule is necessary to accomplish the apparent or  
816 expressed objectives of the specific provision of law which the  
817 rule implements.

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

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

823 (j) The rule's statement of estimated regulatory costs  
824 complies with the requirements of s. 120.541 and whether the  
825 rule does not impose regulatory costs on the regulated person,

826 county, or city which could be reduced by the adoption of less  
827 costly alternatives that substantially accomplish the statutory  
828 objectives.

829 (k) The rule will require additional appropriations.

830 (l) If the rule is an emergency rule, there exists an  
831 emergency justifying the adoption of such rule, the agency is  
832 within its statutory authority, and the rule was adopted in  
833 compliance with the requirements and limitations of s.

834 120.54(4).

835 (2) The committee may request from an agency such  
836 information as is reasonably necessary for examination of a rule  
837 as required by subsection (1). The committee shall consult with  
838 legislative standing committees having jurisdiction over the  
839 subject areas. If the committee objects to a rule, the committee  
840 shall, within 5 days after the objection, certify that fact to  
841 the agency whose rule has been examined and include with the  
842 certification a statement detailing its objections with  
843 particularity. The committee may file an objection for the  
844 failure of an agency to repeal or amend an existing rule which  
845 the committee identifies as being inconsistent with the powers  
846 and duties granted by its enabling statute or having no enabling  
847 statute. The committee shall notify the Speaker of the House of  
848 Representatives and the President of the Senate of any objection  
849 to an agency rule concurrent with certification of that fact to  
850 the agency. Such notice shall include a copy of the rule and the

851 statement detailing the committee's objections to the rule.

852 Section 5. Paragraphs (a) and (c) of subsection (1) of  
853 section 120.55, Florida Statutes, are amended to read:

854 120.55 Publication.—

855 (1) The Department of State shall:

856 (a)1. Through a continuous revision and publication  
857 system, compile and publish electronically, on a website managed  
858 by the department, the "Florida Administrative Code." The  
859 Florida Administrative Code shall contain all rules adopted by  
860 each agency, citing the grant of rulemaking authority and the  
861 specific law implemented pursuant to which each rule was  
862 adopted, all history notes as authorized in s. 120.545(7),  
863 complete indexes to all rules and any material incorporated by  
864 reference contained in the code, and any other material required  
865 or authorized by law or deemed useful by the department. The  
866 electronic code shall display each rule chapter currently in  
867 effect in browse mode and allow full text search of the code and  
868 each rule chapter. The department may contract with a publishing  
869 firm for a printed publication; however, the department shall  
870 retain responsibility for the code as provided in this section.  
871 The electronic publication shall be the official compilation of  
872 the administrative rules of this state. The Florida  
873 Administrative Register shall be published once daily by 8 a.m.  
874 If, after publication, a rule is corrected and replaced, the  
875 Florida Administrative Register shall indicate:

876           a. That the Florida Administrative Register has been  
 877 republished.

878           b. The rule that has been corrected by the Department of  
 879 State.

880  
 881 The Department of State shall retain the copyright over the  
 882 Florida Administrative Code.

883           2. Not publish in the Florida Administrative Code rules  
 884 general in form but applicable to only one school district,  
 885 community college district, or county, or a part thereof, or  
 886 state university rules relating to internal personnel or  
 887 business and finance ~~shall not be published in the Florida~~  
 888 ~~Administrative Code.~~ Exclusion from publication in the Florida  
 889 Administrative Code does ~~shall~~ not affect the validity or  
 890 effectiveness of such rules.

891           3. At the beginning of the section of the code dealing  
 892 with an agency that files copies of its rules with the  
 893 department, ~~the department shall~~ publish the address and  
 894 telephone number of the executive offices of each agency, the  
 895 manner by which the agency indexes its rules, a listing of all  
 896 rules of that agency excluded from publication in the code, a  
 897 listing of all forms and material incorporated by reference  
 898 adopted by rule which are used by the agency, and a statement as  
 899 to where those rules may be inspected.

