

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

|                       |       |       |
|-----------------------|-------|-------|
| ADOPTED               | _____ | (Y/N) |
| ADOPTED AS AMENDED    | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT       | _____ | (Y/N) |
| WITHDRAWN             | _____ | (Y/N) |
| OTHER                 |       |       |

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative McClain offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. Subsections (20) through (22) of section  
 7 120.52, Florida Statutes, are renumbered as subsections (21)  
 8 through (23), and new subsection (20) is added to that section  
 9 to read:

10 120.52 Definitions.—As used in this act:

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

14 Section 2. Subsections (2) and (3), and paragraph (a) of  
 15 subsection (7) of section 120.54, Florida Statutes, are amended,

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16 and paragraphs (e), (f), and (g) are added to subsection (4) of  
17 that section, to read:

18 120.54 Rulemaking.—

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

20 (a) 1. Except when the intended action is the repeal of a  
21 rule, agencies shall provide notice of the development of  
22 proposed rules by publication of a notice of rule development in  
23 the Florida Administrative Register before providing notice of a  
24 proposed rule as required by paragraph (3)(a). The notice of  
25 rule development must ~~shall~~ indicate the subject area to be  
26 addressed by rule development, provide a short, plain  
27 explanation of the purpose and effect of the proposed rule, cite  
28 the grant of rulemaking authority for the proposed rule and the  
29 law being implemented ~~specific legal authority for the proposed~~  
30 ~~rule~~, and include the proposed rule number and the preliminary  
31 text of the proposed rule ~~rules~~, if available, or a statement of  
32 how a person may promptly obtain, without cost, a copy of any  
33 preliminary draft, when ~~if~~ available.

34 2. If a notice of a proposed rule is not filed within 12  
35 months after the notice of rule development, the agency shall  
36 withdraw the rule and give notice of the withdrawal in the next  
37 available issue of the Florida Administrative Register.

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

40 1. It avoids the use of obscure words and unnecessarily

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41 long or complicated constructions; and

42 2. It avoids the use of unnecessary technical or  
43 specialized language that is understood only by members of  
44 particular trades or professions.

45 (c) An agency may hold public workshops for purposes of  
46 rule development. If requested in writing by any affected  
47 person, an agency must hold public workshops, including  
48 workshops in various regions of the state or the agency's  
49 service area, for purposes of rule development ~~if requested in~~  
50 ~~writing by any affected person,~~ unless the agency head explains  
51 in writing why a workshop is unnecessary. The explanation is not  
52 final agency action subject to review pursuant to ss. 120.569  
53 and 120.57. The failure to provide the explanation when required  
54 may be a material error in procedure pursuant to s.

55 120.56(1)(c). When a workshop or public hearing is held, the  
56 agency must ensure that the persons responsible for preparing  
57 the proposed rule are available to explain the agency's proposal  
58 and to respond to questions or comments regarding the rule being  
59 developed. The workshop may be facilitated or mediated by a  
60 neutral third person, or the agency may employ other types of  
61 dispute resolution alternatives for the workshop that are  
62 appropriate for rule development. Notice of a workshop for rule  
63 development must ~~workshop shall~~ be by publication in the Florida  
64 Administrative Register not fewer ~~less~~ than 14 days before ~~prior~~  
65 ~~to~~ the date on which the workshop is scheduled to be held and

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66 ~~must shall~~ indicate the subject area ~~that which~~ will be  
67 addressed; the agency contact person; and the place, date, and  
68 time of the workshop.

69 (d)1. An agency may use negotiated rulemaking in  
70 developing and adopting rules. The agency should consider the  
71 use of negotiated rulemaking when complex rules are being  
72 drafted or strong opposition to the rules is anticipated. The  
73 agency should consider, but is not limited to considering,  
74 whether a balanced committee of interested persons who will  
75 negotiate in good faith can be assembled, whether the agency is  
76 willing to support the work of the negotiating committee, and  
77 whether the agency can use the group consensus as the basis for  
78 its proposed rule. Negotiated rulemaking uses a committee of  
79 designated representatives to draft a mutually acceptable  
80 proposed rule.

81 2. An agency that chooses to use the negotiated rulemaking  
82 process described in this paragraph shall publish in the Florida  
83 Administrative Register a notice of negotiated rulemaking that  
84 includes a listing of the representative groups that will be  
85 invited to participate in the negotiated rulemaking process. Any  
86 person who believes that his or her interest is not adequately  
87 represented may apply to participate within 30 days after  
88 publication of the notice. All meetings of the negotiating  
89 committee shall be noticed and open to the public pursuant to  
90 ~~the provisions of~~ this chapter. The negotiating committee shall

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91 be chaired by a neutral facilitator or mediator.

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

99 (3) ADOPTION PROCEDURES.—

100 (a) Notices.—

101 1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
102 any rule other than an emergency rule, an agency, upon approval  
103 of the agency head, shall give notice of its intended action,  
104 setting forth a short, plain explanation of the purpose and  
105 effect of the proposed action; the proposed rule number and the  
106 full text of the proposed rule or amendment and a summary  
107 thereof; a reference to the grant of rulemaking authority  
108 pursuant to which the rule is adopted; and a reference to the  
109 section or subsection of the Florida Statutes or the Laws of  
110 Florida being implemented or interpreted. The notice must  
111 include a summary of the agency's statement of the estimated  
112 regulatory costs, if one has been prepared, based on the factors  
113 set forth in s. 120.541(2), which describes the regulatory  
114 impact of the proposed rule in readable language; an agency  
115 website address where the statement of estimated regulatory

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116 costs can be viewed in its entirety, if one has been prepared; a  
117 statement that any person who wishes to provide the agency with  
118 information regarding the statement of estimated regulatory  
119 costs, or to provide a proposal for a lower cost regulatory  
120 alternative as provided by s. 120.541(1), must do so in writing  
121 within 21 days after publication of the notice; and a statement  
122 as to whether, based on the statement of the estimated  
123 regulatory costs or other information expressly relied upon and  
124 described by the agency if no statement of regulatory costs is  
125 required, the proposed rule is expected to require legislative  
126 ratification pursuant to s. 120.541(3). The notice must state  
127 the procedure for requesting a public hearing on the proposed  
128 rule. Except when the intended action is the repeal of a rule,  
129 the notice must include a reference both to the date on which  
130 and to the place where the notice of rule development that is  
131 required by subsection (2) appeared.

