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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2022	.	
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The Committee on Appropriations (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to



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11 correcting grammatical, typographical, or similar errors not
12 affecting the substance of the rule.

13 Section 2. Subsections (2) and (3) and paragraph (a) of
14 subsection (7) of section 120.54, Florida Statutes, are amended,
15 and paragraphs (e), (f), and (g) are added to subsection (4) of
16 that section, to read:

17 120.54 Rulemaking.—

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

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

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

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

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



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40 long or complicated constructions; and

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

44 (c) An agency may hold public workshops for purposes of
45 rule development. If requested in writing by any affected
46 person, an agency must hold public workshops, including
47 workshops in various regions of the state or the agency's
48 service area, for purposes of rule development ~~if requested in~~
49 ~~writing by any affected person,~~ unless the agency head explains
50 in writing why a workshop is unnecessary. The explanation is not
51 final agency action subject to review pursuant to ss. 120.569
52 and 120.57. The failure to provide the explanation when required
53 may be a material error in procedure pursuant to s.
54 120.56(1)(c). When a workshop or public hearing is held, the
55 agency must ensure that the persons responsible for preparing
56 the proposed rule are available to explain the agency's proposal
57 and to respond to questions or comments regarding the rule being
58 developed. The workshop may be facilitated or mediated by a
59 neutral third person, or the agency may employ other types of
60 dispute resolution alternatives for the workshop that are
61 appropriate for rule development. Notice of a workshop for rule
62 development must ~~workshop shall~~ be by publication in the Florida
63 Administrative Register not fewer less than 14 days before ~~prior~~
64 ~~to~~ the date on which the workshop is scheduled to be held and
65 must shall indicate the subject area that ~~which~~ will be
66 addressed; the agency contact person; and the place, date, and
67 time of the workshop.

68 (d)1. An agency may use negotiated rulemaking in developing



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

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

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

97 (3) ADOPTION PROCEDURES.—



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98 (a) *Notices.*—

99 1. Before ~~Prior~~ to the adoption, amendment, or repeal of
100 any rule other than an emergency rule, an agency, upon approval
101 of the agency head, shall give notice of its intended action,
102 setting forth a short, plain explanation of the purpose and
103 effect of the proposed action; the proposed rule number and the
104 full text of the proposed rule or amendment and a summary
105 thereof; a reference to the grant of rulemaking authority
106 pursuant to which the rule is adopted; and a reference to the
107 section or subsection of the Florida Statutes or the Laws of
108 Florida being implemented or interpreted. The notice must
109 include a summary of the agency's statement of the estimated
110 regulatory costs, if one has been prepared, based on the factors
111 set forth in s. 120.541(2), which describes the regulatory
112 impact of the proposed rule in readable language; an agency
113 website address where the statement of estimated regulatory
114 costs can be viewed in its entirety, if one has been prepared; a
115 statement that any person who wishes to provide the agency with
116 information regarding the statement of estimated regulatory
117 costs, or to provide a proposal for a lower cost regulatory
118 alternative as provided by s. 120.541(1), must do so in writing
119 within 21 days after publication of the notice; and a statement
120 as to whether, based on the statement of the estimated
121 regulatory costs or other information expressly relied upon and
122 described by the agency if no statement of regulatory costs is
123 required, the proposed rule is expected to require legislative
124 ratification pursuant to s. 120.541(3). The notice must state
125 the procedure for requesting a public hearing on the proposed
126 rule. Except when the intended action is the repeal of a rule,



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

130 2. The notice shall be published in the Florida
131 Administrative Register at least 7 days after the publication of
132 the notice of rule development and at least ~~not less than~~ 28
133 days before ~~prior to~~ the intended action. The proposed rule,
134 including all materials proposed to be incorporated by reference
135 and the statement of estimated regulatory costs, if one has been
136 prepared, must ~~shall~~ be available for inspection and copying by
137 the public at the time of the publication of notice. After
138 December 31, 2022, material proposed to be incorporated by
139 reference in the notice required by this paragraph must be made
140 available in the manner prescribed by sub-subparagraph
141 (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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

149 4. The adopting agency shall file with the committee, at
150 least 21 days before ~~prior to~~ the proposed adoption date, a copy
151 of each rule it proposes to adopt; a copy of any material
152 incorporated by reference in the rule; a detailed written
153 statement of the facts and circumstances justifying the proposed
154 rule; a copy of any statement of estimated regulatory costs that
155 has been prepared pursuant to s. 120.541; a statement of the



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156 extent to which the proposed rule relates to federal standards
157 or rules on the same subject; and the notice required by
158 subparagraph 1.

