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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. 120.536, F.S.; prohibiting certain
5 provisions in a rule; amending s. 120.54, F.S.;
6 requiring agencies to publish a notice of rule
7 development within a specified timeframe; deleting a
8 provision related to the timeframe within which rules
9 are required to be drafted and formally proposed;
10 prohibiting materials from being incorporated by
11 reference for certain rules reviewed after a specified
12 date unless certain conditions are met; prohibiting
13 rules proposed after a specified date from having
14 materials incorporated by reference unless certain
15 conditions are met; requiring agencies to use specific
16 coding if they are updating or making changes to
17 certain documents incorporated by reference; requiring
18 a certain number of days between a notice of rule
19 development and notice of proposed rule; requiring
20 that notices of rule development contain certain
21 information as well as incorporated documents;
22 requiring that a notice of rule development contain a
23 proposed rule number and specified statements;
24 requiring a notice of proposed rule to be published
25 within a specified timeframe; requiring a specified
26 statement if an agency must exceed such timeframe;
27 requiring the agency to update such specified
28 statement for a certain timeframe; revising the scope
29 of public workshops to include information gathered

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for the preparation of statements of estimated regulatory costs; revising who may challenge a proposed rule developed through negotiated rulemaking; revising the notices required to be issued by agencies before the adoption, amendment, or repeal of certain rules; requiring certain information be included in the notices; requiring a certain number of days between a notice of rule development and notice of proposed rule; requiring that specified information be available for public inspection; requiring that materials incorporated by reference be made available in a specified manner; requiring that certain notices be delivered electronically to all persons who made requests for such notice; requiring agencies to publish a notice of correction for certain changes within a specified timeframe; providing that notices of correction do not affect certain timeframes; requiring that technical changes be published as notices of correction; requiring agencies to provide copies of any offered regulatory alternatives to the Administrative Procedures Committee before the agency files a rule for adoption; requiring the agency to consider certain factors; removing the definition of the term "small business"; revising the requirements for the contents of a notice of change; requiring that certain materials incorporated by reference be made available in a specified manner; requiring the department to publish a notice of withdrawal of the proposed rule under certain circumstances; requiring

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59 agencies to restart rulemaking following a notice of
60 withdrawal in certain circumstances; requiring that
61 certain rules be withdrawn if not ratified within the
62 legislative session immediately following the filing
63 for adoption; providing that agencies are authorized
64 to initiate rulemaking, or required to initiate
65 rulemaking under a specified circumstance, within a
66 specified timeframe of the adjournment of such
67 legislative session; requiring the committee to
68 compile and post on its website certain information
69 within a specified timeframe after each calendar
70 quarter; reducing the number of certified copies of a
71 proposed rule that must be electronically filed with
72 the Department of State; authorizing agencies to adopt
73 emergency rules under specified conditions; requiring
74 that specified information be published in the first
75 available issue of the Florida Administrative Register
76 and provided to the Administrative Procedures
77 Committee; providing that if a proposed rule is not
78 ratified within a specified timeframe, the emergency
79 rule expires; requiring that the proposed rule be
80 withdrawn in accordance with a specified provision;
81 requiring that notices of renewal for emergency rules
82 be published in the Florida Administrative Register
83 before expiration of the existing emergency rule;
84 requiring that such notices contain specified
85 information; requiring that a note be added to a
86 certain history note for certain emergency rules;
87 requiring that emergency rules be published in the

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88 Florida Administrative Code; authorizing agencies to
89 adopt emergency rules that supersede other emergency
90 rules; requiring that the reason for such superseding
91 rules be stated in accordance with specified
92 provisions; authorizing agencies to make technical
93 changes to emergency rules within a specified
94 timeframe; requiring that such changes be published in
95 the Florida Administrative Register as a notice of
96 correction; authorizing agencies to repeal emergency
97 rules by providing a certain notice in the Florida
98 Administrative Register; requiring agencies to provide
99 specified petitions to the committee within a
100 specified timeframe after receipt; requiring agencies
101 to provide a certain notification to the committee
102 within a specified timeframe; reenacting and amending
103 s. 120.541, F.S.; providing that a proposal for a
104 lower cost regulatory alternative submitted after a
105 notice of change is made in good faith only if the
106 proposal contains certain statements; requiring
107 agencies to provide a copy of such proposals and
108 responses thereto to the committee within specified
109 timeframes; prohibiting agencies from filing a rule
110 for adoption unless such documents are provided to the
111 committee; revising the definition of the term
112 "transactional costs"; requiring an agency to include
113 specified market impacts that may result from
114 compliance with a proposed rule; requiring agencies to
115 notify the committee within a specified timeframe that
116 a rule has been submitted for legislative

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117 ratification; providing an exemption from legislative
118 ratification for emergency rules; providing
119 requirements for the calculation of estimated
120 regulatory costs; requiring the department to include
121 the agency website on which statements of estimated
122 regulatory costs can be viewed; requiring an agency to
123 take specified actions relating to statements of
124 estimated regulatory costs; requiring the rules
125 ombudsman of the Executive Office of the Governor to
126 prescribe and post on a publicly accessible website a
127 specified form; requiring agencies to use such form;
128 creating s. 120.5435, F.S.; defining the term "rule";
129 requiring agencies, by a specified date and in
130 coordination with the committee, to review specified
131 rules adopted before a specified date; providing for
132 future review and repeal; requiring rules promulgated
133 after a certain date to be reviewed; requiring
134 agencies to include a list of existing rules and a
135 schedule of rules they plan to review each year in a
136 certain regulatory plan; authorizing agencies to amend
137 such schedules under specified circumstances but
138 requiring that at least a specified percentage of an
139 agency's rules be reviewed each year until completion
140 of all reviews; requiring agencies to make specified
141 determinations during rule review; providing that
142 certain determinations are not subject to challenge as
143 a proposed rule; requiring agencies to submit a
144 certain report to the Legislature annually by a
145 specified date; requiring agencies to take one of

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146 certain specified actions during rule reviews by a
147 specified date; providing requirements for the
148 agencies in connection with each of the specified
149 actions; requiring the committee to examine agencies'
150 rule review submissions; authorizing the committee to
151 request certain information from such agencies;
152 requiring that such review occur within a specified
153 timeframe under specified conditions; requiring the
154 committee to issue a certain certification upon
155 completion of examinations; specifying circumstances
156 under which rule review is considered completed;
157 requiring the department to publish a certain notice
158 in the Florida Administrative Register; amending s.
159 120.545, F.S.; requiring the Joint Administrative
160 Procedures Committee to review each rule being
161 reviewed; permitting the committee to review certain
162 material and documents; providing that the committee
163 may examine rules to determine if certain unauthorized
164 provisions are included; amending s. 120.55, F.S.;
165 revising the contents of the Florida Administrative
166 Code to conform to changes made by the act; requiring,
167 after a specified date, that any material incorporated
168 by reference be filed in a specified electronic format
169 with the department; requiring that the Florida
170 Administrative Register contain a certain list;
171 requiring that the full text of emergency rules be
172 published; requiring that the department prescribe
173 coding for certain documents incorporated by
174 reference; amending s. 120.74, F.S.; requiring that

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regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans; requiring agencies to take certain actions if the agencies have not completed reviewing a rule; requiring agencies to include information regarding the prior year's licensing practices in their regulatory plan; requiring the committee to submit a consolidated report of the agency licensing data; requiring the Department of State to publish a hyperlink to the licensing data reports; deleting provisions related to deadlines for rule development; deleting deadlines for publishing proposed rules; deleting provisions requiring agencies to file certain certifications with the committee; authorizing agencies to correct a regulatory plan to conclude affected rulemaking proceedings by identifying certain rules; revising the timeframes within which agencies must publish certain notices; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (20), (21), and (22) of section 120.52, Florida Statutes, are renumbered as subsections (21), (22), and (23), respectively, and a new subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change to a rule or a statement of estimated regulatory cost that is limited to

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204 correcting citations or grammatical, typographical, or similar
205 errors that do not affect the substance of the rule or
206 statement.