132 2. The notice shall be published in the Florida  
133 Administrative Register at least 7 days after the publication of  
134 the notice of rule development and at least ~~not less than~~ 28  
135 days before ~~prior to~~ the intended action. The proposed rule,  
136 including all materials proposed to be incorporated by reference  
137 and the statement of estimated regulatory costs, if one has been  
138 prepared, must ~~shall~~ be available for inspection and copying by  
139 the public at the time of the publication of notice. After  
140 December 31, 2022, material proposed to be incorporated by

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141 reference in the notice required by this paragraph must be made  
142 available in the manner prescribed by sub-subparagraph  
143 (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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

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

161 5. If any of the information, other than substantive  
162 changes to the rule text, which is required to be included in  
163 the notice required by subparagraph 1., is omitted or is  
164 incorrect, the agency must publish a notice of correction. A  
165 notice of correction does not affect the timeframes for filing

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166 the rule for adoption as set forth in paragraph (e). Technical  
167 changes are not required to be published as a notice of  
168 correction.

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

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

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

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

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

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

187 (I) An owner, officer, operator, or manager must complete  
188 any education, training, or testing to comply with the rule in  
189 the first year or is likely to spend at least 10 hours or  
190 purchase professional advice to understand and comply with the

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191 rule in the first year;

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

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

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

199 (V) Operating costs are expected to increase by at least  
200 \$1,000 annually because of the rule; or

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

203 b. Each agency, before the adoption, amendment, or repeal  
204 of a rule, shall consider the impact of the rule on small  
205 businesses as defined in ~~by~~ s. 288.703 and the impact of the  
206 rule on small counties or small cities as defined in ~~by~~ s.  
207 120.52. Whenever practicable, an agency shall tier its rules to  
208 reduce disproportionate impacts on small businesses, small  
209 counties, or small cities to avoid regulating small businesses,  
210 small counties, or small cities that do not contribute  
211 significantly to the problem the rule is designed to address. An  
212 agency may define "small business" to include businesses  
213 employing more than 200 persons, may define "small county" to  
214 include those with populations of more than 75,000, and may  
215 define "small city" to include those with populations of more

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216 than 10,000, if it finds that such a definition is necessary to  
217 adapt a rule to the needs and problems of small businesses,  
218 small counties, or small cities. The agency shall consider each  
219 of the following methods for reducing the impact of the proposed  
220 rule on small businesses, small counties, and small cities, or  
221 any combination of these entities:

222 (I) Establishing less stringent compliance or reporting  
223 requirements in the rule.

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

226 (III) Consolidating or simplifying the rule's compliance  
227 or reporting requirements.

228 (IV) Establishing performance standards or best management  
229 practices to replace design or operational standards in the  
230 rule.

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

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

239 (II) Each agency shall adopt those regulatory alternatives  
240 offered by the rules ombudsman in the Executive Office of the

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241 Governor and provided to the agency no later than 21 days after  
242 the rules ombudsman's receipt of the written notice of the rule  
243 which it finds are feasible and consistent with the stated  
244 objectives of the proposed rule and which would reduce the  
245 impact on small businesses. When regulatory alternatives are  
246 offered by the rules ombudsman in the Executive Office of the  
247 Governor, the 90-day period for filing the rule in subparagraph  
248 (e)2. is extended for a period of 21 days. At least 21 days  
249 before filing the rule for adoption, the agency shall provide a  
250 copy of any regulatory alternative offered to the agency to the  
251 committee.

252 (III) If an agency does not adopt all alternatives offered  
253 pursuant to this sub-subparagraph, it shall, before rule  
254 adoption or amendment and pursuant to subparagraph (d)1., file a  
255 detailed written statement with the committee explaining the  
256 reasons for failure to adopt such alternatives. Within 3 working  
257 days after the filing of such notice, the agency shall send a  
258 copy of such notice to the rules ombudsman in the Executive  
259 Office of the Governor.

260 (c) Hearings.—

261 1. If the intended action concerns any rule other than one  
262 relating exclusively to procedure or practice, the agency shall,  
263 on the request of any affected person received within 21 days  
264 after the date of publication of the notice of intended agency  
265 action, give affected persons an opportunity to present evidence

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266 and argument on all issues under consideration. The agency may  
267 schedule a public hearing on the proposed rule and, if requested  
268 by any affected person, shall schedule a public hearing on the  
269 proposed rule. When a public hearing is held, the agency must  
270 ensure that staff are available to explain the agency's proposal  
271 and to respond to questions or comments regarding the proposed  
272 rule. If the agency head is a board or other collegial body  
273 created under s. 20.165(4) or s. 20.43(3)(g), and one or more  
274 requested public hearings is scheduled, the board or other  
275 collegial body shall conduct at least one of the public hearings  
276 itself and may not delegate this responsibility without the  
277 consent of those persons requesting the public hearing. Any  
278 material pertinent to the issues under consideration submitted  
279 to the agency within 21 days after the date of publication of  
280 the notice or submitted to the agency between the date of  
281 publication of the notice and the end of the final public  
282 hearing shall be considered by the agency and made a part of the  
283 record of the rulemaking proceeding.

284 2. Rulemaking proceedings shall be governed solely by the  
285 provisions of this section unless a person timely asserts that  
286 the person's substantial interests will be affected in the  
287 proceeding and affirmatively demonstrates to the agency that the  
288 proceeding does not provide adequate opportunity to protect  
289 those interests. If the agency determines that the rulemaking  
290 proceeding is not adequate to protect the person's interests, it

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291 shall suspend the rulemaking proceeding and convene a separate  
292 proceeding under the provisions of ss. 120.569 and 120.57. The  
293 agency shall publish notice of convening a separate proceeding  
294 in the Florida Administrative Register. Similarly situated  
295 persons may be requested to join and participate in the separate  
296 proceeding. Upon conclusion of the separate proceeding, the  
297 rulemaking proceeding shall be resumed. All timelines in this  
298 section are tolled during any suspension of the rulemaking  
299 proceeding under this subparagraph, beginning on the date the  
300 notice of convening a separate proceeding is published and  
301 resuming on the day after the conclusion of the separate  
302 proceeding.