159 5. If any of the information, other than substantive
160 changes to the rule text, which is required to be included in
161 the notice required by subparagraph 1. is omitted or is
162 incorrect, the agency must publish a notice of correction. A
163 notice of correction does not affect the timeframes for filing
164 the rule for adoption as set forth in paragraph (e). Technical
165 changes are not required to be published as a notice of
166 correction.

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

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

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

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

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

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



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

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

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

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

197 (V) Operating costs are expected to increase by at least
198 \$1,000 annually because of the rule; or

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

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



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

220 (I) Establishing less stringent compliance or reporting
221 requirements in the rule.

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

224 (III) Consolidating or simplifying the rule's compliance or
225 reporting requirements.

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

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

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

237 (II) Each agency shall adopt those regulatory alternatives
238 offered by the rules ombudsman in the Executive Office of the
239 Governor and provided to the agency no later than 21 days after
240 the rules ombudsman's receipt of the written notice of the rule
241 which it finds are feasible and consistent with the stated
242 objectives of the proposed rule and which would reduce the



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243 impact on small businesses. When regulatory alternatives are
244 offered by the rules ombudsman in the Executive Office of the
245 Governor, the 90-day period for filing the rule in subparagraph
246 (e)2. is extended for a period of 21 days. At least 21 days
247 before filing the rule for adoption, the agency shall provide a
248 copy of any regulatory alternative offered to the agency to the
249 committee.

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

258 (c) *Hearings.*—

259 1. If the intended action concerns any rule other than one
260 relating exclusively to procedure or practice, the agency shall,
261 on the request of any affected person received within 21 days
262 after the date of publication of the notice of intended agency
263 action, give affected persons an opportunity to present evidence
264 and argument on all issues under consideration. The agency may
265 schedule a public hearing on the proposed rule and, if requested
266 by any affected person, shall schedule a public hearing on the
267 proposed rule. When a public hearing is held, the agency must
268 ensure that staff are available to explain the agency's proposal
269 and to respond to questions or comments regarding the proposed
270 rule. If the agency head is a board or other collegial body
271 created under s. 20.165(4) or s. 20.43(3)(g), and one or more



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272 requested public hearings is scheduled, the board or other
273 collegial body shall conduct at least one of the public hearings
274 itself and may not delegate this responsibility without the
275 consent of those persons requesting the public hearing. Any
276 material pertinent to the issues under consideration submitted
277 to the agency within 21 days after the date of publication of
278 the notice or submitted to the agency between the date of
279 publication of the notice and the end of the final public
280 hearing shall be considered by the agency and made a part of the
281 record of the rulemaking proceeding.

282 2. Rulemaking proceedings shall be governed solely by the
283 provisions of this section unless a person timely asserts that
284 the person's substantial interests will be affected in the
285 proceeding and affirmatively demonstrates to the agency that the
286 proceeding does not provide adequate opportunity to protect
287 those interests. If the agency determines that the rulemaking
288 proceeding is not adequate to protect the person's interests, it
289 shall suspend the rulemaking proceeding and convene a separate
290 proceeding under the provisions of ss. 120.569 and 120.57. The
291 agency shall publish notice of convening a separate proceeding
292 in the Florida Administrative Register. Similarly situated
293 persons may be requested to join and participate in the separate
294 proceeding. Upon conclusion of the separate proceeding, the
295 rulemaking proceeding shall be resumed. All timelines in this
296 section are tolled during any suspension of the rulemaking
297 proceeding under this subparagraph, beginning on the date the
298 notice of convening a separate proceeding is published and
299 resuming on the day after the conclusion of the separate
300 proceeding.



