

1 A bill to be entitled
2 An act relating to administrative procedures; amending
3 s. 120.52, F.S.; defining terms; amending s. 120.54,
4 F.S.; applying certain provisions applicable to all
5 rules other than emergency rules to repromulgated
6 rules; requiring a notice of rule development to
7 include certain information; requiring a notice of
8 withdrawal if a notice of proposed rule is not filed
9 within a certain timeframe; requiring that certain
10 persons be available at a workshop or public hearing
11 to receive public input; requiring a notice of
12 proposed rule to include certain information;
13 requiring certain notices to be published within a
14 specified timeframe; requiring that material proposed
15 to be incorporated by reference be made available in a
16 specified manner; authorizing electronic delivery of
17 notices to persons who have requested advance notice
18 of agency rulemaking proceedings; revising the
19 circumstances under which a proposed rule's adverse
20 impact on small businesses is considered to exist;
21 requiring an agency to provide notice of a regulatory
22 alternative to the Administrative Procedures Committee
23 within a certain timeframe; requiring an agency to
24 publish a notice of convening a separate proceeding in
25 certain circumstances; providing that rulemaking

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

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

76 | within a specified timeframe; requiring an agency to
77 | file a notice of repromulgation with the committee
78 | within a specified timeframe; providing requirements
79 | for the notice of repromulgation; providing that a
80 | repromulgated rule is not subject to challenge as a
81 | proposed rule and that certain hearing requirements do
82 | not apply; requiring an agency to file a specified
83 | number of certified copies of a proposed repromulgated
84 | rule and any material incorporated by reference;
85 | providing that a repromulgated rule is adopted upon
86 | filing with the department and becomes effective after
87 | a specified time; requiring the department to update
88 | certain information in the Florida Administrative
89 | Code; requiring the department to adopt rules by a
90 | certain date; amending s. 120.545, F.S.; requiring the
91 | committee to examine existing rules; amending s.
92 | 120.55, F.S.; requiring the Florida Administrative
93 | Code to be published once daily and indicate certain
94 | information; requiring materials incorporated by
95 | reference to be filed in a specified manner; requiring
96 | the department to include the date of a technical
97 | change in the Florida Administrative Code; providing
98 | that a technical change does not affect the effective
99 | date of a rule; requiring specified rulemaking;
100 | amending s. 120.74, F.S.; requiring an agency to

101 identify and describe each rule it plans to develop,
 102 adopt, or repeal during the forthcoming year in the
 103 agency's annual regulatory plan; requiring that an
 104 agency's annual regulatory plan identify any rules
 105 that are required to be repromulgated during the
 106 forthcoming year; requiring the agency to make certain
 107 declarations concerning the annual regulatory plan;
 108 amending ss. 120.80, 120.81, 420.9072, 420.9075, and
 109 443.091, F.S.; conforming cross-references; providing
 110 an effective date.

111

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

113

114 Section 1. Subsections (16) through (19) and subsections
 115 (20) through (22) of section 120.52, Florida Statutes, are
 116 renumbered as subsections (17) through (20) and subsections (22)
 117 through (24), respectively, and new subsections (16) and (21)
 118 are added to that section to read:

119 120.52 Definitions.—As used in this act:

120 (16) "Repromulgation" means the publication and adoption
 121 of an existing rule following an agency's review of the rule for
 122 consistency with the powers and duties granted by its enabling
 123 statute.

124 (21) "Technical change" means a change limited to
 125 correcting grammatical, typographical, and similar errors not

126 affecting the substance of the rule.

127 Section 2. Paragraph (i) of subsection (1), subsections
128 (2) and (3), and paragraph (a) of subsection (7) of section
129 120.54, Florida Statutes, are amended, and paragraphs (e) and
130 (f) are added to subsection (4) of that section, to read:

131 120.54 Rulemaking.—

132 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
133 EMERGENCY RULES.—

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

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

145 3. In rules adopted after December 31, 2010, and rules
146 repromulgated on or after July 1, 2022, material may not be
147 incorporated by reference unless:

148 a. The material has been submitted in the prescribed
149 electronic format to the Department of State and the full text
150 of the material can be made available for free public access

151 through an electronic hyperlink from the rule making the
152 reference in the Florida Administrative Code; or

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

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

163 5. Notwithstanding any contrary provision in this section,
164 when an adopted rule of the Department of Environmental
165 Protection or a water management district is incorporated by
166 reference in the other agency's rule to implement a provision of
167 part IV of chapter 373, subsequent amendments to the rule are
168 not effective as to the incorporating rule unless the agency
169 incorporating by reference notifies the committee and the
170 Department of State of its intent to adopt the subsequent
171 amendment, publishes notice of such intent in the Florida
172 Administrative Register, and files with the Department of State
173 a copy of the amended rule incorporated by reference. Changes in
174 the rule incorporated by reference are effective as to the other
175 agency 20 days after the date of the published notice and filing

176 with the Department of State. The Department of State shall
177 amend the history note of the incorporating rule to show the
178 effective date of such change. Any substantially affected person
179 may, within 14 days after the date of publication of the notice
180 of intent in the Florida Administrative Register, file an
181 objection to rulemaking with the agency. The objection shall
182 specify the portions of the rule incorporated by reference to
183 which the person objects and the reasons for the objection. The
184 agency shall not have the authority under this subparagraph to
185 adopt those portions of the rule specified in such objection.
186 The agency shall publish notice of the objection and of its
187 action in response in the next available issue of the Florida
188 Administrative Register.

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

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

192 (a)1. Except when the intended action is the repeal of a
193 rule, agencies shall provide notice of the development of
194 proposed rules by publication of a notice of rule development in
195 the Florida Administrative Register before providing notice of a
196 proposed rule as required by paragraph (3) (a). The notice of
197 rule development must ~~shall~~ indicate the subject area to be
198 addressed by rule development, provide a short, plain
199 explanation of the purpose and effect of the proposed rule, cite
200 the grant of rulemaking authority for the proposed rule and the

201 law being implemented ~~specific legal authority for the proposed~~
 202 ~~rule,~~ and include the proposed rule number and the preliminary
 203 text of the proposed rule ~~rules,~~ if available, or a statement of
 204 how a person may promptly obtain, without cost, a copy of any
 205 preliminary draft, when ~~if~~ available.

206 2. If a notice of a proposed rule is not filed within 12
 207 months after the notice of rule development, the agency shall
 208 withdraw the rule and give notice of the withdrawal in the next
 209 available issue of the Florida Administrative Register.

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

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

214 2. It avoids the use of unnecessary technical or
 215 specialized language that is understood only by members of
 216 particular trades or professions.