207 Section 2. Subsection (5) is added to section 120.536,
208 Florida Statutes, to read:

209 120.536 Rulemaking authority; repeal; challenge.—

210 (5) Unless otherwise expressly authorized by law, a rule
211 may not include a provision whereby the entire rule, or a
212 provision thereof, automatically expires or is repealed on a
213 specific date or at the end of a specified period.

214 Section 3. Paragraphs (b) and (i) of subsection (1),
215 paragraphs (a), (c), and (d) of subsection (2), paragraphs (a),
216 (b), (d), and (e) of subsection (3), subsection (4), and
217 paragraph (a) of subsection (7) of section 120.54, Florida
218 Statutes, are amended to read:

219 120.54 Rulemaking.—

220 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
221 EMERGENCY RULES.—

222 (b) Whenever an act of the Legislature is enacted which
223 requires implementation of the act by rules of an agency within
224 the executive branch of state government, the agency must
225 publish a notice of rule development ~~such rules shall be drafted~~
226 ~~and formally proposed~~ as provided in this section within 30 days
227 after the effective date of the law that requires rulemaking and
228 provides a grant of rulemaking authority ~~the times provided in~~
229 ~~s. 120.74(4) and (5).~~

230 (i)1. A rule may incorporate material by reference but only
231 as the material exists on the date the rule is adopted. For
232 purposes of the rule, changes in the material are not effective

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unless the rule is amended to incorporate the changes.

2. An agency rule that incorporates by specific reference another rule of that agency automatically incorporates subsequent amendments to the referenced rule unless a contrary intent is clearly indicated in the referencing rule. A notice of amendments to a rule that has been incorporated by specific reference in other rules of that agency must explain the effect of those amendments on the referencing rules.

3. In rules adopted after December 31, 2010, or reviewed pursuant to s. 120.5435, material may not be incorporated by reference unless:

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

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

4. In rules proposed after July 1, 2025, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material, in a text-searchable format, can be made

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262 available for free public access through an electronic hyperlink
263 from the rule making the reference in the Florida Administrative
264 Register; or

265 b. The agency has determined that posting the material on
266 the Internet for purposes of public examination and inspection
267 would constitute a violation of federal copyright law, in which
268 case a statement to that effect, along with the addresses of the
269 locations at the Department of State and the agency at which the
270 material is available for public inspection and examination,
271 must be included in the notice required by subparagraph (3)(a)1.

272 5.4. A rule may not be amended by reference only.
273 Amendments must set out the amended rule in full in the same
274 manner as required by the State Constitution for laws.

275 6.5. Notwithstanding any contrary provision in this
276 section, when an adopted rule of the Department of Environmental
277 Protection or a water management district is incorporated by
278 reference in the other agency's rule to implement a provision of
279 part IV of chapter 373, subsequent amendments to the rule are
280 not effective as to the incorporating rule unless the agency
281 incorporating by reference notifies the committee and the
282 Department of State of its intent to adopt the subsequent
283 amendment, publishes notice of such intent in the Florida
284 Administrative Register, and files with the Department of State
285 a copy of the amended rule incorporated by reference. Changes in
286 the rule incorporated by reference are effective as to the other
287 agency 20 days after the date of the published notice and filing
288 with the Department of State. The Department of State shall
289 amend the history note of the incorporating rule to show the
290 effective date of such change. Any substantially affected person

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291 may, within 14 days after the date of publication of the notice
292 of intent in the Florida Administrative Register, file an
293 objection to rulemaking with the agency. The objection must
294 ~~shall~~ specify the portions of the rule incorporated by reference
295 to which the person objects and the reasons for the objection.
296 The agency does ~~shall~~ not have the authority under this
297 subparagraph to adopt those portions of the rule specified in
298 such objection. The agency shall publish notice of the objection
299 and of its action in response in the next available issue of the
300 Florida Administrative Register.

301 7. If an agency updates or makes a change to a document
302 that the agency created and which is incorporated by reference
303 pursuant to paragraph (3) (a) or subparagraph (3) (e)1., the
304 update or change must be coded by underlining new text and
305 striking through deleted text.

306 8.6. ~~The Department of State may adopt by rule requirements~~
307 ~~for incorporating materials pursuant to this paragraph.~~

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

309 (a) 1. Except when the intended action is the repeal of a
310 rule, agencies shall provide notice of the development of
311 proposed rules by publication of a notice of rule development in
312 the Florida Administrative Register at least 7 days before
313 providing notice of a proposed rule as required by paragraph
314 (3) (a). The notice of rule development must:

315 a. ~~shall~~ Indicate the subject area to be addressed by rule
316 development. 7

317 b. Provide a short, plain explanation of the purpose and
318 effect of the proposed rule. 7

319 c. Cite the grant of rulemaking authority for the proposed

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rule and the law being implemented. ~~specific legal authority for the proposed rule, and~~

d. Include the proposed rule number and, if available, either the preliminary text of the proposed rule and any incorporated documents ~~rules, if available,~~ or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft of such rule or documents, ~~if available.~~

2. A notice of a proposed rule must be published in the Florida Administrative Register within 180 days after the most recent notice of rule development, unless the Legislature expressly provides a different date. The agency may only exceed this timeframe if it submits to the committee, at least 7 business days before the end of the 180-day timeframe, a concise statement that identifies the reasons for the delay in rulemaking. The agency must update this statement each quarter thereafter until it has filed a notice of proposed rule in the applicable matter.