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301 (d) *Modification or withdrawal of proposed rules.*—
302 1. After the final public hearing on the proposed rule, or
303 after the time for requesting a hearing has expired, if the
304 proposed rule has not been changed from the proposed rule as
305 previously filed with the committee, or contains only technical
306 changes, the adopting agency shall file a notice to that effect
307 with the committee at least 7 days before ~~prior to~~ filing the
308 proposed rule for adoption. Any change, other than a technical
309 change ~~that does not affect the substance of the rule~~, must be
310 supported by the record of public hearings held on the proposed
311 rule, must be in response to written material submitted to the
312 agency within 21 days after the date of publication of the
313 notice of intended agency action or submitted to the agency
314 between the date of publication of the notice and the end of the
315 final public hearing, or must be in response to a proposed
316 objection by the committee. Any change, other than a technical
317 change, to a statement of estimated regulatory costs requires a
318 notice of change. In addition, ~~when~~ any change, other than a
319 technical change, to the text of is made in a proposed rule or
320 any material incorporated by reference requires, ~~other than a~~
321 ~~technical change,~~ the adopting agency to ~~shall~~ provide a copy of
322 a notice of change by certified mail or actual delivery to any
323 person who requests it in writing no later than 21 days after
324 the notice required in paragraph (a). The agency shall file the
325 notice of change with the committee, along with the reasons for
326 the change, and provide the notice of change to persons
327 requesting it, at least 21 days before ~~prior to~~ filing the
328 proposed rule for adoption. The notice of change shall be
329 published in the Florida Administrative Register at least 21



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330 days before ~~prior to~~ filing the proposed rule for adoption. The
331 notice of change must include a summary of any revision to a
332 statement of estimated regulatory costs required by s.
333 120.541(1)(c). This subparagraph does not apply to emergency
334 rules adopted pursuant to subsection (4). After December 31,
335 2022, material proposed to be incorporated by reference in the
336 notice required by this paragraph must be made available in the
337 manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
338 subparagraph (1)(i)3.b.

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

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

352 ~~4.3.~~ After adoption and before the rule becomes effective,
353 a rule may be modified or withdrawn only in the following
354 circumstances:

355 a. When the committee objects to the rule;

356 b. When a final order, which is not subject to further
357 appeal, is entered in a rule challenge brought pursuant to s.
358 120.56 after the date of adoption but before the rule becomes



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359 effective pursuant to subparagraph (e)6.;

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

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

367 ~~5.4.~~ The agency shall give notice of its decision to
368 withdraw or modify a rule in the first available issue of the
369 publication in which the original notice of rulemaking was
370 published, shall notify those persons described in subparagraph
371 (a)3. in accordance with the requirements of that subparagraph,
372 and shall notify the Department of State if the rule is required
373 to be filed with the Department of State.

374 ~~6.5.~~ After a rule has become effective, it may be repealed
375 or amended only through the rulemaking procedures specified in
376 this chapter.

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

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



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

390 2. A rule may not be filed for adoption less than 28 days
391 or more than 90 days after the notice required by paragraph (a),
392 until 21 days after the notice of change required by paragraph
393 (d), until 14 days after the final public hearing, until 21 days
394 after a statement of estimated regulatory costs required under
395 s. 120.541 has been provided to all persons who submitted a
396 lower cost regulatory alternative and made available to the
397 public at a readily accessible page on the agency's website, or
398 until the administrative law judge has rendered a decision under
399 s. 120.56(2), whichever applies. When a required notice of
400 change is published before ~~prior to~~ the expiration of the time
401 to file the rule for adoption, the period during which a rule
402 must be filed for adoption is extended to 45 days after the date
403 of publication. If notice of a public hearing is published
404 before ~~prior to~~ the expiration of the time to file the rule for
405 adoption, the period during which a rule must be filed for
406 adoption is extended to 45 days after adjournment of the final
407 hearing on the rule, 21 days after receipt of all material
408 authorized to be submitted at the hearing, or 21 days after
409 receipt of the transcript, if one is made, whichever is latest.
410 The term "public hearing" includes any public meeting held by
411 any agency at which the rule is considered. If a petition for an
412 administrative determination under s. 120.56(2) is filed, the
413 period during which a rule must be filed for adoption is
414 extended to 60 days after the administrative law judge files the
415 final order with the clerk or until 60 days after subsequent
416 judicial review is complete.