900           4. Not publish forms ~~shall not be published~~ in the Florida

901 Administrative Code. ~~However, but~~ any form that ~~which~~ an agency  
902 uses in its dealings with the public, along with any  
903 accompanying instructions, shall be filed with the committee  
904 before it is used. Any form or instruction which meets the  
905 definition of the term "rule" as defined ~~provided~~ in s. 120.52  
906 shall be incorporated by reference into the appropriate rule.  
907 The reference shall specifically state that the form is being  
908 incorporated by reference and shall include the number, title,  
909 and effective date of the form and an explanation of how the  
910 form may be obtained. Each form created by an agency which is  
911 incorporated by reference in a rule notice of which is given  
912 under s. 120.54(3)(a) after December 31, 2007, must clearly  
913 display the number, title, and effective date of the form and  
914 the number of the rule in which the form is incorporated.

915       5. Require all materials incorporated by reference in any  
916 part of an adopted rule after December 31, 2022, ~~The department~~  
917 ~~shall allow adopted rules and material incorporated by reference~~  
918 ~~to be filed in~~ the manner prescribed by s. 120.54(1)(i)3.a. or  
919 b. electronic form as prescribed by department rule. When a rule  
920 is filed for adoption with incorporated material in electronic  
921 form, the department's publication of the Florida Administrative  
922 Code on its website must contain a hyperlink from the  
923 incorporating reference in the rule directly to that material.  
924 The department may not allow hyperlinks from rules in the  
925 Florida Administrative Code to any material other than that

926 | filed with and maintained by the department, but may allow  
927 | hyperlinks to incorporated material maintained by the department  
928 | from the adopting agency's website or other sites.

929 | 6. Include the date of any technical changes to a rule in  
930 | the history note of the rule in the Florida Administrative Code.  
931 | A technical change does not affect the effective date of the  
932 | rule. A technical change made after the adoption of a rule must  
933 | be published as a notice of correction.

934 | (c) Prescribe by rule the style and form required for  
935 | rules, notices, and other materials submitted for filing,  
936 | including a rule requiring documents created by an agency that  
937 | are proposed to be incorporated by reference in notices  
938 | published pursuant to s. 120.54(3)(a) and (d) to be coded in the  
939 | same manner as notices published pursuant to s. 120.54(3)(a)1.

940 | Section 6. Subsection (1), paragraph (a) of subsection  
941 | (2), and subsection (8) of section 120.74, Florida Statutes, are  
942 | amended to read:

943 | 120.74 Agency annual rulemaking and regulatory plans;  
944 | reports.—

945 | (1) REGULATORY PLAN.—By October 1 of each year, each  
946 | agency shall prepare a regulatory plan.

947 | (a) The plan must include a listing of each law enacted or  
948 | amended during the previous 12 months which creates or modifies  
949 | the duties or authority of the agency. If the Governor or the  
950 | Attorney General provides a letter to the committee stating that

951 a law affects all or most agencies, the agency may exclude the  
 952 law from its plan. For each law listed by an agency under this  
 953 paragraph, the plan must state:

954 1. Whether the agency must adopt rules to implement the  
 955 law.

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

957 a. Whether a notice of rule development has been published  
 958 and, if so, the citation to such notice in the Florida  
 959 Administrative Register.

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

962 3. If rulemaking is not necessary to implement the law, a  
 963 concise written explanation of the reasons why the law may be  
 964 implemented without rulemaking.

965 (b) The plan must also identify and describe each rule,  
 966 including each rule number or proposed rule number, that include  
 967 a listing of each law not otherwise listed pursuant to paragraph  
 968 (a) which the agency expects to develop, adopt, or repeal for  
 969 the 12-month period beginning on October 1 and ending on  
 970 September 30 implement by rulemaking before the following July  
 971 1, excluding emergency rules except emergency rulemaking. For  
 972 each rule identified and described ~~law listed~~ under this  
 973 paragraph, the plan must state whether the rulemaking is  
 974 intended to simplify, clarify, increase efficiency, improve  
 975 coordination with other agencies, reduce regulatory costs, or

976 delete obsolete, unnecessary, or redundant rules.

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

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

986 2. If the agency has subsequently determined that  
 987 rulemaking is not necessary to implement the law, the agency  
 988 shall identify such law, reference the citation to the  
 989 applicable notice of rule development in the Florida  
 990 Administrative Register, and provide a concise written  
 991 explanation of the reason why the law may be implemented without  
 992 rulemaking.