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

304 1. After the final public hearing on the proposed rule, or  
305 after the time for requesting a hearing has expired, if the  
306 proposed rule has not been changed from the proposed rule as  
307 previously filed with the committee, or contains only technical  
308 changes, the adopting agency shall file a notice to that effect  
309 with the committee at least 7 days before ~~prior to~~ filing the  
310 proposed rule for adoption. Any change, other than a technical  
311 change ~~that does not affect the substance of the rule,~~ must be  
312 supported by the record of public hearings held on the proposed  
313 rule, must be in response to written material submitted to the  
314 agency within 21 days after the date of publication of the  
315 notice of intended agency action or submitted to the agency

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316 between the date of publication of the notice and the end of the  
317 final public hearing, or must be in response to a proposed  
318 objection by the committee. Any change, other than a technical  
319 change, to a statement of estimated regulatory costs requires a  
320 notice of change. In addition, ~~when~~ any change, other than a  
321 technical change, to the text of is made in a proposed rule or  
322 any material incorporated by reference requires, ~~other than a~~  
323 ~~technical change,~~ the adopting agency ~~to shall~~ provide a copy of  
324 a notice of change by certified mail or actual delivery to any  
325 person who requests it in writing no later than 21 days after  
326 the notice required in paragraph (a). The agency shall file the  
327 notice of change with the committee, along with the reasons for  
328 the change, and provide the notice of change to persons  
329 requesting it, at least 21 days before ~~prior to~~ filing the  
330 proposed rule for adoption. The notice of change shall be  
331 published in the Florida Administrative Register at least 21  
332 days before ~~prior to~~ filing the proposed rule for adoption. The  
333 notice of change must include a summary of any revision to a  
334 statement of estimated regulatory costs required by s.  
335 120.541(1)(c). This subparagraph does not apply to emergency  
336 rules adopted pursuant to subsection (4). After December 31,  
337 2022, material proposed to be incorporated by reference in the  
338 notice required by this paragraph must be made available in the  
339 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-  
340 subparagraph (1)(i)3.b.1

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

344 3. After the notice required by paragraph (a), the agency  
345 shall withdraw the proposed rule if the agency has failed to  
346 adopt it within the prescribed timeframes in this chapter. The  
347 committee shall notify the agency that it has exceeded the  
348 timeframe to adopt the proposed rule. If, 30 days after notice  
349 by the committee, the agency has not given notice of the  
350 withdrawal of the rule, the committee shall notify the  
351 Department of State that the date for adoption of the rule has  
352 expired, and the Department of State shall publish a notice of  
353 withdrawal of the proposed rule.

354 ~~4.3.~~ After adoption and before the rule becomes effective,  
355 a rule may be modified or withdrawn only in the following  
356 circumstances:

357 a. When the committee objects to the rule;

358 b. When a final order, which is not subject to further  
359 appeal, is entered in a rule challenge brought pursuant to s.  
360 120.56 after the date of adoption but before the rule becomes  
361 effective pursuant to subparagraph (e)6.;

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

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

370 ~~5.4.~~ The agency shall give notice of its decision to  
371 withdraw or modify a rule in the first available issue of the  
372 publication in which the original notice of rulemaking was  
373 published, shall notify those persons described in subparagraph  
374 (a)3. in accordance with the requirements of that subparagraph,  
375 and shall notify the Department of State if the rule is required  
376 to be filed with the Department of State.

377 ~~6.5.~~ After a rule has become effective, it may be repealed  
378 or amended only through the rulemaking procedures specified in  
379 this chapter.

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

381 1. If the adopting agency is required to publish its rules  
382 in the Florida Administrative Code, the agency, upon approval of  
383 the agency head, shall file with the Department of State three  
384 certified copies of the rule it proposes to adopt; one copy of  
385 any material incorporated by reference in the rule, certified by  
386 the agency; a summary of the rule; a summary of any hearings  
387 held on the rule; and a detailed written statement of the facts  
388 and circumstances justifying the rule. Agencies not required to  
389 publish their rules in the Florida Administrative Code shall  
390 file one certified copy of the proposed rule, and the other

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391 material required by this subparagraph, in the office of the  
392 agency head, and such rules shall be open to the public.

393 2. A rule may not be filed for adoption less than 28 days  
394 or more than 90 days after the notice required by paragraph (a),  
395 until 21 days after the notice of change required by paragraph  
396 (d), until 14 days after the final public hearing, until 21 days  
397 after a statement of estimated regulatory costs required under  
398 s. 120.541 has been provided to all persons who submitted a  
399 lower cost regulatory alternative and made available to the  
400 public at a readily accessible page on the agency's website, or  
401 until the administrative law judge has rendered a decision under  
402 s. 120.56(2), whichever applies. When a required notice of  
403 change is published before ~~prior to~~ the expiration of the time  
404 to file the rule for adoption, the period during which a rule  
405 must be filed for adoption is extended to 45 days after the date  
406 of publication. If notice of a public hearing is published  
407 before ~~prior to~~ the expiration of the time to file the rule for  
408 adoption, the period during which a rule must be filed for  
409 adoption is extended to 45 days after adjournment of the final  
410 hearing on the rule, 21 days after receipt of all material  
411 authorized to be submitted at the hearing, or 21 days after  
412 receipt of the transcript, if one is made, whichever is latest.  
413 The term "public hearing" includes any public meeting held by  
414 any agency at which the rule is considered. If a petition for an  
415 administrative determination under s. 120.56(2) is filed, the

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416 period during which a rule must be filed for adoption is  
417 extended to 60 days after the administrative law judge files the  
418 final order with the clerk or until 60 days after subsequent  
419 judicial review is complete.

420 3. At the time a rule is filed, the agency shall certify  
421 that the time limitations prescribed by this paragraph have been  
422 complied with, that all statutory rulemaking requirements have  
423 been met, and that there is no administrative determination  
424 pending on the rule.

425 4. At the time a rule is filed, the committee shall  
426 certify whether the agency has responded in writing to all  
427 material and timely written comments or written inquiries made  
428 on behalf of the committee. The Department of State shall reject  
429 any rule that is not filed within the prescribed time limits;  
430 that does not comply with all statutory rulemaking requirements  
431 and rules of the Department of State; upon which an agency has  
432 not responded in writing to all material and timely written  
433 inquiries or written comments; upon which an administrative  
434 determination is pending; or which does not include a statement  
435 of estimated regulatory costs, if required.

436 5. If a rule has not been adopted within the time limits  
437 imposed by this paragraph or has not been adopted in compliance  
438 with all statutory rulemaking requirements, the agency proposing  
439 the rule shall withdraw the proposed rule and give notice of its  
440 action in the next available issue of the Florida Administrative

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441 Register.