(c) An agency may hold public workshops for purposes of rule development or information gathering for the preparation of the statement of estimated regulatory costs. An agency must hold public workshops, including workshops in various regions of the state or the agency's service area, for purposes of rule development if requested in writing by any affected person, unless the agency head explains in writing why a workshop is unnecessary. The explanation is not final agency action subject to review pursuant to ss. 120.569 and 120.57. The failure to provide the explanation when required may be a material error in procedure pursuant to s. 120.56(1)(c). When a workshop or public hearing is held, the agency must ensure that the persons

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349 responsible for preparing the proposed rule and the statement of
350 estimated regulatory costs, if applicable, are available to
351 explain the agency's proposal and to respond to questions or
352 comments regarding the rule being developed. The workshop may be
353 facilitated or mediated by a neutral third person, or the agency
354 may employ other types of dispute resolution alternatives for
355 the workshop that are appropriate for rule development. Notice
356 of a workshop for rule development or for information gathering
357 for the preparation of a statement of estimated regulatory costs
358 must ~~workshop shall~~ be by publication in the Florida
359 Administrative Register not less than 14 days before ~~prior to~~
360 the date on which the workshop is scheduled to be held and must
361 ~~shall~~ indicate the subject area that ~~which~~ will be addressed;
362 the agency contact person; and the place, date, and time of the
363 workshop.

364 (d)1. An agency may use negotiated rulemaking in developing
365 and adopting rules. The agency should consider the use of
366 negotiated rulemaking when complex rules are being drafted or
367 strong opposition to the rules is anticipated. The agency should
368 consider, but is not limited to considering, whether a balanced
369 committee of interested persons who will negotiate in good faith
370 can be assembled, whether the agency is willing to support the
371 work of the negotiating committee, and whether the agency can
372 use the group consensus as the basis for its proposed rule.
373 Negotiated rulemaking uses a committee of designated
374 representatives to draft a mutually acceptable proposed rule.

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

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

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

(3) ADOPTION PROCEDURES.—

(a) Notices.—

1. Before ~~Prior to~~ the adoption, amendment, or repeal of any rule other than an emergency rule, an agency shall, upon approval of the agency head, ~~shall~~ give notice of its intended action. The notice must include the following:

a. ~~setting forth~~ A short, plain explanation of the purpose and effect of the proposed action. ~~†~~

b. The proposed rule number.

c. The full text of the proposed rule or amendment and a summary thereof. ~~†~~

d. A reference to the grant of rulemaking authority pursuant to which the rule is adopted. ~~† and~~

e. A reference to the section or subsection of the Florida

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407 Statutes or the Laws of Florida being implemented or
408 interpreted.

409 f. The name, e-mail address, and telephone number of the
410 agency employee who may be contacted regarding the intended
411 action. ~~The notice must include~~

412 g. A concise summary of the agency's statement of the
413 estimated regulatory costs, if one has been prepared, based on
414 the factors set forth in s. 120.541(2) that describes the
415 regulatory impact of the rule in readable language.

416 h. An agency website address where the statement of
417 estimated regulatory costs can be viewed in its entirety, if one
418 has been prepared.~~+~~

419 i. A statement that any person who wishes to provide the
420 agency with information regarding the statement of estimated
421 regulatory costs, or to provide a proposal for a lower cost
422 regulatory alternative as provided by s. 120.541(1), must do so
423 in writing within 21 days after publication of the notice.~~+~~ and

424 j. A statement as to whether, based on the statement of the
425 estimated regulatory costs or other information expressly relied
426 upon and described by the agency if no statement of regulatory
427 costs is required, the proposed rule is expected to require
428 legislative ratification pursuant to s. 120.541(3).

429 k. A description of the ~~notice must state the~~ procedure for
430 requesting a public hearing on the proposed rule.

431 l. Except when the intended action is the repeal of a rule,
432 ~~the notice must include~~ a reference both to the date on which
433 and to the place where the notice of rule development that is
434 required by subsection (2) appeared.

435 2. The notice must ~~shall~~ be published in the Florida

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Administrative Register at least 7 days after the notice of rule development and at least ~~not less than~~ 28 days before ~~prior to~~ the intended action. The proposed rule, including all material proposed to be incorporated by reference, must ~~shall~~ be available for inspection and copying by the public at the time of the publication of notice. Material proposed to be incorporated by reference in the notice must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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

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

5. If any of the information that is required to be included in the notice under subparagraph 1., other than

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substantive changes to the rule text, is omitted or is incorrect, the agency must publish a notice of correction in the Florida Administrative Register at least 7 days before the intended agency action. The publication of a notice of correction does not affect the timeframes for filing the rule for adoption as set forth in paragraph (e). Technical changes must be published as a notice of correction.

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

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

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

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

The agency must make available any information created or used by the agency in determining whether a proposed rule meets the factors listed in sub-subparagraphs a. and b. and such information shall be a part of the rulemaking record. The agency must consider in this determination the factors outlined in s. 120.541(2); however, the agency is not required to estimate the proposed rule's impact to these factors as part of this

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494 determination.

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

496 a. Each agency, before the adoption, amendment, or repeal
497 of a rule, shall consider the impact of the rule on small
498 businesses as defined by s. 288.703 and the impact of the rule
499 on small counties or small cities as defined by s. 120.52.
500 Whenever practicable, an agency shall tier its rules to reduce
501 disproportionate impacts on small businesses, small counties, or
502 small cities to avoid regulating small businesses, small
503 counties, or small cities that do not contribute significantly
504 to the problem the rule is designed to address. ~~An agency may~~
505 ~~define "small business" to include businesses employing more~~
506 ~~than 200 persons, may define "small county" to include those~~
507 ~~with populations of more than 75,000, and may define "small~~
508 ~~city" to include those with populations of more than 10,000, if~~
509 ~~it finds that such a definition is necessary to adapt a rule to~~
510 ~~the needs and problems of small businesses, small counties, or~~
511 ~~small cities.~~ The agency shall consider each of the following
512 methods for reducing the impact of the proposed rule on small
513 businesses, small counties, and small cities, or any combination
514 of these entities:

515 (I) Establishing less stringent compliance or reporting
516 requirements in the rule.

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

519 (III) Consolidating or simplifying the rule's compliance or
520 reporting requirements.

521 (IV) Establishing performance standards or best management
522 practices to replace design or operational standards in the

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rule.

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

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

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. An agency shall provide the committee a copy of any regulatory alternative offered to the agency within 7 days after its delivery to the agency. The agency may not file a rule for adoption before such regulatory alternative, if applicable, has been provided to the committee.

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it must ~~shall~~, before rule adoption or amendment and pursuant to subparagraph (d)1., file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working

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552 days after the filing of such notice, the agency shall send a
553 copy of such notice to the rules ombudsman in the Executive
554 Office of the Governor.