217 (c) An agency may hold public workshops for purposes of
 218 rule development. If requested in writing by any affected
 219 person, an agency must hold public workshops, including
 220 workshops in various regions of the state or the agency's
 221 service area, for purposes of rule development ~~if requested in~~
 222 ~~writing by any affected person,~~ unless the agency head explains
 223 in writing why a workshop is unnecessary. The explanation is not
 224 final agency action subject to review pursuant to ss. 120.569
 225 and 120.57. The failure to provide the explanation when required

226 | may be a material error in procedure pursuant to s.
227 | 120.56(1) (c). When a workshop or public hearing is held, the
228 | agency must ensure that the persons responsible for preparing
229 | the proposed rule are available to receive public input, to
230 | explain the agency's proposal, and to respond to questions or
231 | comments regarding the rule being developed. The workshop may be
232 | facilitated or mediated by a neutral third person, or the agency
233 | may employ other types of dispute resolution alternatives for
234 | the workshop that are appropriate for rule development. Notice
235 | of a workshop for rule development must ~~workshop shall~~ be by
236 | publication in the Florida Administrative Register not fewer
237 | ~~less~~ than 14 days before ~~prior to~~ the date on which the workshop
238 | is scheduled to be held and must ~~shall~~ indicate the subject area
239 | that ~~which~~ will be addressed; the agency contact person; and the
240 | place, date, and time of the workshop.

241 | (d)1. An agency may use negotiated rulemaking in
242 | developing and adopting rules. The agency should consider the
243 | use of negotiated rulemaking when complex rules are being
244 | drafted or strong opposition to the rules is anticipated. The
245 | agency should consider, but is not limited to considering,
246 | whether a balanced committee of interested persons who will
247 | negotiate in good faith can be assembled, whether the agency is
248 | willing to support the work of the negotiating committee, and
249 | whether the agency can use the group consensus as the basis for
250 | its proposed rule. Negotiated rulemaking uses a committee of

251 designated representatives to draft a mutually acceptable
252 proposed rule.

253 2. An agency that chooses to use the negotiated rulemaking
254 process described in this paragraph shall publish in the Florida
255 Administrative Register a notice of negotiated rulemaking that
256 includes a listing of the representative groups that will be
257 invited to participate in the negotiated rulemaking process. Any
258 person who believes that his or her interest is not adequately
259 represented may apply to participate within 30 days after
260 publication of the notice. All meetings of the negotiating
261 committee shall be noticed and open to the public pursuant to
262 ~~the provisions of~~ this chapter. The negotiating committee shall
263 be chaired by a neutral facilitator or mediator.

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

271 (3) ADOPTION PROCEDURES.—

272 (a) Notices.—

273 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
274 any rule other than an emergency rule, an agency, upon approval
275 of the agency head, shall give notice of its intended action,

276 | setting forth a short, plain explanation of the purpose and
 277 | effect of the proposed action; the proposed rule number and the
 278 | full text of the proposed rule or amendment and a summary
 279 | thereof; a reference to the grant of rulemaking authority
 280 | pursuant to which the rule is adopted; and a reference to the
 281 | section or subsection of the Florida Statutes or the Laws of
 282 | Florida being implemented or interpreted. The notice must
 283 | include a concise summary of the agency's statement of the
 284 | estimated regulatory costs, if one has been prepared, based on
 285 | the factors set forth in s. 120.541(2), which describes the
 286 | regulatory impact of the proposed rule in readable language; an
 287 | agency website address where the statement of estimated
 288 | regulatory costs can be viewed in its entirety, if one has been
 289 | prepared; a statement that any person who wishes to provide the
 290 | agency with information regarding the statement of estimated
 291 | regulatory costs, or to provide a proposal for a lower cost
 292 | regulatory alternative as provided by s. 120.541(1), must do so
 293 | in writing within 21 days after publication of the notice; and a
 294 | statement as to whether, based on the statement of the estimated
 295 | regulatory costs or other information expressly relied upon and
 296 | described by the agency if no statement of regulatory costs is
 297 | required, the proposed rule is expected to require legislative
 298 | ratification pursuant to s. 120.541(3). The notice must state
 299 | the procedure for requesting a public hearing on the proposed
 300 | rule. Except when the intended action is the repeal of a rule,

301 the notice must include a reference both to the date on which
302 and to the place where the notice of rule development that is
303 required by subsection (2) appeared.

304 2. The notice shall be published in the Florida
305 Administrative Register at least 7 days after the publication of
306 the notice of rule development and at least not less than 28
307 days before ~~prior to~~ the intended action. The proposed rule,
308 including all materials proposed to be incorporated by reference
309 and the statement of estimated regulatory costs, if one has been
310 prepared, must ~~shall~~ be available for inspection and copying by
311 the public at the time of the publication of notice. Material
312 proposed to be incorporated by reference in the notice must be
313 made available in the manner prescribed by sub-subparagraph
314 (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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

322 4. The adopting agency shall file with the committee, at
323 least 21 days before ~~prior to~~ the proposed adoption date, a copy
324 of each rule it proposes to adopt; a copy of any material
325 incorporated by reference in the rule; a detailed written

326 statement of the facts and circumstances justifying the proposed
 327 rule; a copy of any statement of estimated regulatory costs that
 328 has been prepared pursuant to s. 120.541; a statement of the
 329 extent to which the proposed rule relates to federal standards
 330 or rules on the same subject; and the notice required by
 331 subparagraph 1.

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

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

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

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

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

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

350 (I) An owner, officer, operator, or manager must complete

351 any education, training, or testing to comply with the rule in
 352 the first year or is likely to spend at least 10 hours or
 353 purchase professional advice to understand and comply with the
 354 rule in the first year;

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

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

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

362 (V) Operating costs are expected to increase by at least
 363 \$1,000 annually because of the rule; or

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

366 b. Each agency, before the adoption, amendment, or repeal
 367 of a rule, shall consider the impact of the rule on small
 368 businesses as defined in ~~by~~ s. 288.703 and the impact of the
 369 rule on small counties or small cities as defined in ~~by~~ s.
 370 120.52. Whenever practicable, an agency shall tier its rules to
 371 reduce disproportionate impacts on small businesses, small
 372 counties, or small cities to avoid regulating small businesses,
 373 small counties, or small cities that do not contribute
 374 significantly to the problem the rule is designed to address. An
 375 agency may define "small business" to include businesses

376 | employing more than 200 persons, may define "small county" to
377 | include those with populations of more than 75,000, and may
378 | define "small city" to include those with populations of more
379 | than 10,000, if it finds that such a definition is necessary to
380 | adapt a rule to the needs and problems of small businesses,
381 | small counties, or small cities. The agency shall consider each
382 | of the following methods for reducing the impact of the proposed
383 | rule on small businesses, small counties, and small cities, or
384 | any combination of these entities:

385 | (I) Establishing less stringent compliance or reporting
386 | requirements in the rule.