442         6. The proposed rule shall be adopted on being filed with  
443 the Department of State and become effective 20 days after being  
444 filed, on a later date specified in the notice required by  
445 subparagraph (a)1., on a date required by statute, or upon  
446 ratification by the Legislature pursuant to s. 120.541(3). Rules  
447 not required to be filed with the Department of State shall  
448 become effective when adopted by the agency head, on a later  
449 date specified by rule or statute, or upon ratification by the  
450 Legislature pursuant to s. 120.541(3). If the committee notifies  
451 an agency that an objection to a rule is being considered, the  
452 agency may postpone the adoption of the rule to accommodate  
453 review of the rule by the committee. When an agency postpones  
454 adoption of a rule to accommodate review by the committee, the  
455 90-day period for filing the rule is tolled until the committee  
456 notifies the agency that it has completed its review of the  
457 rule.

458

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

461         (4) EMERGENCY RULES.—

462         (e) Emergency rules shall be published in the Florida  
463 Administrative Code.

464         (f) An agency may not supersede an emergency rule  
465 currently in effect.

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

470 (7) PETITION TO INITIATE RULEMAKING.—

471 (a) Any person regulated by an agency or having  
472 substantial interest in an agency rule may petition an agency to  
473 adopt, amend, or repeal a rule or to provide the minimum public  
474 information required by this chapter. The petition shall specify  
475 the proposed rule and action requested. The agency shall file a  
476 copy of the petition with the committee. Not later than 30  
477 calendar days following the date of filing a petition, the  
478 agency shall initiate rulemaking proceedings under this chapter,  
479 otherwise comply with the requested action, or deny the petition  
480 with a written statement of its reasons for the denial.

481 Section 3. Section 120.541, Florida Statutes, is amended  
482 to read:

483 120.541 Statement of estimated regulatory costs.—

484 (1)(a) Within 21 days after publication of the notice of a  
485 proposed rule or notice of change ~~required under s.~~  
486 ~~120.54(3)(a)~~, a substantially affected person may submit to an  
487 agency a good faith written proposal for a lower cost regulatory  
488 alternative to a proposed rule which substantially accomplishes  
489 the objectives of the law being implemented. The agency shall  
490 provide a copy of any proposal for a lower cost regulatory

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491 alternative to the committee at least 21 days before filing the  
492 rule for adoption. The proposal may include the alternative of  
493 not adopting any rule if the proposal explains how the lower  
494 costs and objectives of the law will be achieved by not adopting  
495 any rule. If submitted after a notice of change, a proposal for  
496 a lower cost regulatory alternative is deemed to be made in good  
497 faith only if the person reasonably believes, and the proposal  
498 states the person's reasons for believing, that the proposed  
499 rule as changed by the notice of change increases the regulatory  
500 costs or creates an adverse impact on small businesses that was  
501 not created by the previous proposed rule. If such a proposal is  
502 submitted, the 90-day period for filing the rule is extended 21  
503 days. Upon the submission of the lower cost regulatory  
504 alternative, the agency shall prepare a statement of estimated  
505 regulatory costs as provided in subsection (2), or shall revise  
506 its prior statement of estimated regulatory costs, and ~~either~~  
507 adopt the alternative proposal, reject the alternative proposal,  
508 or modify the proposed rule to reduce the regulatory costs. If  
509 the agency rejects the alternative proposal or modifies the  
510 proposed rule, the agency shall ~~or~~ provide a statement of the  
511 reasons for rejecting the alternative in favor of the proposed  
512 rule.

513 (b) If a proposed rule will have an adverse impact on  
514 small business or if the proposed rule is likely to directly or  
515 indirectly increase regulatory costs in excess of \$200,000 in

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516 the aggregate within 1 year after the implementation of the  
517 rule, the agency shall prepare a statement of estimated  
518 regulatory costs as required by s. 120.54(3)(b).

519 (c) The agency shall revise a statement of estimated  
520 regulatory costs if any change to the rule made under s.  
521 120.54(3)(d) increases the regulatory costs of the rule or if  
522 the rule is modified in response to the submission of a lower  
523 cost regulatory alternative. A summary of the revised statement  
524 must be included with any subsequent notice published under s.  
525 120.54(3).

526 (d) At least 21 days before filing the proposed rule for  
527 adoption, an agency that is required to revise a statement of  
528 estimated regulatory costs shall provide the statement to the  
529 person who submitted the lower cost regulatory alternative, to  
530 the rules ombudsman in the Executive Office of the Governor, and  
531 to the committee. The revised statement shall be published and  
532 made available in the same manner as the original statement of  
533 estimated regulatory costs and shall provide notice on the  
534 agency's website that it is available to the public.

535 (e) Notwithstanding s. 120.56(1)(c), the failure of the  
536 agency to prepare and publish a statement of estimated  
537 regulatory costs or to respond to a written lower cost  
538 regulatory alternative as provided in this subsection is a  
539 material failure to follow the applicable rulemaking procedures  
540 or requirements set forth in this chapter.

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541 (f) An agency's failure to prepare and publish a statement  
542 of estimated regulatory costs or to respond to a written lower  
543 cost regulatory alternative may not be raised in a proceeding  
544 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
545 unless:

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

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

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

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

554 2. The challenge is to the agency's rejection of a lower  
555 cost regulatory alternative offered under paragraph (a) or s.  
556 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

557 3. The substantial interests of the person challenging the  
558 rule are materially affected by the rejection.

559 (2) A statement of estimated regulatory costs must ~~shall~~  
560 include:

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

563 1. Is likely to have an adverse impact on economic growth,  
564 private sector job creation or employment, or private sector  
565 investment in excess of \$1 million in the aggregate within 5

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566 | years after the implementation of the rule;

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

573 |       3. Is likely to increase regulatory costs, including all  
574 | ~~any transactional costs and impacts estimated in the statement~~  
575 | ~~of estimated regulatory costs~~, in excess of \$1 million in the  
576 | aggregate within 5 years after the implementation of the rule.

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

581 |       (c) A good faith estimate of the cost to the agency, and  
582 | to any other state and local government entities, of  
583 | implementing and enforcing the proposed rule, and any  
584 | anticipated effect on state or local revenues.