555 (d) *Modification or withdrawal of proposed rules.*—

556 1. After the final public hearing on the proposed rule, or
557 after the time for requesting a hearing has expired, if the
558 proposed rule has not been changed from the rule as previously
559 filed with the committee, or contains only technical changes,
560 the adopting agency must ~~shall~~ file a notice to that effect with
561 the committee at least 7 days before ~~prior to~~ filing the
562 proposed rule for adoption. Any change, other than a technical
563 change ~~that does not affect the substance of the rule~~, must be
564 supported by the record of public hearings held on the proposed
565 rule, must be in response to written material submitted to the
566 agency within 21 days after the date of publication of the
567 notice of intended agency action or submitted to the agency
568 between the date of publication of the notice and the end of the
569 final public hearing, or must be in response to a proposed
570 objection by the committee. Any change, other than a technical
571 change, to a statement of estimated regulatory costs requires a
572 notice of change. In addition, ~~when~~ any change, other than a
573 technical change, to is made in a proposed rule text or any
574 material incorporated by reference requires, ~~other than a~~
575 ~~technical change,~~ the adopting agency to ~~shall~~ provide a copy of
576 a notice of change by certified mail or actual delivery to any
577 person who requests it in writing no later than 21 days after
578 the notice required in paragraph (a). The agency shall file the
579 notice of change with the committee, along with the reasons for
580 the change, and provide the notice of change to persons

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581 requesting it, at least 21 days before ~~prior to~~ filing the rule
582 for adoption. The notice of change must ~~shall~~ be published in
583 the Florida Administrative Register at least 21 days before
584 ~~prior to~~ filing the proposed rule for adoption. The notice of
585 change must include a summary of any revision to the statement
586 of estimated regulatory costs required by s. 120.541(1)(c). This
587 subparagraph does not apply to emergency rules adopted pursuant
588 to subsection (4). Material proposed to be incorporated by
589 reference in the notice of change must be made available in the
590 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
591 subparagraph (1)(i)3.b. and include a summary of substantive
592 revisions to any material proposed to be incorporated by
593 reference in the proposed rule.

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

597 3. After the notice required by paragraph (a), the agency
598 must withdraw the proposed rule if the agency has either failed
599 to adopt it within the prescribed timeframes in this chapter or
600 failed to submit the concise statement required under
601 subparagraph (2)(a)2. If, 30 days after notice by the committee
602 that the agency has failed to either adopt the proposed rule
603 within the prescribed timeframes in this chapter or submit the
604 required statement, the agency has not given notice of the
605 withdrawal of the proposed rule, the committee must notify the
606 Department of State that the date for adoption of the rule or
607 submission of the required statement has expired, and the
608 Department of State must publish a notice of withdrawal of the
609 proposed rule. Within 30 days after the withdrawal, the agency

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610 must initiate rulemaking again if the mandatory grant of
611 rulemaking authority the agency relied upon as authority to
612 pursue the original rule action is still in effect at the time
613 of the original rule's withdrawal.

614 4.3. After adoption and before the rule becomes effective,
615 a rule may be modified or withdrawn only in the following
616 circumstances:

617 a. When the committee objects to the rule;
618 b. When a final order, which is not subject to further
619 appeal, is entered in a rule challenge brought pursuant to s.
620 120.56 after the date of adoption but before the rule becomes
621 effective pursuant to subparagraph (e)6.;

622 c. If the rule requires ratification, when ~~more than 90~~
623 ~~days have passed since the rule was filed for adoption without~~
624 ~~the Legislature~~ does not ratify ~~ratifying~~ the rule by the
625 adjournment sine die of the regular session immediately
626 following the timely filing for adoption of the rule, in which
627 case the rule must ~~may~~ be withdrawn, and within 90 days after
628 adjournment sine die, the agency:

629 (I) May initiate rulemaking again by publishing the notice
630 required by paragraph (3) (a); or

631 (II) Must initiate rulemaking again by publishing the
632 notice required by paragraph (3) (a), if the mandatory grant of
633 rulemaking authority the agency relied upon as authority to
634 pursue the original rule action is still in effect at the time
635 of the original rule's withdrawal ~~but may not be modified; or~~

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

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639 ~~5.4.~~ The agency shall give notice of its decision to
640 withdraw or modify a rule in the first available issue of the
641 publication in which the original notice of rulemaking was
642 published, shall notify those persons described in subparagraph
643 (a)3. in accordance with the requirements of that subparagraph,
644 and must ~~shall~~ notify the Department of State if the rule is
645 required to be filed with the Department of State.

646 ~~6.5.~~ After a rule has become effective, it may be repealed
647 or amended only through the rulemaking procedures specified in
648 this chapter.

649 7. The committee must, within 15 days after the end of each
650 calendar quarter, compile and post on its website a list of each
651 failure by an agency to file a notice of proposed rule within
652 the timeframe prescribed by subparagraph (2) (a)2. that has
653 occurred within the last quarter. The committee's list must
654 provide the following:

655 a. The name of the agency that failed to timely file a
656 notice of proposed rule.

657 b. The website address where the relevant notice of rule
658 development may be found.

659 c. A citation to the applicable grant of rulemaking
660 authority for the proposed rule and the law being implemented.

661 d. If the timeframe for filing a notice of proposed rule
662 prescribed in subparagraph (2) (a)2. has been exceeded but a
663 notice of proposed rule has not been filed, the length of time
664 since the filing of the notice of rule development.

665 e. If the timeframe for filing a notice of proposed rule in
666 subparagraph (2) (a)2. has been exceeded and a notice of proposed
667 rule has been filed, the length of time between the agency

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668 filing the notice of rule development and the filing of the
669 notice of proposed rule.

670 f. A copy of the agency's concise statement required under
671 subparagraph (2)(a)2.

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

673 1. If the adopting agency is required to publish its rules
674 in the Florida Administrative Code, the agency, upon approval of
675 the agency head, must electronically ~~shall~~ file with the
676 Department of State a three certified copy ~~copies~~ of the rule it
677 proposes to adopt; one copy of any material incorporated by
678 reference in the rule, certified by the agency; a summary of the
679 rule; a summary of any hearings held on the rule; and a detailed
680 written statement of the facts and circumstances justifying the
681 rule. Agencies not required to publish their rules in the
682 Florida Administrative Code shall file one certified copy of the
683 proposed rule, and the other material required by this
684 subparagraph, in the office of the agency head, and such rules
685 must ~~shall~~ be open to the public.

686 2. A rule may not be filed for adoption less than 28 days
687 or more than 90 days after the notice required by paragraph (a),
688 until 21 days after the notice of change required by paragraph
689 (d), until 14 days after the final public hearing, until 21 days
690 after a statement of estimated regulatory costs required under
691 s. 120.541 has been provided to all persons who submitted a
692 lower cost regulatory alternative and made available to the
693 public, or until the administrative law judge has rendered a
694 decision under s. 120.56(2), whichever applies. When a required
695 notice of change is published before ~~prior to~~ the expiration of
696 the time to file the rule for adoption, the period during which

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697 a rule must be filed for adoption is extended to 45 days after
698 the date of publication. If notice of a public hearing is
699 published before ~~prior to~~ the expiration of the time to file the
700 rule for adoption, the period during which a rule must be filed
701 for adoption is extended to 45 days after adjournment of the
702 final hearing on the rule, 21 days after receipt of all material
703 authorized to be submitted at the hearing, or 21 days after
704 receipt of the transcript, if one is made, whichever is latest.
705 The term "public hearing" includes any public meeting held by
706 any agency at which the rule is considered. If a petition for an
707 administrative determination under s. 120.56(2) is filed, the
708 period during which a rule must be filed for adoption is
709 extended to 60 days after the administrative law judge files the
710 final order with the clerk or until 60 days after subsequent
711 judicial review is complete.

