

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 agencies to
5 publish a notice of rule development within a
6 specified timeframe; deleting a provision related to
7 the timeframe within which rules are required to be
8 drafted and formally proposed; prohibiting materials
9 from being incorporated by reference for certain rules
10 reviewed after a specified date unless certain
11 conditions are met; prohibiting rules proposed after a
12 specified date from having materials incorporated by
13 reference unless certain conditions are met; requiring
14 agencies to use specific coding if they are updating
15 or making changes to certain documents incorporated by
16 reference; requiring a certain amount of days between
17 a notice of rule development and notice of proposed
18 rule; requiring that notices of rule development
19 contain certain information as well as incorporated
20 documents; requiring that a notice of rule development
21 contain a proposed rule number and specified
22 statements; revising the scope of public workshops to
23 include information gathered for the preparation of
24 statements of estimated regulatory costs; revising who
25 may challenge a proposed rule developed through

26 negotiated rulemaking; revising the notices required
27 to be issued by agencies before the adoption,
28 amendment, or repeal of certain rules; requiring
29 certain information be included in the notices;
30 requiring a certain amount of days between a notice of
31 rule development and notice of proposed rule;
32 requiring that specified information be available for
33 public inspection; requiring that materials
34 incorporated by reference be made available in a
35 specified manner; requiring that certain notices be
36 delivered electronically to all persons who made
37 requests for such notice; requiring agencies to
38 publish a notice of correction for certain changes
39 within a specified timeframe; providing that notices
40 of correction do not affect certain timeframes;
41 requiring that technical changes be published as
42 notices of correction; requiring agencies to provide
43 copies of any offered regulatory alternatives to the
44 Administrative Procedures Committee before the agency
45 files a rule for adoption; revising the requirements
46 for the contents of a notice of change; requiring that
47 certain materials incorporated by reference be made
48 available in a specified manner; requiring the
49 department to publish a notice of withdrawal of the
50 proposed rule under certain circumstances; requiring

51 agencies to restart rulemaking following a notice of
52 withdrawal in certain circumstances; requiring that
53 certain rules be withdrawn if not ratified within the
54 legislative session immediately following the filing
55 for adoption; providing that agencies are authorized
56 to initiate rulemaking, or required to initiate
57 rulemaking under a specified circumstance, within a
58 specified timeframe of the adjournment of such
59 legislative session; reducing the number of certified
60 copies of a proposed rule that must be electronically
61 filed with the Department of State; authorizing
62 agencies to adopt emergency rules under specified
63 conditions; requiring that specified information be
64 published in the first available issue of the Florida
65 Administrative Register and provided to the
66 Administrative Procedures Committee; providing that if
67 a proposed rule is not ratified within a specified
68 timeframe, the emergency rule expires; requiring that
69 the proposed rule be withdrawn in accordance with a
70 specified provision; requiring that notices of renewal
71 for emergency rules be published in the Florida
72 Administrative Register before expiration of the
73 existing emergency rule; requiring that such notices
74 contain specified information; requiring that a note
75 be added to a certain history note for certain

76 emergency rules; requiring that emergency rules be
77 published in the Florida Administrative Code;
78 authorizing agencies to adopt emergency rules that
79 supersede other emergency rules; requiring that the
80 reason for such superseding rules be stated in
81 accordance with specified provisions; authorizing
82 agencies to make technical changes to emergency rules
83 within a specified timeframe; requiring that such
84 changes be published in the Florida Administrative
85 Register as a notice of correction; authorizing
86 agencies to repeal emergency rules by providing a
87 certain notice in the Florida Administrative Register;
88 requiring agencies to provide specified petitions to
89 the committee within a specified timeframe after
90 receipt; requiring agencies to provide a certain
91 notification to the committee within a specified
92 timeframe; reenacting and amending s. 120.541, F.S.;
93 providing that a proposal for a lower cost regulatory
94 alternative submitted after a notice of change is made
95 in good faith only if the proposal contains certain
96 statements; requiring agencies to provide a copy of
97 such proposals and responses thereto to the committee
98 within specified timeframes; prohibiting agencies from
99 filing a rule for adoption unless such documents are
100 provided to the committee; requiring agencies to

101 notify the committee within a specified timeframe that
102 a rule has been submitted for legislative
103 ratification; providing an exemption from legislative
104 ratification for emergency rules; providing
105 requirements for the calculation of estimated
106 regulatory costs; requiring the department to include
107 the agency website on which statements of estimated
108 regulatory costs can be viewed; requiring an agency to
109 take specified actions relating to statements of
110 estimated regulatory costs; creating s. 120.5435,
111 F.S.; defining the term "rule"; requiring agencies, by
112 a specified date and in coordination with the
113 committee, to review specified rules adopted before a
114 specified date; providing for future review and
115 repeal; requiring rules promulgated after a certain
116 date to be reviewed; requiring agencies to include a
117 list of existing rules and a schedule of rules they
118 plan to review each year in a certain regulatory plan;
119 authorizing agencies to amend such schedules under
120 specified circumstances but requiring that at least a
121 specified percentage of an agency's rules be reviewed
122 each year until completion of all reviews; requiring
123 agencies to make specified determinations during rule
124 review; providing that certain determinations are not
125 subject to challenge as a proposed rule; requiring

126 agencies to submit a certain report to the Legislature
127 annually by a specified date; requiring agencies to
128 take one of certain specified actions during rule
129 reviews by a specified date; providing requirements
130 for the agencies in connection with each of the
131 specified actions; requiring the committee to examine
132 agencies' rule review submissions; authorizing the
133 committee to request certain information from such
134 agencies; requiring that such review occur within a
135 specified timeframe under specified conditions;
136 requiring the committee to issue a certain
137 certification upon completion of examinations;
138 specifying circumstances under which rule review is
139 considered completed; requiring the department to
140 publish a certain notice in the Florida Administrative
141 Register; amending s. 120.545, F.S.; requiring the
142 Joint Administrative Procedures Committee to review
143 each rule being reviewed; permitting the committee to
144 review certain material and documents; providing that
145 the committee may examine rules to determine if
146 certain unauthorized provisions are included;
147 amending s. 120.55, F.S.; revising the contents of the
148 Florida Administrative Code to conform to changes made
149 by the act; requiring, after a specified date, that
150 any material incorporated by reference be filed in a