387 | (II) Establishing less stringent schedules or deadlines in
388 | the rule for compliance or reporting requirements.

389 | (III) Consolidating or simplifying the rule's compliance
390 | or reporting requirements.

391 | (IV) Establishing performance standards or best management
392 | practices to replace design or operational standards in the
393 | rule.

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

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

401 intended action.

402 (II) Each agency shall adopt those regulatory alternatives
403 offered by the rules ombudsman in the Executive Office of the
404 Governor and provided to the agency no later than 21 days after
405 the rules ombudsman's receipt of the written notice of the rule
406 which it finds are feasible and consistent with the stated
407 objectives of the proposed rule and which would reduce the
408 impact on small businesses. When regulatory alternatives are
409 offered by the rules ombudsman in the Executive Office of the
410 Governor, the 90-day period for filing the rule in subparagraph
411 (e)2. is extended for a period of 21 days. The agency shall
412 provide notice to the committee of any regulatory alternative
413 offered to the agency pursuant to this sub-subparagraph at least
414 21 days before filing the rule for adoption.

415 (III) If an agency does not adopt all alternatives offered
416 pursuant to this sub-subparagraph, it shall, before rule
417 adoption or amendment and pursuant to subparagraph (d)1., file a
418 detailed written statement with the committee explaining the
419 reasons for failure to adopt such alternatives. Within 3 working
420 days after the filing of such notice, the agency shall send a
421 copy of such notice to the rules ombudsman in the Executive
422 Office of the Governor.

423 (c) Hearings.—

424 1. If the intended action concerns any rule other than one
425 relating exclusively to procedure or practice, the agency shall,

426 on the request of any affected person received within 21 days
427 after the date of publication of the notice of intended agency
428 action, give affected persons an opportunity to present evidence
429 and argument on all issues under consideration. The agency may
430 schedule a public hearing on the proposed rule and, if requested
431 by any affected person, shall schedule a public hearing on the
432 proposed rule. When a public hearing is held, the agency must
433 ensure that the persons responsible for preparing the proposed
434 rule and the statement of estimated regulatory costs, if one has
435 been prepared, staff are available to explain the agency's
436 proposal and to respond to questions or comments regarding the
437 proposed rule, the statement of estimated regulatory costs, if
438 one has been prepared, and the agency's decision whether to
439 adopt a lower cost regulatory alternative submitted pursuant to
440 s. 120.541(1)(a). If the agency head is a board or other
441 collegial body created under s. 20.165(4) or s. 20.43(3)(g), and
442 one or more requested public hearings is scheduled, the board or
443 other collegial body shall conduct at least one of the public
444 hearings itself and may not delegate this responsibility without
445 the consent of those persons requesting the public hearing. Any
446 material pertinent to the issues under consideration submitted
447 to the agency within 21 days after the date of publication of
448 the notice or submitted to the agency between the date of
449 publication of the notice and the end of the final public
450 hearing shall be considered by the agency and made a part of the

451 record of the rulemaking proceeding.

452 2. Rulemaking proceedings shall be governed solely by the
453 provisions of this section unless a person timely asserts that
454 the person's substantial interests will be affected in the
455 proceeding and affirmatively demonstrates to the agency that the
456 proceeding does not provide adequate opportunity to protect
457 those interests. If the agency determines that the rulemaking
458 proceeding is not adequate to protect the person's interests, it
459 shall suspend the rulemaking proceeding and convene a separate
460 proceeding under the provisions of ss. 120.569 and 120.57. The
461 agency shall publish notice of convening a separate proceeding
462 in the Florida Administrative Register. Similarly situated
463 persons may be requested to join and participate in the separate
464 proceeding. Upon conclusion of the separate proceeding, the
465 rulemaking proceeding shall be resumed. All timelines in this
466 section are tolled during any suspension of the rulemaking
467 proceeding under this subparagraph, beginning on the date the
468 notice of convening a separate proceeding is published and
469 resuming on the day after the conclusion of the separate
470 proceeding.

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

472 1. After the final public hearing on the proposed rule, or
473 after the time for requesting a hearing has expired, if the
474 proposed rule has not been changed from the proposed rule as
475 previously filed with the committee, or contains only technical

476 changes, the adopting agency shall file a notice to that effect
477 with the committee at least 7 days before ~~prior to~~ filing the
478 proposed rule for adoption. Any change, other than a technical
479 change ~~that does not affect the substance of the rule,~~ must be
480 supported by the record of public hearings held on the proposed
481 rule, must be in response to written material submitted to the
482 agency within 21 days after the date of publication of the
483 notice of intended agency action or submitted to the agency
484 between the date of publication of the notice and the end of the
485 final public hearing, or must be in response to a proposed
486 objection by the committee. Any change, other than a technical
487 change, to a statement of estimated regulatory costs requires a
488 notice of change. In addition, ~~when~~ any change, other than a
489 technical change, to the text of is made in a proposed rule or
490 any material incorporated by reference requires, ~~other than a~~
491 ~~technical change,~~ the adopting agency to shall provide a copy of
492 a notice of change by certified mail or actual delivery to any
493 person who requests it in writing no later than 21 days after
494 the notice required in paragraph (a). The agency shall file the
495 notice of change with the committee, along with the reasons for
496 the change, and provide the notice of change to persons
497 requesting it, at least 21 days before ~~prior to~~ filing the
498 proposed rule for adoption. The notice of change shall be
499 published in the Florida Administrative Register at least 21
500 days before ~~prior to~~ filing the proposed rule for adoption. The

501 notice of change must include a summary of any revision to a
502 statement of estimated regulatory costs required by s.
503 120.541(1)(c). This subparagraph does not apply to emergency
504 rules adopted pursuant to subsection (4). Material proposed to
505 be incorporated by reference in the notice required by this
506 subparagraph must be made available in the manner prescribed by
507 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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

511 3. After the notice required by paragraph (a), the agency
512 shall withdraw the proposed rule if the agency has failed to
513 adopt it within the prescribed timeframes in this chapter. The
514 committee shall notify the agency that it has exceeded the
515 timeframe to adopt the proposed rule. If, 30 days after notice
516 by the committee, the agency has not given notice of the
517 withdrawal of the rule, the committee shall notify the
518 Department of State that the date for adoption of the rule has
519 expired, and the Department of State shall publish a notice of
520 withdrawal of the proposed rule.