585 |       (d) A good faith estimate of the compliance ~~transactional~~  
586 | costs likely to be incurred by individuals and entities,  
587 | including local government entities, required to comply with the  
588 | requirements of the rule. ~~As used in this section,~~  
589 | ~~"transactional costs" are direct costs that are readily~~  
590 | ~~ascertainable based upon standard business practices, and~~

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591 ~~include filing fees, the cost of obtaining a license, the cost~~  
592 ~~of equipment required to be installed or used or procedures~~  
593 ~~required to be employed in complying with the rule, additional~~  
594 ~~operating costs incurred, the cost of monitoring and reporting,~~  
595 ~~and any other costs necessary to comply with the rule.~~

596 (e) An analysis of the impact on small businesses as  
597 defined in ~~by~~ s. 288.703~~7~~, and an analysis of the impact on small  
598 counties and small cities as defined in s. 120.52. The impact  
599 analysis for small businesses must include the basis for the  
600 agency's decision not to implement alternatives that would  
601 reduce adverse impacts on small businesses.

602 (f) Any additional information that the agency determines  
603 may be useful.

604 (g) In the statement or revised statement, whichever  
605 applies, a description of any regulatory alternatives submitted  
606 under paragraph (1)(a) and a statement adopting the alternative  
607 or a statement of the reasons for rejecting the alternative in  
608 favor of the proposed rule.

609 (3) If the adverse impact or regulatory costs of the rule  
610 exceed any of the criteria established in paragraph (2)(a), the  
611 rule shall be submitted to the President of the Senate and  
612 Speaker of the House of Representatives no later than 30 days  
613 before ~~prior to~~ the next regular legislative session, and the  
614 rule may not take effect until it is ratified by the  
615 Legislature.

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

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

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

620 (c) Triennial updates of and amendments to the Florida  
621 Fire Prevention Code which are expressly authorized by s.  
622 633.202.

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

624 (5) For purposes of subsections (2) and (3), adverse  
625 impacts and regulatory costs likely to occur within 5 years  
626 after implementation of the rule include adverse impacts and  
627 regulatory costs estimated to occur within 5 years after the  
628 effective date of the rule. However, if any provision of the  
629 rule is not fully implemented upon the effective date of the  
630 rule, the adverse impacts and regulatory costs associated with  
631 such provision must be adjusted to include any additional  
632 adverse impacts and regulatory costs estimated to occur within 5  
633 years after implementation of such provision.

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

638 1. Increased customer charges for goods or services.

639 2. Decreased market value of goods or services produced,  
640 provided, or sold.

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641 3. Increased costs resulting from the purchase of  
642 substitute or alternative goods or services.

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

647 5. Capital costs.

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

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

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

660 1. Filing fees.

661 2. Expenses to obtain a license.

662 3. Necessary equipment.

663 4. Installation, utilities, and maintenance of necessary  
664 equipment.

665 5. Necessary operations and procedures.

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- 666        6. Accounting, financial, information management, and  
667 other administrative processes.
- 668        7. Other processes.
- 669        8. Labor based on relevant rates of wages, salaries, and  
670 benefits.
- 671        9. Materials and supplies.
- 672        10. Capital expenditures, including financing costs.
- 673        11. Professional and technical services, including  
674 contracted services necessary to implement and maintain  
675 compliance.
- 676        12. Monitoring and reporting.
- 677        13. Qualifying and recurring education, training, and  
678 testing.
- 679        14. Travel.
- 680        15. Insurance and surety requirements.
- 681        16. A fair and reasonable allocation of administrative  
682 costs and other overhead.
- 683        17. Reduced sales or other revenues.
- 684        18. Other items suggested by the rules ombudsman in the  
685 Executive Office of the Governor or any interested person,  
686 business organization, or business representative.
- 687        (7)(a) The Department of State shall include on the  
688 Florida Administrative Register website the agency website  
689 addresses where statements of estimated regulatory costs may be  
690 viewed in their entirety.

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691 (b) An agency that prepares a statement of estimated  
692 regulatory costs must provide, as part of the notice required  
693 under s. 120.54(3) (a), the agency website address where the  
694 statement of estimated regulatory costs can be read in its  
695 entirety to the Department of State for publication in the  
696 Florida Administrative Register.

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

702 Section 4. Subsection (1) of section 120.545, Florida  
703 Statutes, is amended to read:

704 120.545 Committee review of agency rules.—

705 (1) As a legislative check on legislatively created  
706 authority, the committee shall examine each existing rule and  
707 proposed rule, except for those proposed rules exempted by s.  
708 120.81(1) (e) and (2), and its accompanying material, and each  
709 emergency rule, ~~and may examine any existing rule,~~ for the  
710 purpose of determining whether:

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

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

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

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716 (d) The rule is in proper form.

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

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

723 (g) The rule is necessary to accomplish the apparent or  
724 expressed objectives of the specific provision of law which the  
725 rule implements.

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

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

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

737 (k) The rule will require additional appropriations.

738 (l) If the rule is an emergency rule, there exists an  
739 emergency justifying the adoption of such rule, the agency is  
740 within its statutory authority, and the rule was adopted in

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741 compliance with the requirements and limitations of s.  
742 120.54(4).

743 (2) The committee may request from an agency such  
744 information as is reasonably necessary for examination of a rule  
745 as required by subsection (1). The committee shall consult with  
746 legislative standing committees having jurisdiction over the  
747 subject areas. If the committee objects to a rule, the committee  
748 shall, within 5 days after the objection, certify that fact to  
749 the agency whose rule has been examined and include with the  
750 certification a statement detailing its objections with  
751 particularity. The committee may file an objection for the  
752 failure of an agency to repeal or amend an existing rule which  
753 the committee identifies as being inconsistent with the powers  
754 and duties granted by its enabling statute or having no enabling  
755 statute. The committee shall notify the Speaker of the House of  
756 Representatives and the President of the Senate of any objection  
757 to an agency rule concurrent with certification of that fact to  
758 the agency. Such notice shall include a copy of the rule and the  
759 statement detailing the committee's objections to the rule.