712 3. At the time a rule is filed, the agency shall certify
713 that the time limitations prescribed by this paragraph have been
714 complied with, that all statutory rulemaking requirements have
715 been met, and that there is no administrative determination
716 pending on the rule.

717 4. At the time a rule is filed, the committee shall certify
718 whether the agency has responded in writing to all material and
719 timely written comments or written inquiries made on behalf of
720 the committee. The department shall reject any rule that is not
721 filed within the prescribed time limits; that does not comply
722 with all statutory rulemaking requirements and rules of the
723 department; upon which an agency has not responded in writing to
724 all material and timely written inquiries or written comments;
725 upon which an administrative determination is pending; or which

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726 does not include a statement of estimated regulatory costs, if
727 required.

728 5. If a rule has not been adopted within the time limits
729 imposed by this paragraph or has not been adopted in compliance
730 with all statutory rulemaking requirements, the agency proposing
731 the rule must ~~shall~~ withdraw the rule and give notice of its
732 action in the next available issue of the Florida Administrative
733 Register.

734 6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being
735 filed with the Department of State and becomes ~~become~~ effective
736 20 days after being filed, on a later date specified in the
737 notice required by subparagraph (a)1., on a date required by
738 statute, or upon ratification by the Legislature pursuant to s.
739 120.541(3). Rules not required to be filed with the Department
740 of State ~~shall~~ become effective when adopted by the agency head,
741 on a later date specified by rule or statute, or upon
742 ratification by the Legislature pursuant to s. 120.541(3). If
743 the committee notifies an agency that an objection to a rule is
744 being considered, the agency may postpone the adoption of the
745 rule to accommodate review of the rule by the committee. When an
746 agency postpones adoption of a rule to accommodate review by the
747 committee, the 90-day period for filing the rule is tolled until
748 the committee notifies the agency that it has completed its
749 review of the rule.

750
751 For the purposes of this paragraph, the term "administrative
752 determination" does not include subsequent judicial review.

753 (4) EMERGENCY RULES.—

754 (a) If an agency finds that an immediate danger to the

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public health, safety, or welfare requires emergency action, or
if the Legislature authorizes the agency to adopt emergency
rules and finds that all conditions specified in this paragraph
are met, the agency may, within the authority granted to the
agency under the State Constitution or delegated to it by the
Legislature, adopt any rule necessitated by the immediate danger
or legislative finding. The agency may adopt a rule by any
procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural
protection given by other statutes, the State Constitution, or
the United States Constitution.

2. The agency takes only that action necessary to protect
the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior
to, its action the specific facts and reasons for finding an
immediate danger to the public health, safety, or welfare and
its reasons for concluding that the procedure used is fair under
the circumstances. In any event, notice of emergency rules,
other than those of educational units or units of government
with jurisdiction in only one or a part of one county, including
the full text of the rules and the agency's findings of
immediate danger, necessity, and procedural fairness or a
citation to the grant of emergency rulemaking authority, must
~~shall~~ be published in the first available issue of the Florida
Administrative Register and provided to the committee along with
any material incorporated by reference in the rules. The
agency's findings of immediate danger, necessity, and procedural
fairness are ~~shall be~~ judicially reviewable.

(b) Rules pertaining to the public health, safety, or

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welfare must ~~shall~~ include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) 1. An emergency rule adopted under this subsection may ~~shall~~ not be effective for a period longer than 90 days and may ~~shall~~ not be renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule and either:

a.1. A challenge to the proposed rules has been filed and remains pending; or

b.2. The proposed rules are awaiting ratification by the Legislature pursuant to s. 120.541(3). If the proposed rule is not ratified during the next regular legislative session, the emergency rule shall expire at adjournment sine die of that regular legislative session. The proposed rule must be withdrawn from ratification in accordance with s. 120.54(3)(d).

2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency from adopting a rule or rules identical to the emergency rule through the rulemaking procedures specified in subsection (3).

(d) Notice of the renewal of an emergency rule must be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice of renewal must state the specific facts and reasons for such renewal.

(e) For emergency rules with an effective period greater than 90 days which are intended to replace existing rules, a note must be added to the history note of the existing rule which specifically identifies the emergency rule that is

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intended to supersede the existing rule and includes the date that the emergency rule was filed with the Department of State.

(f) Emergency rules must be published in the Florida Administrative Code.

(g) An agency may supersede an emergency rule in effect through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a). The superseding rule may not be in effect longer than the duration of the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register as a notice of correction.

(i)~~(d)~~ Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

(j) An agency may repeal an emergency rule before it expires by providing notice of its intended action in the Florida Administrative Register. The notice must include the full text of the emergency rule and a summary thereof; if applicable, a reference to the rule number; and a short, plain explanation as to why the conditions specified in accordance with paragraph (a) no longer require the emergency rule.

(7) PETITION TO INITIATE RULEMAKING.—

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(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days after its receipt. ~~No~~ ~~Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 4. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 120.541, Florida Statutes, are amended, paragraph (d) is added to subsection (4), and subsections (6) and (7) are added to that section, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states the person's reasons for believing that the proposed

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rule, as changed by the notice of change, increases the
regulatory costs or creates an adverse impact on small
businesses which was not created by the previously proposed
rule. If such a proposal is submitted, the 90-day period for
filing the rule is extended 21 days. Upon the submission of the
lower cost regulatory alternative, the agency shall prepare a
statement of estimated regulatory costs as provided in
subsection (2), or shall revise its prior statement of estimated
regulatory costs, and either adopt the alternative or provide a
statement of the reasons for rejecting the alternative in favor
of the proposed rule. The agency shall provide to the committee,
within 7 days after its receipt, a copy of any proposal for a
lower cost regulatory alternative, and within 7 days after its
release, a copy of the agency's response thereto. The agency may
not file a rule for adoption before such documents, if
applicable, have been provided to the committee.

(2) A statement of estimated regulatory costs shall
include:

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

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

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

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900 implementation of the rule; or

901 3. Is likely to increase regulatory costs, including any
902 transactional costs, in excess of \$1 million in the aggregate
903 within 5 years after the implementation of the rule.

904 (b) A good faith estimate of the number of individuals and
905 entities likely to be required to comply with the rule, together
906 with a general description of the types of individuals likely to
907 be affected by the rule.

908 (c) A good faith estimate of the cost to the agency, and to
909 any other state and local government entities, of implementing
910 and enforcing the proposed rule, and any anticipated effect on
911 state or local revenues.

912 (d) A good faith estimate of the transactional costs likely
913 to be incurred by individuals and entities, including local
914 government entities, required to comply with the requirements of
915 the rule. As used in this section, "transactional costs" are
916 direct costs that are readily ascertainable by the agency based
917 upon standard business practices, and may include:

- 918 1. Filing fees.
- 919 2. Expenses to obtain a license.
- 920 3. Necessary equipment.
- 921 4. Installation, utilities for, and maintenance of
922 necessary equipment.
- 923 5. Necessary operations or procedures.
- 924 6. Accounting, financial, information management, and other
925 administrative processes.
- 926 7. Labor, based on relevant wages, salaries, and benefits.
- 927 8. Materials and supplies.
- 928 9. Capital expenditures, including financing costs.