993 (d)1. The plan must include a schedule for the agency to  
 994 review its rules for consistency with the powers and duties  
 995 granted by their enabling statutes in accordance with this  
 996 paragraph. Each agency must review all of its rules existing  
 997 before July 1, 2022, in accordance with this paragraph by July  
 998 1, 2027. All rules adopted on or after July 1, 2022, and all  
 999 existing rules reviewed initially by July 1, 2027, shall be  
 1000 reviewed every 10 years after their respective dates of adoption

1001 or review. This schedule shall be updated on an annual basis to  
 1002 ensure that all rules are reviewed every 10 years after their  
 1003 respective dates of adoption or review.

1004 2. The plan must include an index and summary of rules  
 1005 reviewed during the previous year listed by number and title.

1006 The index must indicate:

1007 a. The rules reviewed pursuant to this paragraph that are  
 1008 consistent with the powers and duties granted by their enabling  
 1009 statutes.

1010 b. The rules reviewed pursuant to this paragraph that  
 1011 require amendments to remove portions of the rules that are  
 1012 inconsistent with the powers and duties granted by their  
 1013 enabling statutes. A summary of the required amendments and a  
 1014 schedule for rulemaking to amend such rules shall be provided.

1015 c. The rules reviewed pursuant to this paragraph that will  
 1016 be repealed in their entirety because they do not have enabling  
 1017 statutes. A schedule for the repeal of such rules shall be  
 1018 provided.

1019 d. A list of all statutes and laws, or parts thereof, that  
 1020 grant duplicative, redundant, or unused rulemaking authority, as  
 1021 set out in s. 11.242(5)(j), and a recommendation as to which  
 1022 statutes and laws, or parts thereof, should be repealed. The  
 1023 agency must also provide the list to the Division of Law  
 1024 Revision.

1025 (e)-(d) The plan must include a certification executed on

1026 | behalf of the agency by both the agency head, or, if the agency  
1027 | head is a collegial body, the presiding officer; and the  
1028 | individual acting as principal legal advisor to the agency head.

1029 | The certification must declare:

1030 |       1. ~~Verify~~ That the persons executing the certification  
1031 | have reviewed the plan.

1032 |       2. ~~Verify~~ That the agency regularly reviews all of its  
1033 | rules and identify the period during which all rules have most  
1034 | recently been reviewed to determine if the rules remain  
1035 | consistent with the agency's rulemaking authority and the laws  
1036 | implemented.

1037 |       3. That the agency understands that regulatory  
1038 | accountability is necessary to ensure public confidence in the  
1039 | integrity of state government and, to that end, the agency is  
1040 | diligently working toward reducing the number of regulatory  
1041 | requirements consistent with the agency's rulemaking authority  
1042 | and the laws implemented.

1043 |       4. The total number of rules adopted and repealed during  
1044 | the previous 12 months.

1045 |       5. That all actions set forth in the prior annual  
1046 | regulatory plan have been completed or are on a schedule to be  
1047 | completed.

1048 |       6. That all materials incorporated by reference in the  
1049 | rules reviewed are available in the manner prescribed by s.  
1050 | 120.54(1)(i)3.a. or b.

1051 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1052 (a) By October 1 of each year, each agency shall:

1053 1. Publish its regulatory plan on its website or on  
1054 another state website established for publication of  
1055 administrative law records. A clearly labeled hyperlink to the  
1056 current plan must be included on the agency's primary website  
1057 homepage.

1058 2. Electronically deliver to the committee a copy of the  
1059 certification required in paragraph (1)(e) ~~(1)(d)~~.

1060 3. Publish in the Florida Administrative Register a notice  
1061 identifying the date of publication of the agency's regulatory  
1062 plan. The notice must include a hyperlink or website address  
1063 providing direct access to the published plan.

1064 (8) FAILURE TO COMPLY.—If an agency fails to comply with a  
1065 requirement of subsection (1), paragraph (2)(a), or subsection  
1066 (5), within 15 days after written demand from the committee or  
1067 from the chair of any other legislative committee, the agency  
1068 shall deliver a written explanation of the reasons for  
1069 noncompliance to the committee, the President of the Senate, the  
1070 Speaker of the House of Representatives, and the chair of any  
1071 legislative committee requesting the explanation of the reasons  
1072 for noncompliance.

1073 Section 7. This act shall take effect July 1, 2022.