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

762 120.55 Publication.—

763 (1) The Department of State shall:

764 (a)1. Through a continuous revision and publication  
765 system, compile and publish electronically, on a website managed

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766 by the department, the "Florida Administrative Code." The  
767 Florida Administrative Code shall contain all rules adopted by  
768 each agency, citing the grant of rulemaking authority and the  
769 specific law implemented pursuant to which each rule was  
770 adopted, all history notes as authorized in s. 120.545(7),  
771 complete indexes to all rules and any material incorporated by  
772 reference contained in the code, and any other material required  
773 or authorized by law or deemed useful by the department. The  
774 electronic code shall display each rule chapter currently in  
775 effect in browse mode and allow full text search of the code and  
776 each rule chapter. The department may contract with a publishing  
777 firm for a printed publication; however, the department shall  
778 retain responsibility for the code as provided in this section.  
779 The electronic publication shall be the official compilation of  
780 the administrative rules of this state. The Florida  
781 Administrative Register shall be published once daily by 8 a.m.  
782 If, after publication, a rule is corrected and replaced, the  
783 Florida Administrative Register shall indicate:  
784 a. That the Florida Administrative Register has been  
785 republished.  
786 b. The rule that has been corrected by the Department of  
787 State.  
788  
789 The Department of State shall retain the copyright over the  
790 Florida Administrative Code.

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791           2. Not publish in the Florida Administrative Code rules  
792 general in form but applicable to only one school district,  
793 community college district, or county, or a part thereof, or  
794 state university rules relating to internal personnel or  
795 business and finance ~~shall not be published in the Florida~~  
796 ~~Administrative Code~~. Exclusion from publication in the Florida  
797 Administrative Code does ~~shall~~ not affect the validity or  
798 effectiveness of such rules.

799           3. At the beginning of the section of the code dealing  
800 with an agency that files copies of its rules with the  
801 department, ~~the department shall~~ publish the address and  
802 telephone number of the executive offices of each agency, the  
803 manner by which the agency indexes its rules, a listing of all  
804 rules of that agency excluded from publication in the code, a  
805 listing of all forms and material incorporated by reference  
806 adopted by rule which are used by the agency, and a statement as  
807 to where those rules may be inspected.

808           4. Not publish forms ~~shall not be published~~ in the Florida  
809 Administrative Code. However, , ~~but~~ any form that ~~which~~ an agency  
810 uses in its dealings with the public, along with any  
811 accompanying instructions, shall be filed with the committee  
812 before it is used. Any form or instruction which meets the  
813 definition of the term "rule" as defined ~~provided~~ in s. 120.52  
814 shall be incorporated by reference into the appropriate rule.  
815 The reference shall specifically state that the form is being

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816 incorporated by reference and shall include the number, title,  
817 and effective date of the form and an explanation of how the  
818 form may be obtained. Each form created by an agency which is  
819 incorporated by reference in a rule notice of which is given  
820 under s. 120.54(3)(a) after December 31, 2007, must clearly  
821 display the number, title, and effective date of the form and  
822 the number of the rule in which the form is incorporated.

823 5. Require all materials incorporated by reference in any  
824 part of an adopted rule after December 31, 2022, The department  
825 shall allow adopted rules and material incorporated by reference  
826 to be filed in the manner prescribed by s. 120.54(1)(i)3.a. or  
827 s. 120.54(1)(i)3.b. electronic form as prescribed by department  
828 rule. When a rule is filed for adoption with incorporated  
829 material in electronic form, the department's publication of the  
830 Florida Administrative Code on its website must contain a  
831 hyperlink from the incorporating reference in the rule directly  
832 to that material. The department may not allow hyperlinks from  
833 rules in the Florida Administrative Code to any material other  
834 than that filed with and maintained by the department, but may  
835 allow hyperlinks to incorporated material maintained by the  
836 department from the adopting agency's website or other sites.

837 6. Include the date of any technical changes to a rule in  
838 the history note of the rule in the Florida Administrative Code.  
839 A technical change does not affect the effective date of the  
840 rule. A technical change made after the adoption of a rule must

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841 be published as a notice of correction.

842 (c) Prescribe by rule the style and form required for  
843 rules, notices, and other materials submitted for filing,  
844 including a rule requiring documents created by an agency that  
845 are proposed to be incorporated by reference in notices  
846 published pursuant to s. 120.54(3)(a) and (d) to be coded in the  
847 same manner as notices published pursuant to s. 120.54(3)(a)1.

848 Section 6. Subsection (1), paragraph (a) of subsection  
849 (2), and subsection (8) of section 120.74, Florida Statutes, are  
850 amended to read:

851 120.74 Agency annual rulemaking and regulatory plans;  
852 reports.—

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

855 (a) The plan must include a listing of each law enacted or  
856 amended during the previous 12 months which creates or modifies  
857 the duties or authority of the agency. If the Governor or the  
858 Attorney General provides a letter to the committee stating that  
859 a law affects all or most agencies, the agency may exclude the  
860 law from its plan. For each law listed by an agency under this  
861 paragraph, the plan must state:

862 1. Whether the agency must adopt rules to implement the  
863 law.

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

865 a. Whether a notice of rule development has been published

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866 and, if so, the citation to such notice in the Florida  
867 Administrative Register.

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

870 3. If rulemaking is not necessary to implement the law, a  
871 concise written explanation of the reasons why the law may be  
872 implemented without rulemaking.

873 (b) The plan must also identify and describe each rule,  
874 including each rule number or proposed rule number, that include  
875 a listing of each law not otherwise listed pursuant to paragraph  
876 (a) which the agency expects to develop, adopt, or repeal for  
877 the 12-month period beginning on October 1 and ending on  
878 September 30 implement by rulemaking before the following July  
879 1, excluding emergency rules except emergency rulemaking. For  
880 each rule identified and described law listed under this  
881 paragraph, the plan must state whether the rulemaking is  
882 intended to simplify, clarify, increase efficiency, improve  
883 coordination with other agencies, reduce regulatory costs, or  
884 delete obsolete, unnecessary, or redundant rules.

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

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

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

901 (d)1. The plan must include a schedule for the agency to  
902 review its rules for consistency with the powers and duties  
903 granted by the enabling statutes in accordance with this  
904 paragraph. Each agency must review all of its rules existing  
905 before July 1, 2022, in accordance with this paragraph by July  
906 1, 2027. All rules adopted on or after July 1, 2022, and all  
907 existing rules reviewed initially by July 1, 2027, shall be  
908 reviewed every 10 years after their respective dates of adoption  
909 or review. This schedule shall be updated on an annual basis to  
910 ensure that all rules are reviewed every 10 years after their  
911 respective dates of adoption or review.

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

914 The index must indicate:

915 a. The rules reviewed pursuant to this paragraph that are

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916 consistent with the powers and duties granted by the enabling  
917 statutes.