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929 10. Professional and technical services, including
930 contracted services necessary to implement and maintain
931 compliance.

932 11. Monitoring and reporting.

933 12. Qualifying and recurring education, training, and
934 testing.

935 13. Travel.

936 14. Insurance and surety requirements.

937 15. A fair and reasonable allocation of administrative
938 costs and other overhead.

939 16. Reduced sales or other revenue.

940 17. Other items suggested by the rules ombudsman in the
941 Executive Office of the Governor or by any interested person,
942 business organization, or business representative filing fees,
943 ~~the cost of obtaining a license, the cost of equipment required~~
944 ~~to be installed or used or procedures required to be employed in~~
945 ~~complying with the rule, additional operating costs incurred,~~
946 ~~the cost of monitoring and reporting, and any other costs~~
947 ~~necessary to comply with the rule.~~

948 (e) An analysis of the impact on small businesses as
949 defined by s. 288.703, and an analysis of the impact on small
950 counties and small cities as defined in s. 120.52. The impact
951 analysis for small businesses must include the basis for the
952 agency's decision not to implement alternatives that would
953 reduce adverse impacts on small businesses.

954 (f) In evaluating the impacts described in paragraphs (a)
955 and (e), an agency must include, if applicable, the market
956 impacts likely to result from compliance with the proposed rule,
957 including:

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958 1. Changes to customer charges for goods or services.

959 2. Changes to the market value of goods or services
960 produced, provided, or sold.

961 3. Changes to costs resulting from the purchase of
962 substitute or alternative goods or services.

963 4. The reasonable value of time to be spent by owners,
964 officers, operators, and managers to understand and comply with
965 the proposed rule, including, but not limited to, time to be
966 spent completing requiring education, training, or testing.

967 (g) Any additional information that the agency determines
968 may be useful.

969 (h)~~(g)~~ In the statement or revised statement, whichever
970 applies, a description of any regulatory alternatives submitted
971 under paragraph (1) (a) and a statement adopting the alternative
972 or a statement of the reasons for rejecting the alternative in
973 favor of the proposed rule.

974 (3) If the adverse impact or regulatory costs of the rule
975 exceed any of the criteria established in paragraph (2) (a), the
976 rule must ~~shall~~ be submitted to the President of the Senate and
977 Speaker of the House of Representatives no later than 30 days
978 before ~~prior to~~ the next regular legislative session, and the
979 rule may not take effect until it is ratified by the
980 Legislature. The agency shall notify the committee of its
981 submission of the rule to the Legislature for ratification
982 within 3 business days after submittal.

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

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

985 (6) (a) The Department of State shall include on the Florida
986 Administrative Register website the agency website addresses

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987 where statements of estimated regulatory costs can be viewed in
988 their entirety.

989 (b) An agency that prepares a statement of estimated
990 regulatory costs must provide, as part of the notice required
991 under s. 120.54(3)(a), the agency website address where the
992 statement of estimated regulatory costs can be read in its
993 entirety to the Department of State for publication in the
994 Florida Administrative Register.

995 (c) If an agency revises its statement of estimated
996 regulatory costs, the agency must provide notice that a revision
997 has been made in the manner provided under s. 120.54(3)(d)1.
998 Such notice must also include the agency website address where
999 the revision can be viewed in its entirety.

1000 (7) The rules ombudsman in the Executive Office of the
1001 Governor must prescribe and post on a publicly accessible
1002 website a form that incorporates the factors in subsection (2).
1003 Agencies must use this form to prepare a statement of estimated
1004 regulatory costs as required by this section.

1005 Section 5. Section 120.5435, Florida Statutes, is created
1006 to read:

1007 120.5435 Agency review of rules.—

1008 (1) For the purposes of this section, the term “rule” means
1009 the rule number assigned by the Department of State.

1010 (2)(a) By July 1, 2030, each agency, in coordination with
1011 the committee, shall review all existing rules adopted by the
1012 agency before July 1, 2025, in accordance with this section.

1013 (b) Beginning October 1, 2025, each agency shall include a
1014 list of its existing rules in its annual regulatory plan,
1015 prepared and submitted pursuant to s. 120.74. The agency shall

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1016 include a schedule of the rules it will review each year during
1017 the 5-year rule review period. The agency may amend its yearly
1018 schedule in subsequent regulatory plans, but must provide for
1019 the completed review of at least 20 percent of the agency's
1020 rules per year, until all of its subject rules have been
1021 reviewed.

1022 (c) This subsection stands repealed July 1, 2032.

1023 (3) Any rule initially adopted after July 1, 2025, must be
1024 reviewed in accordance with this section in the fifth year
1025 following adoption. Such review must be completed before the day
1026 that marks the sixth year since the adoption of the rule.

1027 (4) The agency rule review must determine whether each
1028 rule:

1029 (a) Is a valid exercise of delegated legislative authority;

1030 (b) Has current statutory authority;

1031 (c) Reiterates or paraphrases statutory material;

1032 (d) Is in proper form;

1033 (e) Is consistent with expressed legislative intent
1034 pertaining to the specific provisions of law which the rule
1035 implements;

1036 (f) Requires a technical or substantive update to reflect
1037 current use; and

1038 (g) Requires updated references to statutory citations and
1039 incorporated materials.

1040 (5) By January 1 of each year, the agency shall submit to
1041 the President of the Senate, the Speaker of the House of
1042 Representatives, and the committee a report that summarizes the
1043 agency's intended action on each rule under review during the
1044 current fiscal year.

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1045 (6) The agency shall take one of the following actions
1046 during its rule review:

1047 (a) Make no change to the rule. If the agency determines
1048 that no change is necessary, the agency must submit to the
1049 committee by April 1 a copy of the reviewed rule, a written
1050 statement of its intended action, and its assessment of factors
1051 specified in subsection (4). This determination is not subject
1052 to a challenge as a proposed rule pursuant to s. 120.56(2).

1053 (b) Make a technical change to the rule. If the agency
1054 determines that one or more technical changes are necessary, the
1055 agency must submit to the committee by April 1 a copy of the
1056 reviewed rule and the recommended technical change or changes
1057 coded by underlining new text and striking through deleted text,
1058 a written statement of its intended action, its assessment of
1059 the factors specified in subsection (4), and the facts and
1060 circumstances justifying the technical change or changes to the
1061 reviewed rule. This determination is not subject to a challenge
1062 as a proposed rule pursuant to s. 120.56(2).

1063 (c) Make a substantive change to the rule. If the agency
1064 determines that the rule requires a substantive change, the
1065 agency must make all changes, including any technical changes,
1066 to the rule in accordance with this chapter. The agency shall
1067 publish a notice of rule development in the Florida
1068 Administrative Register by April 1. The agency shall also submit
1069 to the committee by April 1 a copy of the reviewed rule and the
1070 recommended change or changes coded by underlining new text and
1071 striking through deleted text, a written statement of its
1072 intended action, and its assessment of factors specified in
1073 subsection (4). This submission to the committee does not

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1074 constitute a notice of rule development as contemplated by s.
1075 120.54(2) (a) and is not required to be in the same form as the
1076 rule that will be proposed by the agency.