151 specified electronic format with the department;
152 requiring that the Florida Administrative Register
153 contain a certain list; requiring that the full text
154 of emergency rules be published; requiring that the
155 department prescribe coding for certain documents
156 incorporated by reference; amending s. 120.74, F.S.;
157 requiring that regulatory plans submitted by agencies
158 include certain schedules for rule review and certain
159 desired updates to such plans; requiring agencies to
160 take certain actions if the agencies have not
161 completed reviewing a rule; requiring agencies to
162 include information regarding the prior year's
163 licensing practices in their regulatory plan;
164 requiring the Joint Administrative Procedures
165 Committee to submit a consolidated report of the
166 agency licensing data; requiring the Department of
167 State to publish a hyperlink to the licensing data
168 reports; deleting provisions related to deadlines for
169 rule development; deleting deadlines for publishing
170 proposed rules; deleting provisions requiring agencies
171 to file certain certifications with the committee;
172 authorizing agencies to correct a regulatory plan to
173 conclude affected rulemaking proceedings by
174 identifying certain rules; revising the timeframes
175 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 limited to correcting citations or grammatical, typographical, or similar errors that do not affect the substance of the rule or a statement of estimated regulatory cost.

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

120.536 Rulemaking authority; repeal; challenge.—

(5) Unless otherwise expressly authorized by law, a rule may not include a provision 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 3. Paragraphs (b) and (i) of subsection (1), paragraphs (a), (c), and (d) of subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 120.54, Florida

201 **Statutes, are amended to read:**

202 120.54 Rulemaking.—

203 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
204 EMERGENCY RULES.—

205 (b) Whenever an act of the Legislature is enacted which
206 requires implementation of the act by rules of an agency within
207 the executive branch of state government, the agency must
208 publish a notice of rule development ~~such rules shall be drafted~~
209 ~~and formally proposed~~ as provided in this section within 30 days
210 after the effective date of the act that requires rulemaking and
211 provides a grant of rulemaking authority ~~the times provided in~~
212 ~~s. 120.74(4) and (5).~~

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

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

224 3. In rules adopted after December 31, 2010, or reviewed
225 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 available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; 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

251 case a statement to that effect, along with the addresses of the
252 locations at the Department of State and the agency at which the
253 material is available for public inspection and examination,
254 must be included in the notice required by subparagraph (3)(a)1.

255 5.4. A rule may not be amended by reference only.
256 Amendments must set out the amended rule in full in the same
257 manner as required by the State Constitution for laws.

258 6.5. Notwithstanding any contrary provision in this
259 section, when an adopted rule of the Department of Environmental
260 Protection or a water management district is incorporated by
261 reference in the other agency's rule to implement a provision of
262 part IV of chapter 373, subsequent amendments to the rule are
263 not effective as to the incorporating rule unless the agency
264 incorporating by reference notifies the committee and the
265 Department of State of its intent to adopt the subsequent
266 amendment, publishes notice of such intent in the Florida
267 Administrative Register, and files with the Department of State
268 a copy of the amended rule incorporated by reference. Changes in
269 the rule incorporated by reference are effective as to the other
270 agency 20 days after the date of the published notice and filing
271 with the Department of State. The Department of State shall
272 amend the history note of the incorporating rule to show the
273 effective date of such change. Any substantially affected person
274 may, within 14 days after the date of publication of the notice
275 of intent in the Florida Administrative Register, file an

objection to rulemaking with the agency. The objection must
~~shall~~ specify the portions of the rule incorporated by reference
to which the person objects and the reasons for the objection.
The agency does ~~shall~~ not have the authority under this
subparagraph to adopt those portions of the rule specified in
such objection. The agency shall publish notice of the objection
and of its action in response in the next available issue of the
Florida Administrative Register.

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

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

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

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

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

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

303 c. Cite the grant of rulemaking authority for the proposed
304 rule and the law being implemented. ~~specific legal authority for~~
305 ~~the proposed rule, and~~

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

311 2. A notice of a proposed rule must be published in the
312 Florida Administrative Register within 6 months after the most
313 recent notice of rule development, unless the Legislature
314 expressly provides a different date.

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

326 hearing is held, the agency must ensure that the persons
327 responsible for preparing the proposed rule and the statement of
328 estimated regulatory costs, if applicable, are available to
329 explain the agency's proposal and to respond to questions or
330 comments regarding the rule being developed. The workshop may be
331 facilitated or mediated by a neutral third person, or the agency
332 may employ other types of dispute resolution alternatives for
333 the workshop that are appropriate for rule development. Notice
334 of a workshop for rule development or for information gathering
335 for the preparation of a statement of estimated regulatory costs
336 must ~~workshop shall~~ be by publication in the Florida
337 Administrative Register not less than 14 days before ~~prior to~~
338 the date on which the workshop is scheduled to be held and must
339 ~~shall~~ indicate the subject area that ~~which~~ will be addressed;
340 the agency contact person; and the place, date, and time of the
341 workshop.

342 (d)1. An agency may use negotiated rulemaking in
343 developing and adopting rules. The agency should consider the
344 use of negotiated rulemaking when complex rules are being
345 drafted or strong opposition to the rules is anticipated. The
346 agency should consider, but is not limited to considering,
347 whether a balanced committee of interested persons who will
348 negotiate in good faith can be assembled, whether the agency is
349 willing to support the work of the negotiating committee, and
350 whether the agency can use the group consensus as the basis for

its proposed rule. Negotiated rulemaking uses a committee of designated representatives to draft a mutually acceptable proposed rule.