918 b. The rules reviewed pursuant to this paragraph that  
919 require amendments to remove portions of the rule that are  
920 inconsistent with the powers and duties granted by the enabling  
921 statute. A summary of the required amendments and a schedule for  
922 such rulemaking shall be provided.

923 c. The rules reviewed pursuant to this paragraph that  
924 will be repealed in their entirety because there is no enabling  
925 statute. A schedule for the repeal of such rules shall be  
926 provided.

927 d. A list of all statutes and laws, or parts thereof,  
928 that grant duplicative, redundant, or unused rulemaking  
929 authority, as set out in s. 11.242(5) (j), and a recommendation  
930 as to what statutes, laws, or parts thereof, should be repealed.  
931 The agency must also provide the list to the Division of Law  
932 Revision.

933 (e) The plan must include a certification executed on  
934 behalf of the agency by both the agency head, or, if the agency  
935 head is a collegial body, the presiding officer; and the  
936 individual acting as principal legal advisor to the agency head.  
937 The certification must declare:

938 1. Verify That the persons executing the certification  
939 have reviewed the plan.

940 2. Verify That the agency regularly reviews all of its

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941 rules and identify the period during which all rules have most  
942 recently been reviewed to determine if the rules remain  
943 consistent with the agency's rulemaking authority and the laws  
944 implemented.

945 3. That the agency understands that regulatory  
946 accountability is necessary to ensure public confidence in the  
947 integrity of state government and, to that end, the agency is  
948 diligently working toward reducing the number of regulatory  
949 requirements consistent with the agency's rulemaking authority  
950 and the laws implemented.

951 4. The total number of rules adopted and repealed during  
952 the previous 12 months.

953 5. That all actions set forth in the prior annual  
954 regulatory plan have been completed or are on a schedule to be  
955 completed.

956 6. That all materials incorporated by reference in the  
957 rules reviewed are available in the manner prescribed by s.  
958 120.54(1)(i)3.a. or b.

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

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

961 1. Publish its regulatory plan on its website or on  
962 another state website established for publication of  
963 administrative law records. A clearly labeled hyperlink to the  
964 current plan must be included on the agency's primary website  
965 homepage.

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

968 3. Publish in the Florida Administrative Register a notice  
969 identifying the date of publication of the agency's regulatory  
970 plan. The notice must include a hyperlink or website address  
971 providing direct access to the published plan.

972 (b) To satisfy the requirements of paragraph (a), a board  
973 established under s. 20.165(4), and any other board or  
974 commission receiving administrative support from the Department  
975 of Business and Professional Regulation, may coordinate with the  
976 Department of Business and Professional Regulation, and a board  
977 established under s. 20.43(3)(g) may coordinate with the  
978 Department of Health, for inclusion of the board's or  
979 commission's plan and notice of publication in the coordinating  
980 department's plan and notice and for the delivery of the  
981 required documentation to the committee.

982 (c) A regulatory plan prepared under subsection (1) and  
983 any regulatory plan published under this chapter before July 1,  
984 2014, shall be maintained at an active website for 10 years  
985 after the date of initial publication on the agency's website or  
986 another state website.

987 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each  
988 year:

989 (a) For each board established under s. 20.165(4) and any  
990 other board or commission receiving administrative support from

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991 the Department of Business and Professional Regulation, the  
992 Department of Business and Professional Regulation shall file  
993 with the committee a certification that the department has  
994 reviewed each board's and commission's regulatory plan. A  
995 certification may relate to more than one board or commission.

996 (b) For each board established under s. 20.43(3)(g), the  
997 Department of Health shall file with the committee a  
998 certification that the department has reviewed the board's  
999 regulatory plan. A certification may relate to more than one  
1000 board.

1001 (4) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each  
1002 year, each agency shall publish a notice of rule development  
1003 under s. 120.54(2) for each law identified in the agency's  
1004 regulatory plan pursuant to subparagraph (1)(a)1. for which  
1005 rulemaking is necessary to implement but for which the agency  
1006 did not report the publication of a notice of rule development  
1007 under subparagraph (1)(a)2.

1008 (5) DEADLINE TO PUBLISH PROPOSED RULE.—For each law for  
1009 which implementing rulemaking is necessary as identified in the  
1010 agency's plan pursuant to subparagraph (1)(a)1. or subparagraph  
1011 (1)(c)1., the agency shall publish a notice of proposed rule  
1012 pursuant to s. 120.54(3)(a) by April 1 of the year following the  
1013 deadline for the regulatory plan. This deadline may be extended  
1014 if the agency publishes a notice of extension in the Florida  
1015 Administrative Register identifying each rulemaking proceeding

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1016 for which an extension is being noticed by citation to the  
1017 applicable notice of rule development as published in the  
1018 Florida Administrative Register. The agency shall include a  
1019 concise statement in the notice of extension identifying any  
1020 issues that are causing the delay in rulemaking. An extension  
1021 shall expire on October 1 after the April 1 deadline, provided  
1022 that the regulatory plan due on October 1 may further extend the  
1023 rulemaking proceeding by identification pursuant to subparagraph  
1024 (1)(c)1. or conclude the rulemaking proceeding by identification  
1025 pursuant to subparagraph (1)(c)2. A published regulatory plan  
1026 may be corrected at any time to accomplish the purpose of  
1027 extending or concluding an affected rulemaking proceeding and is  
1028 deemed corrected as of the October 1 due date. Upon publication  
1029 of a correction, the agency shall publish in the Florida  
1030 Administrative Register a notice of the date of the correction  
1031 identifying the affected rulemaking proceeding by applicable  
1032 citation to the Florida Administrative Register.

1033 (6) CERTIFICATIONS.—Each agency shall file a certification  
1034 with the committee upon compliance with subsection (4) and upon  
1035 filing a notice under subsection (5) of either a deadline  
1036 extension or a regulatory plan correction. A certification may  
1037 relate to more than one notice or contemporaneous act. The date  
1038 or dates of compliance shall be noted in each certification.