1077 (d) Repeal the rule. If an agency determines that the rule
1078 should be repealed, the agency must repeal the rule in
1079 accordance with this chapter and publish the required notice in
1080 the Florida Administrative Register by April 1. The agency shall
1081 also submit to the committee by April 1 a written statement of
1082 its intended action and its assessment of factors specified in
1083 subsection (4). This submission to the committee does not
1084 constitute a notice of proposed rule as contemplated by s.
1085 120.54(3) (a).

1086 (7) (a) By July 1, the committee shall examine each agency's
1087 rule review submissions. The committee may request from an
1088 agency any information that is reasonably necessary for
1089 examination of a rule as required by subsections (2) and (3).

1090 (b) If the agency recommends no change or a technical
1091 change to a rule, the committee must certify whether the agency
1092 has responded in writing to all material and timely written
1093 comments or inquiries made on behalf of the committee.

1094 (8) The rule review is completed upon:

1095 (a) The agency, upon approval of the agency head or his or
1096 her designee, electronically filing a certified copy of the
1097 reviewed rule to which no changes or only technical changes were
1098 made, and the committee's certification granted pursuant to
1099 subsection (7), with the Department of State; or

1100 (b) The agency, for a reviewed rule subject to substantive
1101 change or repeal, timely filing the appropriate notice pursuant
1102 to s. 120.54.

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(9) The Department of State shall publish in the Florida Administrative Register a notice of the completed rule review and shall update the history note of the rule in the Florida Administrative Code to reflect the date of completion, if applicable.

Section 6. Subsection (1) of section 120.545, Florida Statutes, is amended to read:

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.81(1)(e) and (2), ~~and its accompanying material, and~~ each emergency rule, each rule reviewed under s. 120.5435, and may examine any existing rule, and any accompanying material or associated documents used to interpret a proposed or existing rule, for the purpose of determining whether:

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

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

(c) The rule reiterates or paraphrases statutory material.

(d) The rule is in proper form.

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

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

(g) The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law which the

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rule implements.

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

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

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

(k) The rule will require additional appropriations.

(l) If the rule is an emergency rule, there exists an emergency justifying the adoption of such rule, the agency is within its statutory authority, and the rule was adopted in compliance with the requirements and limitations of s. 120.54(4).

(m) The rule includes a provision not authorized by statute, whereby the entire rule, or a provision thereof, automatically expires or is repealed on a specific date or at the end of a specified period.

Section 7. Subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision and publication system, compile and publish electronically, on a website managed by the department, the "Florida Administrative Code." The Florida

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1161 Administrative Code must ~~shall~~ contain all rules adopted by each
1162 agency, citing the grant of rulemaking authority and the
1163 specific law implemented pursuant to which each rule was
1164 adopted, all history notes as authorized in ss. 120.5435 and
1165 120.545(7) ~~s. 120.545(7)~~, complete indexes to all rules and any
1166 material incorporated by reference contained in the code, and
1167 any other material required or authorized by law or deemed
1168 useful by the department. The electronic code must ~~shall~~ display
1169 each rule chapter currently in effect in browse mode and allow
1170 full text search of the code and each rule chapter. The
1171 department may contract with a publishing firm for a printed
1172 publication; however, the department retains ~~shall retain~~
1173 responsibility for the code as provided in this section. The
1174 electronic publication is ~~shall be~~ the official compilation of
1175 the administrative rules of this state. The Department of State
1176 retains ~~shall retain~~ the copyright over the Florida
1177 Administrative Code.

1178 2. Rules general in form but applicable to only one school
1179 district, community college district, or county, or a part
1180 thereof, or state university rules relating to internal
1181 personnel or business and finance may ~~shall~~ not be published in
1182 the Florida Administrative Code. Exclusion from publication in
1183 the Florida Administrative Code does ~~shall~~ not affect the
1184 validity or effectiveness of such rules.

1185 3. At the beginning of the section of the code dealing with
1186 an agency that files copies of its rules with the department,
1187 the department shall publish the address and telephone number of
1188 the executive offices of each agency, the manner by which the
1189 agency indexes its rules, a listing of all rules of that agency

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1190 excluded from publication in the code, a listing of all forms
1191 and material incorporated by reference adopted by rule which are
1192 used by the agency, and a statement as to where those rules may
1193 be inspected.

1194 4. Forms may ~~shall~~ not be published in the Florida
1195 Administrative Code; but any form which an agency uses in its
1196 dealings with the public, along with any accompanying
1197 instructions, must ~~shall~~ be filed with the committee before it
1198 is used. Any form or instruction which meets the definition of
1199 the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated
1200 by reference into the appropriate rule. The reference must ~~shall~~
1201 specifically state that the form is being incorporated by
1202 reference and ~~shall~~ include the number, title, and effective
1203 date of the form and an explanation of how the form may be
1204 obtained. Each form created by an agency which is incorporated
1205 by reference in a rule notice of which is given under s.
1206 120.54(3)(a) after December 31, 2007, must clearly display the
1207 number, title, and effective date of the form and the number of
1208 the rule in which the form is incorporated.

1209 5. After December 31, 2025, the department shall require
1210 any material incorporated by reference in ~~allow~~ adopted rules
1211 ~~and material incorporated by reference~~ to be filed in the manner
1212 prescribed by s. 120.54(1)(i)3.a. or b. electronic form as
1213 ~~prescribed by department rule.~~ When a proposed rule is filed for
1214 adoption with incorporated material in electronic form, the
1215 department's publication of the Florida Administrative Code on
1216 its website must contain a hyperlink from the incorporating
1217 reference in the rule directly to that material. The department
1218 may not allow hyperlinks from rules in the Florida

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Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

6. The department shall include the date of any technical changes in the history note of the rule in the Florida Administrative Code. A technical change does not affect the effective date of the rule. A technical change made after the adoption of a rule must be published as a notice of correction.

(b) Electronically publish on a website managed by the department a continuous revision and publication entitled the "Florida Administrative Register," which serves ~~shall serve~~ as the official publication and must contain:

1. All notices required by s. 120.54(2) and (3)(a), showing the text of all rules proposed for consideration.

2. All notices of public meetings, hearings, and workshops conducted in accordance with s. 120.525, including a statement of the manner in which a copy of the agenda may be obtained.

3. A notice of each request for authorization to amend or repeal an existing uniform rule or for the adoption of new uniform rules.

4. Notice of petitions for declaratory statements or administrative determinations.

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

~~6.5-~~ A summary of each objection to any rule filed by the Administrative Procedures Committee.

~~7.6-~~ A list of rules filed for adoption in the previous 7

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1248 days.

1249 ~~8.7-~~ A list of all rules filed for adoption pending
1250 legislative ratification under s. 120.541(3). A rule shall be
1251 removed from the list once notice of ratification or withdrawal
1252 of the rule is received.

1253 9. The full text of each emergency rule in effect on the
1254 date of publication.