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

376 approval of the agency head, ~~shall~~ give notice of its intended
377 action, setting forth a short, plain explanation of the purpose
378 and effect of the proposed action; the proposed rule number; the
379 full text of the proposed rule or amendment and a summary
380 thereof; a reference to the grant of rulemaking authority
381 pursuant to which the rule is adopted; and a reference to the
382 section or subsection of the Florida Statutes or the Laws of
383 Florida being implemented or interpreted; and the name, e-mail
384 address, and telephone number of the agency employee who may be
385 contacted regarding the intended action. The notice must include
386 a concise summary of the agency's statement of the estimated
387 regulatory costs, ~~if one has been prepared,~~ based on the factors
388 set forth in s. 120.541(2) that describes the regulatory impact
389 of the rule in readable language; an agency website address
390 where the statement of estimated regulatory costs can be viewed
391 in its entirety, if one has been prepared; a statement that any
392 person who wishes to provide the agency with information
393 regarding the statement of estimated regulatory costs, or to
394 provide a proposal for a lower cost regulatory alternative as
395 provided by s. 120.541(1), must do so in writing within 21 days
396 after publication of the notice; and a statement as to whether,
397 based on the statement of the estimated regulatory costs or
398 other information expressly relied upon and described by the
399 agency if no statement of regulatory costs is required, the
400 proposed rule is expected to require legislative ratification

401 pursuant to s. 120.541(3). The notice must state the procedure
402 for requesting a public hearing on the proposed rule. Except
403 when the intended action is the repeal of a rule, the notice
404 must include a reference both to the date on which and to the
405 place where the notice of rule development that is required by
406 subsection (2) appeared.

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

417 3. The notice must ~~shall~~ be mailed or delivered
418 electronically to all persons named in the proposed rule and
419 mailed or delivered electronically to all persons who, at least
420 14 days before publication of the notice ~~prior to such mailing,~~
421 have made requests of the agency for advance notice of its
422 proceedings. The agency shall also give such notice as is
423 prescribed by rule to those particular classes of persons to
424 whom the intended action is directed.

425 4. The adopting agency shall file with the committee, at

426 | least 21 days before ~~prior to~~ the proposed adoption date, a copy
427 | of each rule it proposes to adopt; a copy of any material
428 | incorporated by reference in the rule; a detailed written
429 | statement of the facts and circumstances justifying the proposed
430 | rule; a copy of any statement of estimated regulatory costs that
431 | has been prepared pursuant to s. 120.541; a statement of the
432 | extent to which the proposed rule relates to federal standards
433 | or rules on the same subject; and the notice required by
434 | subparagraph 1.

435 | 5. If any of the information, other than substantive
436 | changes to the rule text, that is required to be included in the
437 | notice under subparagraph 1. is omitted or is incorrect, the
438 | agency must publish a notice of correction in the Florida
439 | Administrative Register at least 7 days before the intended
440 | agency action. The publication of a notice of correction does
441 | not affect the timeframes for filing the rule for adoption as
442 | set forth in paragraph (e). Technical changes must be published
443 | as a notice of correction.

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

445 | 1. Statement of estimated regulatory costs.—Before the
446 | adoption, amendment, or repeal of any rule, other than an
447 | emergency rule, an agency is encouraged to prepare a statement
448 | of estimated regulatory costs of the proposed rule, as provided
449 | by s. 120.541. However, an agency must prepare a statement of
450 | 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.

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

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. ~~An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small~~

476 ~~city" to include those with populations of more than 10,000, if~~
477 ~~it finds that such a definition is necessary to adapt a rule to~~
478 ~~the needs and problems of small businesses, small counties, or~~
479 ~~small cities.~~ The agency shall consider each of the following
480 methods for reducing the impact of the proposed rule on small
481 businesses, small counties, and small cities, or any combination
482 of these entities:

483 (I) Establishing less stringent compliance or reporting
484 requirements in the rule.

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

487 (III) Consolidating or simplifying the rule's compliance
488 or reporting requirements.

489 (IV) Establishing performance standards or best management
490 practices to replace design or operational standards in the
491 rule.

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

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

500 (II) Each agency shall adopt those regulatory alternatives

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

515 (III) If an agency does not adopt all alternatives offered
516 pursuant to this sub-subparagraph, it must ~~shall~~, before rule
517 adoption or amendment and pursuant to subparagraph (d)1., file a
518 detailed written statement with the committee explaining the
519 reasons for failure to adopt such alternatives. Within 3 working
520 days after the filing of such notice, the agency shall send a
521 copy of such notice to the rules ombudsman in the Executive
522 Office of the Governor.

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

524 1. After the final public hearing on the proposed rule, or
525 after the time for requesting a hearing has expired, if the

526 proposed rule has not been changed from the rule as previously
527 filed with the committee, or contains only technical changes,
528 the adopting agency must ~~shall~~ file a notice to that effect with
529 the committee at least 7 days before ~~prior to~~ filing the
530 proposed rule for adoption. Any change, other than a technical
531 change ~~that does not affect the substance of the rule~~, must be
532 supported by the record of public hearings held on the proposed
533 rule, must be in response to written material submitted to the
534 agency within 21 days after the date of publication of the
535 notice of intended agency action or submitted to the agency
536 between the date of publication of the notice and the end of the
537 final public hearing, or must be in response to a proposed
538 objection by the committee. Any change, other than a technical
539 change, to a statement of estimated regulatory costs requires a
540 notice of change. In addition, ~~when~~ any change, other than a
541 technical change, to is made in a proposed rule text or any
542 material incorporated by reference requires, ~~other than a~~
543 ~~technical change,~~ the adopting agency to ~~shall~~ provide a copy of
544 a notice of change by certified mail or actual delivery to any
545 person who requests it in writing no later than 21 days after
546 the notice required in paragraph (a). The agency shall file the
547 notice of change with the committee, along with the reasons for
548 the change, and provide the notice of change to persons
549 requesting it, at least 21 days before ~~prior to~~ filing the rule
550 for adoption. The notice of change must ~~shall~~ be published in

551 the Florida Administrative Register at least 21 days before
552 ~~prior to~~ filing the proposed rule for adoption. The notice of
553 change must include a summary of any revision to the statement
554 of estimated regulatory costs required by s. 120.541(1)(c). This
555 subparagraph does not apply to emergency rules adopted pursuant
556 to subsection (4). Material proposed to be incorporated by
557 reference in the notice of change must be made available in the
558 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
559 subparagraph (1)(i)3.b. and include a summary of substantive
560 revisions to any material proposed to be incorporated by
561 reference in the proposed rule.