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

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

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

439 6. The proposed rule shall be adopted on being filed with
440 the Department of State and become effective 20 days after being
441 filed, on a later date specified in the notice required by
442 subparagraph (a)1., on a date required by statute, or upon
443 ratification by the Legislature pursuant to s. 120.541(3). Rules
444 not required to be filed with the Department of State shall
445 become effective when adopted by the agency head, on a later



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446 date specified by rule or statute, or upon ratification by the
447 Legislature pursuant to s. 120.541(3). If the committee notifies
448 an agency that an objection to a rule is being considered, the
449 agency may postpone the adoption of the rule to accommodate
450 review of the rule by the committee. When an agency postpones
451 adoption of a rule to accommodate review by the committee, the
452 90-day period for filing the rule is tolled until the committee
453 notifies the agency that it has completed its review of the
454 rule.

455
456 For the purposes of this paragraph, the term "administrative
457 determination" does not include subsequent judicial review.

458 (4) EMERGENCY RULES.—

459 (e) Emergency rules shall be published in the Florida
460 Administrative Code.

461 (f) An agency may not supersede an emergency rule currently
462 in effect.

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

467 (7) PETITION TO INITIATE RULEMAKING.—

468 (a) Any person regulated by an agency or having substantial
469 interest in an agency rule may petition an agency to adopt,
470 amend, or repeal a rule or to provide the minimum public
471 information required by this chapter. The petition shall specify
472 the proposed rule and action requested. The agency shall file a
473 copy of the petition with the committee. Not later than 30
474 calendar days following the date of filing a petition, the



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475 agency shall initiate rulemaking proceedings under this chapter,
476 otherwise comply with the requested action, or deny the petition
477 with a written statement of its reasons for the denial.

478 Section 3. Section 120.541, Florida Statutes, is amended to
479 read:

480 120.541 Statement of estimated regulatory costs.—

481 (1) (a) Within 21 days after publication of the notice of a
482 proposed rule or notice of change required under s.
483 120.54(3)(a), a substantially affected person may submit to an
484 agency a good faith written proposal for a lower cost regulatory
485 alternative to a proposed rule which substantially accomplishes
486 the objectives of the law being implemented. The agency shall
487 provide a copy of any proposal for a lower cost regulatory
488 alternative to the committee at least 21 days before filing the
489 rule for adoption. The proposal may include the alternative of
490 not adopting any rule if the proposal explains how the lower
491 costs and objectives of the law will be achieved by not adopting
492 any rule. If submitted after a notice of change, a proposal for
493 a lower cost regulatory alternative is deemed to be made in good
494 faith only if the person reasonably believes, and the proposal
495 states the person's reasons for believing, that the proposed
496 rule as changed by the notice of change increases the regulatory
497 costs or creates an adverse impact on small businesses that was
498 not created by the previous proposed rule. If such a proposal is
499 submitted, the 90-day period for filing the rule is extended 21
500 days. Upon the submission of the lower cost regulatory
501 alternative, the agency shall prepare a statement of estimated
502 regulatory costs as provided in subsection (2), or shall revise
503 its prior statement of estimated regulatory costs, and ~~either~~



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504 adopt the alternative proposal, reject the alternative proposal,
505 or modify the proposed rule to reduce the regulatory costs. If
506 the agency rejects the alternative proposal or modifies the
507 proposed rule, the agency shall ~~or~~ provide a statement of the
508 reasons for rejecting the alternative in favor of the proposed
509 rule.

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

516 (c) The agency shall revise a statement of estimated
517 regulatory costs if any change to the rule made under s.
518 120.54(3)(d) increases the regulatory costs of the rule or if
519 the rule is modified in response to the submission of a lower
520 cost regulatory alternative. A summary of the revised statement
521 must be included with any subsequent notice published under s.
522 120.54(3).

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

532 (e) Notwithstanding s. 120.56(1)(c), the failure of the



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533 agency to prepare and publish a statement of estimated
534 regulatory costs or to respond to a written lower cost
535 regulatory alternative as provided in this subsection is a
536 material failure to follow the applicable rulemaking procedures
537 or requirements set forth in this chapter.