521 ~~4.3.~~ After adoption and before the rule becomes effective,
522 a rule may be modified or withdrawn only in the following
523 circumstances:

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

526 appeal, is entered in a rule challenge brought pursuant to s.
527 120.56 after the date of adoption but before the rule becomes
528 effective pursuant to subparagraph (e)6.;

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

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

537 ~~5.4.~~ The agency shall give notice of its decision to
538 withdraw or modify a rule in the first available issue of the
539 publication in which the original notice of rulemaking was
540 published, shall notify those persons described in subparagraph
541 (a)3. in accordance with the requirements of that subparagraph,
542 and shall notify the Department of State if the rule is required
543 to be filed with the Department of State.

544 ~~6.5.~~ After a rule has become effective, it may be repealed
545 or amended only through the rulemaking procedures specified in
546 this chapter.

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

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

551 certified copies of the rule it proposes to adopt; one copy of
552 any material incorporated by reference in the rule, certified by
553 the agency; a summary of the rule; a summary of any hearings
554 held on the rule; and a detailed written statement of the facts
555 and circumstances justifying the rule. Agencies not required to
556 publish their rules in the Florida Administrative Code shall
557 file one certified copy of the proposed rule, and the other
558 material required by this subparagraph, in the office of the
559 agency head, and such rules shall be open to the public.

560 2. A rule may not be filed for adoption less than 28 days
561 or more than 90 days after the notice required by paragraph (a),
562 until 21 days after the notice of change required by paragraph
563 (d), until 14 days after the final public hearing, until 21 days
564 after a statement of estimated regulatory costs required under
565 s. 120.541 has been provided to all persons who submitted a
566 lower cost regulatory alternative and made available to the
567 public at a readily accessible page on the agency's website, or
568 until the administrative law judge has rendered a decision under
569 s. 120.56(2), whichever applies. When a required notice of
570 change is published before ~~prior to~~ the expiration of the time
571 to file the rule for adoption, the period during which a rule
572 must be filed for adoption is extended to 45 days after the date
573 of publication. If notice of a public hearing is published
574 before ~~prior to~~ the expiration of the time to file the rule for
575 adoption, the period during which a rule must be filed for

576 adoption is extended to 45 days after adjournment of the final
577 hearing on the rule, 21 days after receipt of all material
578 authorized to be submitted at the hearing, or 21 days after
579 receipt of the transcript, if one is made, whichever is latest.
580 The term "public hearing" includes any public meeting held by
581 any agency at which the rule is considered. If a petition for an
582 administrative determination under s. 120.56(2) is filed, the
583 period during which a rule must be filed for adoption is
584 extended to 60 days after the administrative law judge files the
585 final order with the clerk or until 60 days after subsequent
586 judicial review is complete.

587 3. At the time a rule is filed, the agency shall certify
588 that the time limitations prescribed by this paragraph have been
589 complied with, that all statutory rulemaking requirements have
590 been met, and that there is no administrative determination
591 pending on the rule.

592 4. At the time a rule is filed, the committee shall
593 certify whether the agency has responded in writing to all
594 material and timely written comments or written inquiries made
595 on behalf of the committee. The Department of State shall reject
596 any rule that is not filed within the prescribed time limits;
597 that does not comply with all statutory rulemaking requirements
598 and rules of the Department of State; upon which an agency has
599 not responded in writing to all material and timely written
600 inquiries or written comments; upon which an administrative

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

603 5. If a rule has not been adopted within the time limits
604 imposed by this paragraph or has not been adopted in compliance
605 with all statutory rulemaking requirements, the agency proposing
606 the rule shall withdraw the proposed rule and give notice of its
607 action in the next available issue of the Florida Administrative
608 Register.

609 6. The proposed rule shall be adopted on being filed with
610 the Department of State and become effective 20 days after being
611 filed, on a later date specified in the notice required by
612 subparagraph (a)1., on a date required by statute, or upon
613 ratification by the Legislature pursuant to s. 120.541(3). Rules
614 not required to be filed with the Department of State shall
615 become effective when adopted by the agency head, on a later
616 date specified by rule or statute, or upon ratification by the
617 Legislature pursuant to s. 120.541(3). If the committee notifies
618 an agency that an objection to a rule is being considered, the
619 agency may postpone the adoption of the rule to accommodate
620 review of the rule by the committee. When an agency postpones
621 adoption of a rule to accommodate review by the committee, the
622 90-day period for filing the rule is tolled until the committee
623 notifies the agency that it has completed its review of the
624 rule.

625

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

628 (4) EMERGENCY RULES.—

629 (e) Emergency rules shall be published in the Florida
630 Administrative Code.

631 (f) An agency may not supersede an emergency rule
632 currently in effect. Technical changes to an emergency rule may
633 be made within the first 7 days after adoption of the rule.

634 (7) PETITION TO INITIATE RULEMAKING.—

635 (a) Any person regulated by an agency or having
636 substantial interest in an agency rule may petition an agency to
637 adopt, amend, or repeal a rule or to provide the minimum public
638 information required by this chapter. The petition shall specify
639 the proposed rule and action requested. The agency shall file a
640 copy of the petition with the committee. Not later than 30
641 calendar days following the date of filing a petition, the
642 agency shall initiate rulemaking proceedings under this chapter,
643 otherwise comply with the requested action, or deny the petition
644 with a written statement of its reasons for the denial.

645 Section 3. Section 120.541, Florida Statutes, is amended
646 to read:

647 120.541 Statement of estimated regulatory costs.—

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

650 ~~120.54(3)(a)~~, a substantially affected person may submit to an

651 agency a good faith written proposal for a lower cost regulatory
652 alternative to a proposed rule which substantially accomplishes
653 the objectives of the law being implemented. The agency shall
654 provide a copy of any proposal for a lower cost regulatory
655 alternative to the committee at least 21 days before filing the
656 rule for adoption. The proposal may include the alternative of
657 not adopting any rule if the proposal explains how the lower
658 costs and objectives of the law will be achieved by not adopting
659 any rule. If submitted after a notice of change, a proposal for
660 a lower cost regulatory alternative is deemed to be made in good
661 faith only if the person reasonably believes, and the proposal
662 states the person's reasons for believing, that the proposed
663 rule as changed by the notice of change increases the regulatory
664 costs or creates an adverse impact on small businesses that was
665 not created by the previous proposed rule. If such a proposal is
666 submitted, the 90-day period for filing the rule is extended 21
667 days. Upon the submission of the lower cost regulatory
668 alternative, the agency shall prepare a statement of estimated
669 regulatory costs as provided in subsection (2), or shall revise
670 its prior statement of estimated regulatory costs, and ~~either~~
671 adopt the alternative proposal, reject the alternative proposal,
672 or modify the proposed rule to reduce the regulatory costs. If
673 the agency rejects the alternative proposal or modifies the
674 proposed rule, the agency shall ~~or~~ provide a statement of the
675 reasons for rejecting the alternative in favor of the proposed

676 rule.