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

565 3. After the notice required by paragraph (a), the agency
566 must withdraw the proposed rule if the agency has failed to
567 adopt it within the prescribed timeframes in this chapter. If
568 the agency, 30 days after notice by the committee that the
569 agency has failed to adopt the proposed rule within the
570 prescribed timeframes in this chapter, has not given notice of
571 the withdrawal of the proposed rule, the committee must notify
572 the Department of State that the date for adoption of the rule
573 has expired, and the Department of State must publish a notice
574 of withdrawal of the proposed rule. Within 30 days after the
575 withdrawal, the agency must initiate rulemaking again by

576 publishing the notice required by s. 120.54(3)(a), if the
577 mandatory grant of rulemaking authority the agency relied upon
578 as authority to pursue the original rule action is still in
579 effect at the time of the original rule's withdrawal.

580 4.3. After adoption and before the rule becomes effective,
581 a rule may be modified or withdrawn only in the following
582 circumstances:

583 a. When the committee objects to the rule;

584 b. When a final order, which is not subject to further
585 appeal, is entered in a rule challenge brought pursuant to s.
586 120.56 after the date of adoption but before the rule becomes
587 effective pursuant to subparagraph (e)6.;

588 c. If the rule requires ratification, when ~~more than 90~~
589 ~~days have passed since the rule was filed for adoption without~~
590 the Legislature does not ratify ~~ratifying~~ the rule by the
591 adjournment sine die of the regular session immediately
592 following the timely filing for adoption of the rule, in which
593 case the rule must ~~may~~ be withdrawn, and within 90 days after
594 adjournment sine die, the agency:

595 (I) May initiate rulemaking again by publishing the notice
596 required by s. 120.54(3)(a); or

597 (II) Must initiate rulemaking again by publishing the
598 notice required by s. 120.54(3)(a), if the mandatory grant of
599 rulemaking authority the agency relied upon as authority to
600 pursue the original rule action is still in effect at the time

601 of the original rule's withdrawal ~~but may not be modified~~; or

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

606 ~~5.4.~~ The agency shall give notice of its decision to
607 withdraw or modify a rule in the first available issue of the
608 publication in which the original notice of rulemaking was
609 published, shall notify those persons described in subparagraph
610 (a)3. in accordance with the requirements of that subparagraph,
611 and must ~~shall~~ notify the Department of State if the rule is
612 required to be filed with the Department of State.

613 ~~6.5.~~ After a rule has become effective, it may be repealed
614 or amended only through the rulemaking procedures specified in
615 this chapter.

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

617 1. If the adopting agency is required to publish its rules
618 in the Florida Administrative Code, the agency, upon approval of
619 the agency head, must electronically ~~shall~~ file with the
620 Department of State a ~~three~~ certified copy ~~copies~~ of the rule it
621 proposes to adopt; one copy of any material incorporated by
622 reference in the rule, certified by the agency; a summary of the
623 rule; a summary of any hearings held on the rule; and a detailed
624 written statement of the facts and circumstances justifying the
625 rule. Agencies not required to publish their rules in the

626 Florida Administrative Code shall file one certified copy of the
627 proposed rule, and the other material required by this
628 subparagraph, in the office of the agency head, and such rules
629 must ~~shall~~ be open to the public.

630 2. A rule may not be filed for adoption less than 28 days
631 or more than 90 days after the notice required by paragraph (a),
632 until 21 days after the notice of change required by paragraph
633 (d), until 14 days after the final public hearing, until 21 days
634 after a statement of estimated regulatory costs required under
635 s. 120.541 has been provided to all persons who submitted a
636 lower cost regulatory alternative and made available to the
637 public, or until the administrative law judge has rendered a
638 decision under s. 120.56(2), whichever applies. When a required
639 notice of change is published before ~~prior to~~ the expiration of
640 the time to file the rule for adoption, the period during which
641 a rule must be filed for adoption is extended to 45 days after
642 the date of publication. If notice of a public hearing is
643 published before ~~prior to~~ the expiration of the time to file the
644 rule for adoption, the period during which a rule must be filed
645 for adoption is extended to 45 days after adjournment of the
646 final hearing on the rule, 21 days after receipt of all material
647 authorized to be submitted at the hearing, or 21 days after
648 receipt of the transcript, if one is made, whichever is latest.
649 The term "public hearing" includes any public meeting held by
650 any agency at which the rule is considered. If a petition for an

651 administrative determination under s. 120.56(2) is filed, the
652 period during which a rule must be filed for adoption is
653 extended to 60 days after the administrative law judge files the
654 final order with the clerk or until 60 days after subsequent
655 judicial review is complete.

656 3. At the time a rule is filed, the agency shall certify
657 that the time limitations prescribed by this paragraph have been
658 complied with, that all statutory rulemaking requirements have
659 been met, and that there is no administrative determination
660 pending on the rule.

661 4. At the time a rule is filed, the committee shall
662 certify whether the agency has responded in writing to all
663 material and timely written comments or written inquiries made
664 on behalf of the committee. The department shall reject any rule
665 that is not filed within the prescribed time limits; that does
666 not comply with all statutory rulemaking requirements and rules
667 of the department; upon which an agency has not responded in
668 writing to all material and timely written inquiries or written
669 comments; upon which an administrative determination is pending;
670 or which does not include a statement of estimated regulatory
671 costs, if required.