1039 (7) SUPPLEMENTING THE REGULATORY PLAN.—After publication  
1040 of the regulatory plan, the agency shall supplement the plan

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1041 within 30 days after a bill becomes a law if the law is enacted  
1042 before the next regular session of the Legislature and the law  
1043 substantively modifies the agency's specifically delegated legal  
1044 duties, unless the law affects all or most state agencies as  
1045 identified by letter to the committee from the Governor or the  
1046 Attorney General. The supplement must include the information  
1047 required in paragraph (1) (a) and shall be published as required  
1048 in subsection (2), but no certification or delivery to the  
1049 committee is required. The agency shall publish in the Florida  
1050 Administrative Register notice of publication of the supplement,  
1051 and include a hyperlink on its website or web address for direct  
1052 access to the published supplement. For each law reported in the  
1053 supplement, if rulemaking is necessary to implement the law, the  
1054 agency shall publish a notice of rule development by the later  
1055 of the date provided in subsection (4) or 60 days after the bill  
1056 becomes a law, and a notice of proposed rule shall be published  
1057 by the later of the date provided in subsection (5) or 120 days  
1058 after the bill becomes a law. The proposed rule deadline may be  
1059 extended to the following October 1 by notice as provided in  
1060 subsection (5). If such proposed rule has not been filed by  
1061 October 1, a law included in a supplement shall also be included  
1062 in the next annual plan pursuant to subsection (1).

1063 (8) FAILURE TO COMPLY.—If an agency fails to comply with a  
1064 requirement of subsection (1), paragraph (2)(a), or subsection  
1065 (5), within 15 days after written demand from the committee or

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1066 from the chair of any other legislative committee, the agency  
1067 shall deliver a written explanation of the reasons for  
1068 noncompliance to the committee, the President of the Senate, the  
1069 Speaker of the House of Representatives, and the chair of any  
1070 legislative committee requesting the explanation of the reasons  
1071 for noncompliance.

1072 (9) EDUCATIONAL UNITS.—This section does not apply to  
1073 educational units.

1074 Section 7. This act shall take effect July 1, 2022.

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**T I T L E A M E N D M E N T**

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Remove everything before the enacting clause and insert:

1079

An act relating to administrative procedures; amending s.

1080

120.52, F.S.; defining the term "technical change"; amending s.

1081

120.54, F.S.; requiring a notice of rule development to include

1082

certain information; requiring a notice of withdrawal if a

1083

notice of proposed rule is not filed within a certain timeframe;

1084

requiring a notice of proposed rule to include certain

1085

information; requiring certain notices to be published within a

1086

specified timeframe; requiring that material proposed to be

1087

incorporated by reference be made available in a specified

1088

manner; authorizing electronic delivery of notices to persons

1089

who have requested advance notice of agency rulemaking

1090

proceedings; requiring publication of a notice of correction in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 337 (2022)

Amendment No.

1091 certain circumstances; providing that a notice of correction  
1092 does not affect certain timeframes; revising the circumstances  
1093 under which a proposed rule's adverse impact on small businesses  
1094 is considered to exist; requiring an agency to provide notice of  
1095 a regulatory alternative to the Administrative Procedures  
1096 Committee before filing the rule for adoption; requiring an  
1097 agency to publish a notice of convening a separate proceeding in  
1098 certain circumstances; providing that rulemaking timelines are  
1099 tolled during such separate proceedings; requiring a notice of  
1100 change for certain changes to a statement of estimated  
1101 regulatory costs; revising the requirements for the contents of  
1102 a notice of change; requiring the committee to notify the  
1103 Department of State that the date for an agency to adopt a rule  
1104 has expired under certain circumstances; requiring the  
1105 department to publish a notice of withdrawal under certain  
1106 circumstances; requiring that certain information be available  
1107 on the agency's website; requiring emergency rules to be  
1108 published in the Florida Administrative Code; prohibiting  
1109 agencies from making changes to emergency rules by superseding  
1110 the rule; authorizing an agency to make technical changes to an  
1111 emergency rule during a specified timeframe; requiring  
1112 publication of a notice of the technical change in the Florida  
1113 Administrative Register; requiring an agency to file a copy of a  
1114 certain petition with the committee; amending s. 120.541, F.S.;  
1115 requiring an agency to provide a copy of any proposal for a

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 337 (2022)

Amendment No.

1116 lower cost regulatory alternative to the committee within a  
1117 certain timeframe; specifying the circumstances under which such  
1118 a proposal is made in good faith; revising requirements for an  
1119 agency's consideration of a lower cost regulatory alternative;  
1120 providing for an agency's revision and publication of a revised  
1121 statement of estimated regulatory costs in response to certain  
1122 circumstances; requiring that a revised statement of lower cost  
1123 regulatory alternative be submitted to the rules ombudsman in  
1124 the Executive Office of the Governor and published in a  
1125 specified manner; revising the information required in a  
1126 statement of estimated regulatory cost; deleting the definition  
1127 of the term "transactional costs"; revising the applicability of  
1128 specified provisions; providing additional requirements for the  
1129 calculation of estimated regulatory costs; requiring the  
1130 department to include specified information on a website;  
1131 requiring certain agencies to include certain information in a  
1132 statement of estimated regulatory costs and on their websites;  
1133 providing certain requirements for an agency that revises a  
1134 statement of estimated regulatory costs; amending s. 120.545,  
1135 F.S.; requiring the committee to examine existing rules;  
1136 authorizing the committee to file an objection in certain  
1137 instances; amending s. 120.55, F.S.; requiring the Florida  
1138 Administrative Code to contain complete indexes to any material  
1139 incorporated by reference contained in the code; requiring the  
1140 Florida Administrative Register to be published once daily and

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Amendment No.

1141 indicate certain information; requiring material incorporated by  
1142 reference to be filed in a specified manner after a certain  
1143 date; requiring the department to include the date of a  
1144 technical change in the Florida Administrative Code; providing  
1145 that a technical change does not affect the effective date of a  
1146 rule; requiring a technical change made after rule adoption to  
1147 be published as a notice of correction; requiring specified  
1148 rulemaking; amending s. 120.74, F.S.; requiring an agency's  
1149 regulatory plan to identify and describe each rule the agency  
1150 plans to develop, adopt, or repeal during the forthcoming year;  
1151 requiring such plan to include a schedule of rule review;  
1152 providing indexes of certain information to be included in such  
1153 plan; requiring such plan to include a list of certain statutes  
1154 and laws or parts thereof; requiring the agency to provide such  
1155 list to the Division of Law Revision; requiring a certification  
1156 in such plan to make certain declarations; requiring an agency  
1157 to deliver a written explanation upon request by designated  
1158 persons for failing to comply with the regulatory plan  
1159 requirements; providing an effective date.