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

683 (c) The agency shall revise a statement of estimated
684 regulatory costs if any change to the rule made under s.
685 120.54(3)(d) increases the regulatory costs of the rule or if
686 the rule is modified in response to the submission of a lower
687 cost regulatory alternative. A summary of the revised statement
688 must be included with any subsequent notice published under s.
689 120.54(3).

690 (d) At least 21 days before filing the proposed rule for
691 adoption, an agency that is required to revise a statement of
692 estimated regulatory costs shall provide the statement to the
693 person who submitted the lower cost regulatory alternative, to
694 the rules ombudsman in the Executive Office of the Governor, and
695 to the committee. The revised statement shall be published and
696 made available in the same manner as the original statement of
697 estimated regulatory costs and shall provide notice on the
698 agency's website that it is available to the public.

699 (e) Notwithstanding s. 120.56(1)(c), the failure of the
700 agency to prepare and publish a statement of estimated

701 regulatory costs or to respond to a written lower cost
 702 regulatory alternative as provided in this subsection is a
 703 material failure to follow the applicable rulemaking procedures
 704 or requirements set forth in this chapter.

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

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

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

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

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

718 2. The challenge is to the agency's rejection of a lower
 719 cost regulatory alternative offered under paragraph (a) or s.
 720 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

721 3. The substantial interests of the person challenging the
 722 rule are materially affected by the rejection.

723 (2) A statement of estimated regulatory costs must ~~shall~~
 724 include:

725 (a) An economic analysis showing whether the rule directly

726 or indirectly:

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

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

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

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

745 (c) A good faith estimate of the cost to the agency, and
746 to any other state and local government entities, of
747 implementing and enforcing the proposed rule, and any
748 anticipated effect on state or local revenues.

749 (d) A good faith estimate of the compliance ~~transactional~~
750 costs likely to be incurred by individuals and entities,

751 including local government entities, required to comply with the
752 requirements of the rule. ~~As used in this section,~~
753 ~~"transactional costs" are direct costs that are readily~~
754 ~~ascertainable based upon standard business practices, and~~
755 ~~include filing fees, the cost of obtaining a license, the cost~~
756 ~~of equipment required to be installed or used or procedures~~
757 ~~required to be employed in complying with the rule, additional~~
758 ~~operating costs incurred, the cost of monitoring and reporting,~~
759 ~~and any other costs necessary to comply with the rule.~~

760 (e) An analysis of the impact on small businesses as
761 defined in ~~by~~ s. 288.703~~7~~, and an analysis of the impact on small
762 counties and small cities as defined in s. 120.52. The impact
763 analysis for small businesses must include the basis for the
764 agency's decision not to implement alternatives that would
765 reduce adverse impacts on small businesses.

766 (f) Any additional information that the agency determines
767 may be useful.

768 (g) In the statement or revised statement, whichever
769 applies, a description of any regulatory alternatives submitted
770 under paragraph (1)(a) and a statement adopting the alternative
771 or a statement of the reasons for rejecting the alternative in
772 favor of the proposed rule.

773 (3) If the adverse impact or regulatory costs of the rule
774 exceed any of the criteria established in paragraph (2)(a), the
775 rule shall be submitted to the President of the Senate and

776 Speaker of the House of Representatives no later than 30 days
777 before ~~prior to~~ the next regular legislative session, and the
778 rule may not take effect until it is ratified by the
779 Legislature.

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

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

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

784 (c) Triennial updates of and amendments to the Florida
785 Fire Prevention Code which are expressly authorized by s.
786 633.202.

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

788 (5) For purposes of subsections (2) and (3), adverse
789 impacts and regulatory costs likely to occur within 5 years
790 after implementation of the rule include adverse impacts and
791 regulatory costs estimated to occur within 5 years after the
792 effective date of the rule. However, if any provision of the
793 rule is not fully implemented upon the effective date of the
794 rule, the adverse impacts and regulatory costs associated with
795 such provision must be adjusted to include any additional
796 adverse impacts and regulatory costs estimated to occur within 5
797 years after implementation of such provision.

798 (6) (a) In evaluating the impacts described in paragraphs
799 (2) (a) and (2) (e), an agency shall include good faith estimates
800 of market impacts likely to result from compliance with the

801 proposed rule, including:

802 1. Increased customer charges for goods or services.

803 2. Decreased market value of goods or services produced,
804 provided, or sold.

805 3. Increased costs resulting from the purchase of
806 substitute or alternative goods or services.

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

811 5. Capital costs.

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

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

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

824 1. Filing fees.

825 2. Expenses to obtain a license.

- 826 3. Necessary equipment.
- 827 4. Installation, utilities, and maintenance of necessary
828 equipment.
- 829 5. Necessary operations and procedures.
- 830 6. Accounting, financial, information management, and
831 other administrative processes.
- 832 7. Other processes.
- 833 8. Labor based on relevant rates of wages, salaries, and
834 benefits.
- 835 9. Materials and supplies.
- 836 10. Capital expenditures, including financing costs.
- 837 11. Professional and technical services, including
838 contracted services necessary to implement and maintain
839 compliance.
- 840 12. Monitoring and reporting.
- 841 13. Qualifying and recurring education, training, and
842 testing.
- 843 14. Travel.
- 844 15. Insurance and surety requirements.
- 845 16. A fair and reasonable allocation of administrative
846 costs and other overhead.
- 847 17. Reduced sales or other revenues.
- 848 18. Other items suggested by the rules ombudsman in the
849 Executive Office of the Governor or any interested person,
850 business organization, or business representative.

851 (7)(a) The Department of State shall include on the
852 Florida Administrative Register website the agency website
853 addresses where statements of estimated regulatory costs may be
854 viewed in their entirety.

855 (b) An agency that prepares a statement of estimated
856 regulatory costs must provide, as part of the notice required
857 under s. 120.54(3)(a), the agency website address where the
858 statement of estimated regulatory costs can be read in its
859 entirety to the Department of State for publication in the
860 Florida Administrative Register.