672 5. If a rule has not been adopted within the time limits
673 imposed by this paragraph or has not been adopted in compliance
674 with all statutory rulemaking requirements, the agency proposing
675 the rule must ~~shall~~ withdraw the rule and give notice of its

676 action in the next available issue of the Florida Administrative
677 Register.

678 6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being
679 filed with the Department of State and becomes ~~become~~ effective
680 20 days after being filed, on a later date specified in the
681 notice required by subparagraph (a)1., on a date required by
682 statute, or upon ratification by the Legislature pursuant to s.
683 120.541(3). Rules not required to be filed with the Department
684 of State ~~shall~~ become effective when adopted by the agency head,
685 on a later date specified by rule or statute, or upon
686 ratification by the Legislature pursuant to s. 120.541(3). If
687 the committee notifies an agency that an objection to a rule is
688 being considered, the agency may postpone the adoption of the
689 rule to accommodate review of the rule by the committee. When an
690 agency postpones adoption of a rule to accommodate review by the
691 committee, the 90-day period for filing the rule is tolled until
692 the committee notifies the agency that it has completed its
693 review of the rule.

694
695 For the purposes of this paragraph, the term "administrative
696 determination" does not include subsequent judicial review.

697 (4) EMERGENCY RULES.—

698 (a) If an agency finds that an immediate danger to the
699 public health, safety, or welfare requires emergency action, or
700 if the Legislature authorizes the agency to adopt emergency

701 rules and finds that all conditions specified in this paragraph
702 are met, the agency may, within the authority granted to the
703 agency under the State Constitution or delegated to it by the
704 Legislature, adopt any rule necessitated by the immediate danger
705 or legislative finding. The agency may adopt a rule by any
706 procedure which is fair under the circumstances if:

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

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

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

726 fairness ~~are shall be~~ judicially reviewable.

727 (b) Rules pertaining to the public health, safety, or
728 welfare must ~~shall~~ include rules pertaining to perishable
729 agricultural commodities or rules pertaining to the
730 interpretation and implementation of the requirements of
731 chapters 97-102 and chapter 105 of the Election Code.

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

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

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

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

749 (d) Notice of the renewal of an emergency rule must be
750 published in the Florida Administrative Register before the

751 expiration of the existing emergency rule. The notice of renewal
752 must state the specific facts and reasons for such renewal.

753 (e) For emergency rules with an effective period greater
754 than 90 days which are intended to replace existing rules, a
755 note must be added to the history note of the existing rule
756 which specifically identifies the emergency rule that is
757 intended to supersede the existing rule and includes the date
758 that the emergency rule was filed with the Department of State.

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

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

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

772 (i) ~~(d)~~ Subject to applicable constitutional and statutory
773 provisions, an emergency rule becomes effective immediately on
774 filing, or on a date less than 20 days thereafter if specified
775 in the rule, if the adopting agency finds that such effective

776 date is necessary because of immediate danger to the public
777 health, safety, or welfare.

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

785 (7) PETITION TO INITIATE RULEMAKING.—

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

798 **Section 4. Subsections (1) and (3) of section 120.541,**
799 **Florida Statutes, are amended, paragraph (d) is added to**
800 **subsection (4), and new subsections (6) and (7) are added to**

801 **that section, to read:**

802 120.541 Statement of estimated regulatory costs.—

803 (1)(a) Within 21 days after publication of the notice
804 required under s. 120.54(3)(a), a substantially affected person
805 may submit to an agency a good faith written proposal for a
806 lower cost regulatory alternative to a proposed rule which
807 substantially accomplishes the objectives of the law being
808 implemented. The proposal may include the alternative of not
809 adopting any rule if the proposal explains how the lower costs
810 and objectives of the law will be achieved by not adopting any
811 rule. If submitted after a notice of change, a proposal for a
812 lower cost regulatory alternative is deemed to be made in good
813 faith only if the person reasonably believes, and the proposal
814 states the person's reasons for believing that the proposed
815 rule, as changed by the notice of change, increases the
816 regulatory costs or creates an adverse impact on small
817 businesses which was not created by the previously proposed
818 rule. If such a proposal is submitted, the 90-day period for
819 filing the rule is extended 21 days. Upon the submission of the
820 lower cost regulatory alternative, the agency shall prepare a
821 statement of estimated regulatory costs as provided in
822 subsection (2), or shall revise its prior statement of estimated
823 regulatory costs, and either adopt the alternative or provide a
824 statement of the reasons for rejecting the alternative in favor
825 of the proposed rule. The agency shall provide to the committee,

826 within 7 days after its receipt, a copy of any proposal for a
827 lower cost regulatory alternative, and within 7 days after its
828 release, a copy of the agency's response thereto. The agency may
829 not file a rule for adoption before such documents, if
830 applicable, have been provided to the committee.

831 (3) If the adverse impact or regulatory costs of the rule
832 exceed any of the criteria established in paragraph (2) (a), the
833 rule must ~~shall~~ be submitted to the President of the Senate and
834 Speaker of the House of Representatives no later than 30 days
835 before ~~prior to~~ the next regular legislative session, and the
836 rule may not take effect until it is ratified by the
837 Legislature. The agency shall notify the committee of its
838 submission of the rule to the Legislature for ratification
839 within 3 business days after submittal.

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

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

842 (6) (a) In evaluating the impacts described in paragraphs
843 (2) (a) and (e), an agency shall include market impacts likely to
844 result from compliance with the proposed rule, including:

845 1. Increased customer charges for goods or services.

846 2. Decreased market value of goods or services produced,
847 provided, or sold.

848 3. Increased costs resulting from the purchase of
849 substitute or alternative goods or services.

850 4. The reasonable value of time to be spent by owners,

officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing required education, training, or testing.