1255 ~~10.8-~~ Any other material required or authorized by law or
1256 deemed useful by the department.

1257
1258 The department may contract with a publishing firm for a printed
1259 publication of the Florida Administrative Register and make
1260 copies available on an annual subscription basis.

1261 (c) Prescribe by rule the style and form required for
1262 rules, notices, and other materials submitted for filing,
1263 including any rule requiring that documents created by an agency
1264 which are proposed to be incorporated by reference in notices
1265 published pursuant to s. 120.54(3)(a) and (d) be coded as
1266 required in s. 120.54(1)(i)7.

1267 (d) Charge each agency using the Florida Administrative
1268 Register a space rate to cover the costs related to the Florida
1269 Administrative Register and the Florida Administrative Code.

1270 (e) Maintain a permanent record of all notices published in
1271 the Florida Administrative Register.

1272 Section 8. Paragraph (c) of subsection (1) and subsections
1273 (4) through (8) of section 120.74, Florida Statutes, are
1274 amended, and paragraphs (e), (f), and (g) are added to
1275 subsection (1) of that section, to read:

1276 120.74 Agency annual rulemaking and regulatory plans;

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reports.—

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

(c) The plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (5) ~~(7)~~. If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

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

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

(e) The plan also includes all of the following:

1. A list of the agency's existing rules scheduled for review pursuant to s. 120.5435.

2. A 5-year schedule for the review of all existing rules as of July 1, 2025.

3. A yearly schedule for the rules it will review each year during the 5-year rule review. The agency may amend this schedule, if necessary.

(f) The plan must include any desired update to the prior year's regulatory plan or supplement thereof, published pursuant

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1306 to subsection (5). If, in a prior year, the agency identified a
1307 rule under this paragraph as one requiring review pursuant to s.
1308 120.5435, but the agency has not yet completed an action
1309 described in s. 120.5435(5):

1310 1. The agency must identify and list such rule in its
1311 regulatory plan as an untimely rule review and notify the
1312 committee of such action; or

1313 2. If the agency subsequently determined that the rule
1314 review is not necessary, the agency must identify the rule and
1315 provide a concise written explanation of the reason why the rule
1316 does not require a rule review.

1317 (g)1. Beginning October 1, 2025, each agency issuing
1318 licenses in accordance with s. 120.60 shall track the agency's
1319 compliance with the licensing timeframes established in s.
1320 120.60, and beginning October 1, 2026, must include in the
1321 regulatory plan required by subsection (1), all of the following
1322 information regarding its licensing activities of the prior
1323 fiscal year, categorized by type of license:

1324 a. The number of license applications submitted to the
1325 agency.

1326 b. The number of license applications that required one or
1327 more requests for additional information.

1328 c. The number of license applications for which the
1329 applicant was nonresponsive to one or more requests for
1330 additional information.

1331 d. The number of license applications that were not
1332 completed by the applicant.

1333 e. The number of license applications for which the agency
1334 requested that the applicant grant an extension of time for the

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1335 agency to issue a request for additional information, determine
1336 that an application is complete, or issue a decision to approve
1337 or deny an application.

1338 f. The number of license applications for which an
1339 extension was requested by the applicant and for which an
1340 extension was required by the state agency or judicial branch.

1341 g. The number of license applications that were not
1342 approved or denied within the statutory timeframe.

1343 h. The average and median number of days it takes the
1344 agency to approve or deny an application after receipt of a
1345 completed application.

1346 i. The number of license applications for which final
1347 agency action was appealed and the number of informal and formal
1348 hearings requested.

1349 j. The number of employees dedicated to processing license
1350 applications, if available.

1351 2. No later than December 31 of each year, the committee
1352 must submit a consolidated annual agency licensing performance
1353 report that provides all of the information required by
1354 subparagraph 1. The Department of State must publish a hyperlink
1355 to these reports in the first available issue of the Florida
1356 Administrative Register.

1357 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
1358 ~~year, each agency shall publish a notice of rule development~~
1359 ~~under s. 120.54(2) for each law identified in the agency's~~
1360 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
1361 ~~rulemaking is necessary to implement but for which the agency~~
1362 ~~did not report the publication of a notice of rule development~~
1363 ~~under subparagraph (1)(a)2.~~

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1364 ~~(4)-(5) CORRECTING THE REGULATORY PLAN.—DEADLINE TO PUBLISH~~
1365 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
1366 ~~necessary as identified in the agency's plan pursuant to~~
1367 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
1368 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
1369 ~~April 1 of the year following the deadline for the regulatory~~
1370 ~~plan. This deadline may be extended if the agency publishes a~~
1371 ~~notice of extension in the Florida Administrative Register~~
1372 ~~identifying each rulemaking proceeding for which an extension is~~
1373 ~~being noticed by citation to the applicable notice of rule~~
1374 ~~development as published in the Florida Administrative Register.~~
1375 ~~The agency shall include a concise statement in the notice of~~
1376 ~~extension identifying any issues that are causing the delay in~~
1377 ~~rulemaking. An extension shall expire on October 1 after the~~
1378 ~~April 1 deadline, provided that the regulatory plan due on~~
1379 ~~October 1 may further extend the rulemaking proceeding by~~
1380 ~~identification pursuant to subparagraph (1)(c)1. or conclude the~~
1381 ~~rulemaking proceeding by identification pursuant to subparagraph~~
1382 ~~(1)(c)2. A published regulatory plan may be corrected at any~~
1383 ~~time to accomplish the purpose of extending or concluding an~~
1384 ~~affected rulemaking proceeding by identifying the applicable~~
1385 ~~rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
1386 ~~is deemed corrected as of the October 1 due date. Upon~~
1387 ~~publication of a correction, the agency shall publish in the~~
1388 ~~Florida Administrative Register a notice of the date of the~~
1389 ~~correction identifying the affected rulemaking proceeding by~~
1390 ~~applicable citation to the Florida Administrative Register.~~

1391 ~~(6) CERTIFICATIONS.—Each agency shall file a certification~~
1392 ~~with the committee upon compliance with subsection (4) and upon~~

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~~filing a notice under subsection (5) of either a deadline extension or a regulatory plan correction. A certification may relate to more than one notice or contemporaneous act. The date or dates of compliance shall be noted in each certification.~~

(5)~~(7)~~ SUPPLEMENTING THE REGULATORY PLAN.—After publication of the regulatory plan, the agency shall supplement the plan within 30 days after a bill becomes a law if the law is enacted before the next regular session of the Legislature and the law substantively modifies the agency's specifically delegated legal duties, unless the law affects all or most state agencies as identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1) (a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development no later than 30 ~~by the later of the date provided in subsection (4) or 60~~ days after the effective date of the act that requires rulemaking and provides a grant of rulemaking authority ~~bill becomes a law~~, and a notice of proposed rule shall be published no later than 180 days after the publication of the applicable notice of rule development ~~by the later of the date provided in subsection (5) or 120 days after the bill becomes a law. The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5).~~ If such proposed rule

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has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

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

Section 9. This act shall take effect July 1, 2025.