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

866 Section 4. Section 120.5435, Florida Statutes, is created
867 to read:

868 120.5435 Repromulgation of rules.—

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

872 (2) If an agency determines after review that substantive
873 changes to update a rule are not required, such agency shall
874 repromulgate the rule to reflect the date of the review. Each
875 agency shall review its rules pursuant to this section either 5

876 years after July 1, 2022, if the rule was adopted before January
877 1, 2014, or 10 years after the rule was adopted, if the rule was
878 adopted on or after January 1, 2014. Failure of an agency to
879 adhere to the deadlines imposed in this section constitutes
880 repeal of any affected rule. In the event of such a failure, the
881 committee shall notify the Department of State that the agency,
882 by its failure to repromulgate the affected rule, has elected to
883 repeal the rule. Upon receipt of the committee's notice, the
884 Department of State shall publish a notice to that effect in the
885 next available issue of the Florida Administrative Register.
886 Upon publication of the notice, the rule shall be stricken from
887 the files of the Department of State and the files of the
888 agency.

889 (3) Before repromulgation of a rule, the agency must, upon
890 approval by the agency head or his or her designee:

891 (a) Publish a notice of repromulgation in the Florida
892 Administrative Register. A notice of repromulgation is not
893 required to include the text of the rule being repromulgated.

894 (b) File the rule for repromulgation with the Department
895 of State. A rule may not be filed for repromulgation fewer than
896 28 days, nor more than 90 days, after the date of publication of
897 the notice required by paragraph (a).

898 (4) The agency must file a notice of repromulgation with
899 the committee at least 14 days before filing the rule for
900 repromulgation. At the time the rule is filed for

901 repromulgation, the committee shall certify whether the agency
902 has responded in writing to all material and timely written
903 comments or written inquiries made on behalf of the committee.

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

906 (6) The hearing requirements of s. 120.54 do not apply to
907 repromulgation of a rule.

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

913 (b) The repromulgated rule shall be adopted upon filing
914 with the Department of State and becomes effective 20 days after
915 the date it is filed.

916 (c) The Department of State shall update the history note
917 of the rule in the Florida Administrative Code to reflect the
918 effective date of the repromulgated rule.

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

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

923 120.545 Committee review of agency rules.—

924 (1) As a legislative check on legislatively created
925 authority, the committee shall examine each existing rule and

926 | proposed rule, except for those proposed rules exempted by s.
 927 | 120.81(1) (e) and (2), and its accompanying material, and each
 928 | emergency rule, ~~and may examine any existing rule,~~ for the
 929 | purpose of determining whether:

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

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

934 | (c) The rule reiterates or paraphrases statutory material.

935 | (d) The rule is in proper form.

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

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

942 | (g) The rule is necessary to accomplish the apparent or
 943 | expressed objectives of the specific provision of law which the
 944 | rule implements.

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

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

950 | (j) The rule's statement of estimated regulatory costs

951 | complies with the requirements of s. 120.541 and whether the
 952 | rule does not impose regulatory costs on the regulated person,
 953 | county, or city which could be reduced by the adoption of less
 954 | costly alternatives that substantially accomplish the statutory
 955 | objectives.

956 | (k) The rule will require additional appropriations.

957 | (l) If the rule is an emergency rule, there exists an
 958 | emergency justifying the adoption of such rule, the agency is
 959 | within its statutory authority, and the rule was adopted in
 960 | compliance with the requirements and limitations of s.
 961 | 120.54(4).

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

964 | 120.55 Publication.—

965 | (1) The Department of State shall:

966 | (a)1. Through a continuous revision and publication
 967 | system, compile and publish electronically, on a website managed
 968 | by the department, the "Florida Administrative Code." The
 969 | Florida Administrative Code shall contain all rules adopted by
 970 | each agency, citing the grant of rulemaking authority and the
 971 | specific law implemented pursuant to which each rule was
 972 | adopted, all history notes as authorized in s. 120.545(7),
 973 | complete indexes to all rules contained in the code, and any
 974 | other material required or authorized by law or deemed useful by
 975 | the department. The electronic code shall display each rule

976 chapter currently in effect in browse mode and allow full text
 977 search of the code and each rule chapter. The department may
 978 contract with a publishing firm for a printed publication;
 979 however, the department shall retain responsibility for the code
 980 as provided in this section. The electronic publication shall be
 981 the official compilation of the administrative rules of this
 982 state. The Florida Administrative Code shall be published once
 983 daily by 8 a.m. If, after publication, a rule is corrected and
 984 replaced, the Florida Administrative Code shall indicate:

985 a. That the Florida Administrative Code has been
 986 republished.

987 b. The rule that has been corrected by the Department of
 988 State.

989
 990 The Department of State shall retain the copyright over the
 991 Florida Administrative Code.

992 2. Not publish in the Florida Administrative Code rules
 993 general in form but applicable to only one school district,
 994 community college district, or county, or a part thereof, or
 995 state university rules relating to internal personnel or
 996 business and finance ~~shall not be published in the Florida~~
 997 ~~Administrative Code~~. Exclusion from publication in the Florida
 998 Administrative Code does ~~shall~~ not affect the validity or
 999 effectiveness of such rules.

1000 3. At the beginning of the section of the code dealing

1001 with an agency that files copies of its rules with the
 1002 department, ~~the department shall~~ publish the address and
 1003 telephone number of the executive offices of each agency, the
 1004 manner by which the agency indexes its rules, a listing of all
 1005 rules of that agency excluded from publication in the code, and
 1006 a statement as to where those rules may be inspected.

1007 4. Not publish forms ~~shall not be published~~ in the Florida
 1008 Administrative Code. However, ~~but~~ any form that ~~which~~ an agency
 1009 uses in its dealings with the public, along with any
 1010 accompanying instructions, shall be filed with the committee
 1011 before it is used. Any form or instruction which meets the
 1012 definition of the term "rule" as defined ~~provided~~ in s. 120.52
 1013 shall be incorporated by reference into the appropriate rule.
 1014 The reference shall specifically state that the form is being
 1015 incorporated by reference and shall include the number, title,
 1016 and effective date of the form and an explanation of how the
 1017 form may be obtained. Each form created by an agency which is
 1018 incorporated by reference in a rule notice of which is given
 1019 under s. 120.54(3)(a) after December 31, 2007, must clearly
 1020 display the number, title, and effective date of the form and
 1021 the number of the rule in which the form is incorporated.