5. Capital costs.

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

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

(c) In estimating compliance costs under paragraph (2) (d), the agency shall consider costs necessary to comply with the proposed rule which are readily ascertainable based upon standard business practices, including, but not limited to, costs related to:

1. Filing fees.

2. Expenses to obtain a license.

3. Necessary equipment.

4. Installation, utilities for, and maintenance of necessary equipment.

5. Necessary operations and procedures.

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

7. Labor based on relevant rates of wages, salaries, and

876 benefits.

877 8. Materials and supplies.

878 9. Capital expenditures, including financing costs.

879 10. Professional and technical services, including
880 contracted services necessary to implement and maintain
881 compliance.

882 11. Monitoring and reporting.

883 12. Qualifying and recurring education, training, and
884 testing.

885 13. Travel.

886 14. Insurance and surety requirements.

887 15. A fair and reasonable allocation of administrative
888 costs and other overhead.

889 16. Reduced sales or other revenues.

890 17. Other items suggested by the rules ombudsman in the
891 Executive Office of the Governor or by any interested person,
892 business organization, or business representative.

893 (7) (a) The Department of State shall include on the
894 Florida Administrative Register website the agency website
895 addresses where statements of estimated regulatory costs can be
896 viewed in their entirety.

897 (b) An agency that prepares a statement of estimated
898 regulatory costs must provide, as part of the notice required
899 under s. 120.54(3)(a), the agency website address where the
900 statement of estimated regulatory costs can be read in its

entirety to the Department of State for publication in the
Florida Administrative Register.

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

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

120.5435 Agency review of rules.—

(1) For the purposes of this section, the term "rule"
means the rule number assigned by the Department of State.

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

(b) Beginning October 1, 2025, each agency shall include a
list of its existing rules in its annual regulatory plan,
prepared and submitted pursuant to s. 120.74. The agency shall
include a schedule of the rules it will review each year during
the 5-year rule review period. The agency may amend its yearly
schedule in subsequent regulatory plans, but must provide for
the completed review of at least 20 percent of the agency's
rules per year, until all of its subject rules have been
reviewed.

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

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

930 (4) The agency rule review must determine whether each
931 rule:

932 (a) Is a valid exercise of delegated legislative
933 authority;

934 (b) Has current statutory authority;

935 (c) Reiterates or paraphrases statutory material;

936 (d) Is in proper form;

937 (e) Is consistent with expressed legislative intent
938 pertaining to the specific provisions of law which the rule
939 implements;

940 (f) Requires a technical or substantive update to reflect
941 current use; and

942 (g) Requires updated references to statutory citations and
943 incorporated materials.

944 (5) By January 1 of each year, the agency shall submit a
945 report to the President of the Senate, the Speaker of the House
946 of Representatives, and the committee that summarizes the
947 agency's intended action on each rule under review during the
948 current fiscal year.

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

951 (a) Make no change to the rule. If the agency determines
952 that no change is necessary, the agency must submit with the
953 committee by April 1 a copy of the reviewed rule, a written
954 statement of its intended action, and its assessment of factors
955 specified in subsection (4). This determination is not subject
956 to a challenge as a proposed rule pursuant to s. 120.56(2).

957 (b) Make a technical change to the rule. If the agency
958 determines that one or more technical changes are necessary, the
959 agency must submit with the committee by April 1 a copy of the
960 reviewed rule and the recommended technical change or changes
961 coded by underlining new text and striking through deleted text,
962 a written statement of its intended action, its assessment of
963 the factors specified in subsection (4), and the facts and
964 circumstances justifying the technical change or changes to the
965 reviewed rule. This determination is not subject to a challenge
966 as a proposed rule pursuant to s. 120.56(2).

967 (c) Make a substantive change to the rule. If the agency
968 determines that the rule requires a substantive change, the
969 agency must make all changes, including any technical change, to
970 the rule in accordance with this chapter. The agency shall
971 publish a notice of rule development in the Florida
972 Administrative Register by April 1. The agency shall also submit
973 with the committee by April 1 a copy of the reviewed rule and
974 the recommended change or changes coded by underlining new text
975 and striking through deleted text, a written statement of its

976 intended action, and its assessment of factors specified in
977 subsection (4). This submission to the committee does not
978 constitute a notice of rule development as contemplated by s.
979 120.54(2) (a) and is not required to be in the same form as the
980 rule that will be proposed by the agency.

981 (d) Repeal the rule. If an agency determines that the rule
982 should be repealed, the agency must repeal the rule in
983 accordance with this chapter and publish the required notice in
984 the Florida Administrative Register by April 1. The agency shall
985 also submit with the committee by April 1 a written statement of
986 its intended action and its assessment of factors specified in
987 subsection (4). This submission to the committee does not
988 constitute a notice of proposed rule as contemplated by s.
989 120.54(3) (a) .

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

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

998 (8) The rule review is completed upon:

999 (a) The agency, upon approval of the agency head or his or
1000 her designee, electronically filing a certified copy of the

1001 reviewed rule to which no changes or only technical changes were
1002 made, and the committee's certification granted pursuant to
1003 subsection (7), with the Department of State; or

1004 (b) The agency, for a reviewed rule subject to substantive
1005 change or repeal, timely filing the appropriate notice pursuant
1006 to s. 120.54.

1007 (9) The Department of State shall publish in the Florida
1008 Administrative Register a notice of the completed rule review
1009 and shall update the history note of the rule in the Florida
1010 Administrative Code to reflect the date of completion, if
1011 applicable.

1012 **Section 6. Subsection (1) of section 120.545, Florida**
1013 **Statutes, is amended to read:**

1014 120.545 Committee review of agency rules.—

1015 (1) As a legislative check on legislatively created
1016 authority, the committee shall examine each proposed rule,
1017 except for those proposed rules exempted by s. 120.81(1)(e) and
1018 ~~(2), and its accompanying material, and~~ each emergency rule,
1019 each rule reviewed under s. 120.5435, and may examine any
1020 existing rule, and any accompanying material or associated
1021 documents used to interpret a proposed or existing rule, for the
1022 purpose of determining whether:

1023 (a) The rule is an invalid exercise of delegated
1024 legislative authority.