1022 5. Require all materials incorporated by reference in any
 1023 part of an adopted rule and in any part of a repromulgated rule
 1024 ~~The department shall allow adopted rules and material~~
 1025 ~~incorporated by reference~~ to be filed in the manner prescribed

1026 by s. 120.54(1)(i)3.a. or s. 120.54(1)(i)3.b. electronic form as
1027 prescribed by department rule. When a rule is filed for adoption
1028 or repromulgation with incorporated material in electronic form,
1029 the department's publication of the Florida Administrative Code
1030 on its website must contain a hyperlink from the incorporating
1031 reference in the rule directly to that material. The department
1032 may not allow hyperlinks from rules in the Florida
1033 Administrative Code to any material other than that filed with
1034 and maintained by the department, but may allow hyperlinks to
1035 incorporated material maintained by the department from the
1036 adopting agency's website or other sites.

1037 6. Include the date of any technical changes to a rule in
1038 the history note of the rule in the Florida Administrative Code.
1039 A technical change does not affect the effective date of the
1040 rule.

1041 (c) Prescribe by rule the style and form required for
1042 rules, notices, and other materials submitted for filing,
1043 including a rule requiring documents created by an agency that
1044 are proposed to be incorporated by reference in notices
1045 published pursuant to s. 120.54(3)(a) and (d) to be coded in the
1046 same manner as notices published pursuant to s. 120.54(3)(a)1.

1047 Section 7. Subsection (1) and paragraph (a) of subsection
1048 (2) of section 120.74, Florida Statutes, are amended to read:

1049 120.74 Agency annual rulemaking and regulatory plans;
1050 reports.—

1051 (1) REGULATORY PLAN.—By October 1 of each year, each
 1052 agency shall prepare a regulatory plan.

1053 (a) The plan must include a listing of each law enacted or
 1054 amended during the previous 12 months which creates or modifies
 1055 the duties or authority of the agency. If the Governor or the
 1056 Attorney General provides a letter to the committee stating that
 1057 a law affects all or most agencies, the agency may exclude the
 1058 law from its plan. For each law listed by an agency under this
 1059 paragraph, the plan must state:

1060 1. Whether the agency must adopt rules to implement the
 1061 law.

1062 2. If rulemaking is necessary to implement the law:

1063 a. Whether a notice of rule development has been published
 1064 and, if so, the citation to such notice in the Florida
 1065 Administrative Register.

1066 b. The date by which the agency expects to publish the
 1067 notice of proposed rule under s. 120.54(3)(a).

1068 3. If rulemaking is not necessary to implement the law, a
 1069 concise written explanation of the reasons why the law may be
 1070 implemented without rulemaking.

1071 (b) The plan must also identify and describe each rule,
 1072 including each rule number or proposed rule number, that include
 1073 ~~a listing of each law not otherwise listed pursuant to paragraph~~
 1074 ~~(a) which~~ the agency expects to develop, adopt, or repeal for
 1075 the 12-month period beginning on October 1 and ending on

1076 September 30 ~~implement by rulemaking before the following July~~
1077 ~~1, excluding emergency rules except emergency rulemaking.~~ For
1078 each rule identified and described ~~law listed~~ under this
1079 paragraph, the plan must state whether the rulemaking is
1080 intended to simplify, clarify, increase efficiency, improve
1081 coordination with other agencies, reduce regulatory costs, or
1082 delete obsolete, unnecessary, or redundant rules.

1083 (c) The plan must include any desired update to the prior
1084 year's regulatory plan or supplement published pursuant to
1085 subsection (7). If, in a prior year, a law was identified under
1086 this paragraph or under subparagraph (a)1. as a law requiring
1087 rulemaking to implement but a notice of proposed rule has not
1088 been published:

1089 1. The agency shall identify and again list such law,
1090 noting the applicable notice of rule development by citation to
1091 the Florida Administrative Register; or

1092 2. If the agency has subsequently determined that
1093 rulemaking is not necessary to implement the law, the agency
1094 shall identify such law, reference the citation to the
1095 applicable notice of rule development in the Florida
1096 Administrative Register, and provide a concise written
1097 explanation of the reason why the law may be implemented without
1098 rulemaking.

1099 (d) The plan must identify any rules that are required to
1100 be repromulgated pursuant to s. 120.5435 for the 12-month period

1101 beginning on October 1 and ending on September 30.

1102 ~~(e)-(d)~~ The plan must include a certification executed on
 1103 behalf of the agency by both the agency head, or, if the agency
 1104 head is a collegial body, the presiding officer; and the
 1105 individual acting as principal legal advisor to the agency head.
 1106 The certification must declare:

1107 1. ~~Verify~~ That the persons executing the certification
 1108 have reviewed the plan.

1109 2. ~~Verify~~ That the agency regularly reviews all of its
 1110 rules and identify the period during which all rules have most
 1111 recently been reviewed to determine if the rules remain
 1112 consistent with the agency's rulemaking authority and the laws
 1113 implemented.

1114 3. That the agency understands that regulatory
 1115 accountability is necessary to ensure public confidence in the
 1116 integrity of state government and, to that end, the agency is
 1117 diligently working toward lowering the total number of rules
 1118 adopted.

1119 4. The total number of rules adopted and repealed during
 1120 the previous 12 months.

1121 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1122 (a) By October 1 of each year, each agency shall:

1123 1. Publish its regulatory plan on its website or on
 1124 another state website established for publication of
 1125 administrative law records. A clearly labeled hyperlink to the

1126 current plan must be included on the agency's primary website
 1127 homepage.

1128 2. Electronically deliver to the committee a copy of the
 1129 certification required in paragraph (1)(e) ~~(1)(d)~~.

1130 3. Publish in the Florida Administrative Register a notice
 1131 identifying the date of publication of the agency's regulatory
 1132 plan. The notice must include a hyperlink or website address
 1133 providing direct access to the published plan.

1134 Section 8. Subsection (11) of section 120.80, Florida
 1135 Statutes, is amended to read:

1136 120.80 Exceptions and special requirements; agencies.—

1137 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
 1138 ~~120.52(16)~~, the enlistment, organization, administration,
 1139 equipment, maintenance, training, and discipline of the militia,
 1140 National Guard, organized militia, and unorganized militia, as
 1141 provided by s. 2, Art. X of the State Constitution, are not
 1142 rules as defined by this chapter.

1143 Section 9. Paragraph (c) of subsection (1) of section
 1144 120.81, Florida Statutes, is amended to read:

1145 120.81 Exceptions and special requirements; general
 1146 areas.—

1147 (1) EDUCATIONAL UNITS.—

1148 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any
 1149 tests, test scoring criteria, or testing procedures relating to
 1150 student assessment which are developed or administered by the

1151 Department of Education pursuant to s. 1003.4282, s. 1008.22, or
1152 s. 1008.25, or any other statewide educational tests required by
1153 law, are not rules.