1025 (b) The statutory authority for the rule has been

1026 repealed.

1027 (c) The rule reiterates or paraphrases statutory material.

1028 (d) The rule is in proper form.

1029 (e) The notice given before ~~prior to~~ its adoption was
1030 sufficient to give adequate notice of the purpose and effect of
1031 the rule.

1032 (f) The rule is consistent with expressed legislative
1033 intent pertaining to the specific provisions of law which the
1034 rule implements.

1035 (g) The rule is necessary to accomplish the apparent or
1036 expressed objectives of the specific provision of law which the
1037 rule implements.

1038 (h) The rule is a reasonable implementation of the law as
1039 it affects the convenience of the general public or persons
1040 particularly affected by the rule.

1041 (i) The rule could be made less complex or more easily
1042 comprehensible to the general public.

1043 (j) The rule's statement of estimated regulatory costs
1044 complies with the requirements of s. 120.541 and whether the
1045 rule does not impose regulatory costs on the regulated person,
1046 county, or city which could be reduced by the adoption of less
1047 costly alternatives that substantially accomplish the statutory
1048 objectives.

1049 (k) The rule will require additional appropriations.

1050 (l) If the rule is an emergency rule, there exists an

1051 emergency justifying the adoption of such rule, the agency is
1052 within its statutory authority, and the rule was adopted in
1053 compliance with the requirements and limitations of s.
1054 120.54(4).

1055 (m) The rule includes a provision not authorized by
1056 statute, whereby the entire rule, or a provision thereof,
1057 automatically expires or is repealed on a specific date or at
1058 the end of a specified period.

1059 **Section 7. Subsection (1) of section 120.55, Florida**
1060 **Statutes, is amended to read:**

1061 120.55 Publication.—

1062 (1) The Department of State shall:

1063 (a)1. Through a continuous revision and publication
1064 system, compile and publish electronically, on a website managed
1065 by the department, the "Florida Administrative Code." The
1066 Florida Administrative Code must ~~shall~~ contain all rules adopted
1067 by each agency, citing the grant of rulemaking authority and the
1068 specific law implemented pursuant to which each rule was
1069 adopted, all history notes as authorized in ss. 120.5435 and
1070 120.545(7) ~~s. 120.545(7)~~, complete indexes to all rules and any
1071 material incorporated by reference contained in the code, and
1072 any other material required or authorized by law or deemed
1073 useful by the department. The electronic code must ~~shall~~ display
1074 each rule chapter currently in effect in browse mode and allow
1075 full text search of the code and each rule chapter. The

1076 department may contract with a publishing firm for a printed
1077 publication; however, the department retains ~~shall retain~~
1078 responsibility for the code as provided in this section. The
1079 electronic publication is ~~shall be~~ the official compilation of
1080 the administrative rules of this state. The Department of State
1081 retains ~~shall retain~~ the copyright over the Florida
1082 Administrative Code.

1083 2. Rules general in form but applicable to only one school
1084 district, community college district, or county, or a part
1085 thereof, or state university rules relating to internal
1086 personnel or business and finance may ~~shall~~ not be published in
1087 the Florida Administrative Code. Exclusion from publication in
1088 the Florida Administrative Code does ~~shall~~ not affect the
1089 validity or effectiveness of such rules.

1090 3. At the beginning of the section of the code dealing
1091 with an agency that files copies of its rules with the
1092 department, the department shall publish the address and
1093 telephone number of the executive offices of each agency, the
1094 manner by which the agency indexes its rules, a listing of all
1095 rules of that agency excluded from publication in the code, a
1096 listing of all forms and material incorporated by reference
1097 adopted by rule which are used by the agency, and a statement as
1098 to where those rules may be inspected.

1099 4. Forms may ~~shall~~ not be published in the Florida
1100 Administrative Code; but any form which an agency uses in its

1101 dealings with the public, along with any accompanying
1102 instructions, must ~~shall~~ be filed with the committee before it
1103 is used. Any form or instruction which meets the definition of
1104 the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated
1105 by reference into the appropriate rule. The reference must ~~shall~~
1106 specifically state that the form is being incorporated by
1107 reference and ~~shall~~ include the number, title, and effective
1108 date of the form and an explanation of how the form may be
1109 obtained. Each form created by an agency which is incorporated
1110 by reference in a rule notice of which is given under s.
1111 120.54(3)(a) after December 31, 2007, must clearly display the
1112 number, title, and effective date of the form and the number of
1113 the rule in which the form is incorporated.

1114 5. After December 31, 2025, the department shall require
1115 any material incorporated by reference in ~~allow~~ adopted rules
1116 ~~and material incorporated by reference~~ to be filed in the manner
1117 prescribed by s. 120.54(1)(i)3.a. or b. ~~electronic form as~~
1118 ~~prescribed by department rule.~~ When a proposed rule is filed for
1119 adoption with incorporated material in electronic form, the
1120 department's publication of the Florida Administrative Code on
1121 its website must contain a hyperlink from the incorporating
1122 reference in the rule directly to that material. The department
1123 may not allow hyperlinks from rules in the Florida
1124 Administrative Code to any material other than that filed with
1125 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 days.

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

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

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

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

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

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

(e) Maintain a permanent record of all notices published

1176 in the Florida Administrative Register.

1177 **Section 8. Paragraph (c) of subsection (1) and subsections**
1178 **(4) through (8) of section 120.74, Florida Statutes, are**
1179 **amended, and paragraphs (e), (f), and (g) are added to**
1180 **subsection (1) of that section, to read:**

1181 120.74 Agency annual rulemaking and regulatory plans;
1182 reports.—

1183 (1) REGULATORY PLAN.—By October 1 of each year, each
1184 agency shall prepare a regulatory plan.

1185 (c) The plan must include any desired update to the prior
1186 year's regulatory plan or supplement published pursuant to
1187 subsection (5) ~~(7)~~. If, in a prior year, a law was identified
1188 under this paragraph or under subparagraph (a)1. as a law
1189 requiring rulemaking to implement but a notice of proposed rule
1190 has not been published:

1191 1. The agency shall identify and again list such law,
1192 noting the applicable notice of rule development by citation to
1193 the Florida Administrative Register; or

1194 2. If the agency has subsequently determined that
1195 rulemaking is not necessary to implement the law, the agency
1196 shall identify such law, reference the citation to the
1197 applicable notice of rule development in the Florida
1198 Administrative Register, and provide a concise written
1199 explanation of the reason why the law may be implemented without
1200 rulemaking.

1201 (e) The plan also includes all of the following:

1202 1. A list of the agency's existing rules scheduled for
1203 review pursuant to s. 120.5435.

1204 2. A 5-year schedule for the review of all existing rules
1205 as of July 1, 2025.

1206 3. A yearly schedule for the rules it will review each
1207 year during the 5-year rule review. The agency may amend this
1208 schedule, if necessary.

1209 (f) The plan must include any desired update to the prior
1210 year's regulatory plan or supplement thereof, published pursuant
1211 to subsection (5). If, in a prior year, the agency identified a
1212 rule under this paragraph as one requiring review pursuant to s.
1213 120.5435, but the agency has not yet completed an action
1214 described in s. 120.5435(5):

1215 1. The agency must identify and list such rule in its
1216 regulatory plan as an untimely rule review and notify the
1217 committee of such action; or

1218 2. If the agency subsequently determined that the rule
1219 review is not necessary, the agency must identify the rule and
1220 provide a concise written explanation of the reason why the rule
1221 does not require a rule review.

1222 (g)1. Beginning October 1, 2025, each agency issuing
1223 licenses in accordance with s. 120.60 shall track the agency's
1224 compliance with the licensing timeframes established in s.
1225 120.60, and beginning October 1, 2026, must include in the

1226 regulatory plan required by subsection (1), the following
1227 information regarding its licensing activities of the prior
1228 fiscal year, categorized by type of license:

1229 a. The number of license applications submitted to the
1230 agency;

1231 b. The number of license applications that required one or
1232 more requests for additional information;

1233 c. The number of license applications for which the
1234 applicant was nonresponsive to one or more requests for
1235 additional information;

1236 d. The number of license applications that were not
1237 completed by the applicant;

1238 e. The number of license applications for which the agency
1239 requested that the applicant grant an extension of time for the
1240 agency to issue a request for additional information, determine
1241 that an application is complete, or issue a decision to approve
1242 or deny an application;

1243 f. The number of license applications for which an
1244 extension was requested by the applicant and for which an
1245 extension was required by the state agency or judicial branch;

1246 g. The number of license applications that were not
1247 approved or denied within the statutory timeframe;

1248 h. The average and median number of days it takes the
1249 agency to approve or deny an application after receipt of a
1250 completed application;

1251 i. The number of license applications for which final
1252 agency action was appealed and the number of informal and formal
1253 hearings requested; and

1254 j. The number of employees dedicated to processing license
1255 applications, if available.

1256 2. No later than December 31 of each year, the committee
1257 must submit a consolidated annual agency licensing performance
1258 report that provides all of the information required by
1259 subparagraph 1. The Department of State must publish a hyperlink
1260 to these reports in the first available issue of the Florida
1261 Administrative Register.

1262 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
1263 ~~year, each agency shall publish a notice of rule development~~
1264 ~~under s. 120.54(2) for each law identified in the agency's~~
1265 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
1266 ~~rulemaking is necessary to implement but for which the agency~~
1267 ~~did not report the publication of a notice of rule development~~
1268 ~~under subparagraph (1)(a)2.~~

1269 ~~(4)(5) CORRECTING THE REGULATORY PLAN. DEADLINE TO PUBLISH~~
1270 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
1271 ~~necessary as identified in the agency's plan pursuant to~~
1272 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
1273 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
1274 ~~April 1 of the year following the deadline for the regulatory~~
1275 ~~plan. This deadline may be extended if the agency publishes a~~

1276 ~~notice of extension in the Florida Administrative Register~~
1277 ~~identifying each rulemaking proceeding for which an extension is~~
1278 ~~being noticed by citation to the applicable notice of rule~~
1279 ~~development as published in the Florida Administrative Register.~~
1280 ~~The agency shall include a concise statement in the notice of~~
1281 ~~extension identifying any issues that are causing the delay in~~
1282 ~~rulemaking. An extension shall expire on October 1 after the~~
1283 ~~April 1 deadline, provided that the regulatory plan due on~~
1284 ~~October 1 may further extend the rulemaking proceeding by~~
1285 ~~identification pursuant to subparagraph (1)(c)1. or conclude the~~
1286 ~~rulemaking proceeding by identification pursuant to subparagraph~~
1287 ~~(1)(c)2. A published regulatory plan may be corrected at any~~
1288 ~~time to accomplish the purpose of extending or concluding an~~
1289 ~~affected rulemaking proceeding by identifying the applicable~~
1290 ~~rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
1291 ~~is deemed corrected as of the October 1 due date. Upon~~
1292 ~~publication of a correction, the agency shall publish in the~~
1293 ~~Florida Administrative Register a notice of the date of the~~
1294 ~~correction identifying the affected rulemaking proceeding by~~
1295 ~~applicable citation to the Florida Administrative Register.~~

1296 ~~(6) CERTIFICATIONS. Each agency shall file a certification~~
1297 ~~with the committee upon compliance with subsection (4) and upon~~
1298 ~~filing a notice under subsection (5) of either a deadline~~
1299 ~~extension or a regulatory plan correction. A certification may~~
1300 ~~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 ~~by the later of the date provided in subsection (4)~~ ~~or~~ 60 days after the bill becomes a law, and a notice of proposed rule shall be published ~~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 has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan

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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.