1154 Section 10. Paragraph (a) of subsection (1) of section
1155 420.9072, Florida Statutes, is amended to read:

1156 420.9072 State Housing Initiatives Partnership Program.—
1157 The State Housing Initiatives Partnership Program is created for
1158 the purpose of providing funds to counties and eligible
1159 municipalities as an incentive for the creation of local housing
1160 partnerships, to expand production of and preserve affordable
1161 housing, to further the housing element of the local government
1162 comprehensive plan specific to affordable housing, and to
1163 increase housing-related employment.

1164 (1)(a) In addition to the legislative findings set forth
1165 in s. 420.6015, the Legislature finds that affordable housing is
1166 most effectively provided by combining available public and
1167 private resources to conserve and improve existing housing and
1168 provide new housing for very-low-income households, low-income
1169 households, and moderate-income households. The Legislature
1170 intends to encourage partnerships in order to secure the
1171 benefits of cooperation by the public and private sectors and to
1172 reduce the cost of housing for the target group by effectively
1173 combining all available resources and cost-saving measures. The
1174 Legislature further intends that local governments achieve this
1175 combination of resources by encouraging active partnerships

1176 between government, lenders, builders and developers, real
1177 estate professionals, advocates for low-income persons, and
1178 community groups to produce affordable housing and provide
1179 related services. Extending the partnership concept to encompass
1180 cooperative efforts among small counties as defined in s. 120.52
1181 ~~s. 120.52(19)~~, and among counties and municipalities is
1182 specifically encouraged. Local governments are also intended to
1183 establish an affordable housing advisory committee to recommend
1184 monetary and nonmonetary incentives for affordable housing as
1185 provided in s. 420.9076.

1186 Section 11. Subsection (7) of section 420.9075, Florida
1187 Statutes, is amended to read:

1188 420.9075 Local housing assistance plans; partnerships.—

1189 (7) The moneys deposited in the local housing assistance
1190 trust fund shall be used to administer and implement the local
1191 housing assistance plan. The cost of administering the plan may
1192 not exceed 5 percent of the local housing distribution moneys
1193 and program income deposited into the trust fund. A county or an
1194 eligible municipality may not exceed the 5-percent limitation on
1195 administrative costs, unless its governing body finds, by
1196 resolution, that 5 percent of the local housing distribution
1197 plus 5 percent of program income is insufficient to adequately
1198 pay the necessary costs of administering the local housing
1199 assistance plan. The cost of administering the program may not
1200 exceed 10 percent of the local housing distribution plus 5

1201 percent of program income deposited into the trust fund, except
 1202 that small counties, as defined in s. 120.52 ~~s. 120.52(19)~~, and
 1203 eligible municipalities receiving a local housing distribution
 1204 of up to \$350,000 may use up to 10 percent of program income for
 1205 administrative costs.

1206 Section 12. Paragraph (d) of subsection (1) of section
 1207 443.091, Florida Statutes, is amended to read:

1208 443.091 Benefit eligibility conditions.—

1209 (1) An unemployed individual is eligible to receive
 1210 benefits for any week only if the Department of Economic
 1211 Opportunity finds that:

1212 (d) She or he is able to work and is available for work.
 1213 In order to assess eligibility for a claimed week of
 1214 unemployment, the department shall develop criteria to determine
 1215 a claimant's ability to work and availability for work. A
 1216 claimant must be actively seeking work in order to be considered
 1217 available for work. This means engaging in systematic and
 1218 sustained efforts to find work, including contacting at least
 1219 five prospective employers for each week of unemployment
 1220 claimed. The department may require the claimant to provide
 1221 proof of such efforts to the one-stop career center as part of
 1222 reemployment services. A claimant's proof of work search efforts
 1223 may not include the same prospective employer at the same
 1224 location in 3 consecutive weeks, unless the employer has
 1225 indicated since the time of the initial contact that the

1226 employer is hiring. The department shall conduct random reviews
1227 of work search information provided by claimants. As an
1228 alternative to contacting at least five prospective employers
1229 for any week of unemployment claimed, a claimant may, for that
1230 same week, report in person to a one-stop career center to meet
1231 with a representative of the center and access reemployment
1232 services of the center. The center shall keep a record of the
1233 services or information provided to the claimant and shall
1234 provide the records to the department upon request by the
1235 department. However:

1236 1. Notwithstanding any other provision of this paragraph
1237 or paragraphs (b) and (e), an otherwise eligible individual may
1238 not be denied benefits for any week because she or he is in
1239 training with the approval of the department, or by reason of s.
1240 443.101(2) relating to failure to apply for, or refusal to
1241 accept, suitable work. Training may be approved by the
1242 department in accordance with criteria prescribed by rule. A
1243 claimant's eligibility during approved training is contingent
1244 upon satisfying eligibility conditions prescribed by rule.

1245 2. Notwithstanding any other provision of this chapter, an
1246 otherwise eligible individual who is in training approved under
1247 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1248 determined ineligible or disqualified for benefits due to
1249 enrollment in such training or because of leaving work that is
1250 not suitable employment to enter such training. As used in this

1251 subparagraph, the term "suitable employment" means work of a
 1252 substantially equal or higher skill level than the worker's past
 1253 adversely affected employment, as defined for purposes of the
 1254 Trade Act of 1974, as amended, the wages for which are at least
 1255 80 percent of the worker's average weekly wage as determined for
 1256 purposes of the Trade Act of 1974, as amended.

1257 3. Notwithstanding any other provision of this section, an
 1258 otherwise eligible individual may not be denied benefits for any
 1259 week because she or he is before any state or federal court
 1260 pursuant to a lawfully issued summons to appear for jury duty.

1261 4. Union members who customarily obtain employment through
 1262 a union hiring hall may satisfy the work search requirements of
 1263 this paragraph by reporting daily to their union hall.

1264 5. The work search requirements of this paragraph do not
 1265 apply to persons who are unemployed as a result of a temporary
 1266 layoff or who are claiming benefits under an approved short-time
 1267 compensation plan as provided in s. 443.1116.

1268 6. In small counties as defined in s. 120.52 ~~s.~~
 1269 ~~120.52(19)~~, a claimant engaging in systematic and sustained
 1270 efforts to find work must contact at least three prospective
 1271 employers for each week of unemployment claimed.

1272 7. The work search requirements of this paragraph do not
 1273 apply to persons required to participate in reemployment
 1274 services under paragraph (e).

1275 Section 13. This act shall take effect July 1, 2022.