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

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

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

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

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

551 2. The challenge is to the agency's rejection of a lower
552 cost regulatory alternative offered under paragraph (a) or s.
553 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

554 3. The substantial interests of the person challenging the
555 rule are materially affected by the rejection.

556 (2) A statement of estimated regulatory costs must ~~shall~~
557 include:

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

560 1. Is likely to have an adverse impact on economic growth,
561 private sector job creation or employment, or private sector



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562 investment in excess of \$1 million in the aggregate within 5
563 years after the implementation of the rule;

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

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

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

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

582 (d) A good faith estimate of the compliance ~~transactional~~
583 costs likely to be incurred by individuals and entities,
584 including local government entities, required to comply with the
585 requirements of the rule. ~~As used in this section,~~
586 ~~"transactional costs" are direct costs that are readily~~
587 ~~ascertainable based upon standard business practices, and~~
588 ~~include filing fees, the cost of obtaining a license, the cost~~
589 ~~of equipment required to be installed or used or procedures~~
590 ~~required to be employed in complying with the rule, additional~~



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591 ~~operating costs incurred, the cost of monitoring and reporting,~~
592 ~~and any other costs necessary to comply with the rule.~~

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

599 (f) Any additional information that the agency determines
600 may be useful.

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

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

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

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

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

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

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



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

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

634 1. Increased customer charges for goods or services.

635 2. Decreased market value of goods or services produced,
636 provided, or sold.

637 3. Increased costs resulting from the purchase of
638 substitute or alternative goods or services.

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

643 5. Capital costs.

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

646 (b) In estimating and analyzing the information required in
647 paragraphs (2) (b)-(e), the agency may use surveys of
648 individuals, businesses, business organizations, counties, and



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649 municipalities to collect data helpful to estimate and analyze
650 the costs and impacts.

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

656 1. Filing fees.

657 2. Expenses to obtain a license.

658 3. Necessary equipment.

659 4. Installation, utilities, and maintenance of necessary
660 equipment.

661 5. Necessary operations and procedures.

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

664 7. Other processes.

665 8. Labor based on relevant rates of wages, salaries, and
666 benefits.

667 9. Materials and supplies.

668 10. Capital expenditures, including financing costs.

669 11. Professional and technical services, including
670 contracted services necessary to implement and maintain
671 compliance.

672 12. Monitoring and reporting.

673 13. Qualifying and recurring education, training, and
674 testing.

675 14. Travel.

676 15. Insurance and surety requirements.

677 16. A fair and reasonable allocation of administrative



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678 costs and other overhead.

679 17. Reduced sales or other revenues.

680 18. Other items suggested by the rules ombudsman in the
681 Executive Office of the Governor or any interested person,
682 business organization, or business representative.

683 (7) (a) The Department of State shall include on the Florida
684 Administrative Register website the agency website addresses
685 where statements of estimated regulatory costs may be viewed in
686 their entirety.

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

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

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

700 120.545 Committee review of agency rules.—

701 (1) As a legislative check on legislatively created
702 authority, the committee shall examine each existing rule and
703 proposed rule, except for those proposed rules exempted by s.
704 120.81(1) (e) and (2), and its accompanying material, and each
705 emergency rule, ~~and may examine any existing rule,~~ for the
706 purpose of determining whether:



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- 707 (a) The rule is an invalid exercise of delegated
708 legislative authority.
- 709 (b) The statutory authority for the rule has been repealed.
- 710 (c) The rule reiterates or paraphrases statutory material.
- 711 (d) The rule is in proper form.
- 712 (e) The notice given before ~~prior to~~ its adoption was
713 sufficient to give adequate notice of the purpose and effect of
714 the rule.
- 715 (f) The rule is consistent with expressed legislative
716 intent pertaining to the specific provisions of law which the
717 rule implements.
- 718 (g) The rule is necessary to accomplish the apparent or
719 expressed objectives of the specific provision of law which the
720 rule implements.
- 721 (h) The rule is a reasonable implementation of the law as
722 it affects the convenience of the general public or persons
723 particularly affected by the rule.
- 724 (i) The rule could be made less complex or more easily
725 comprehensible to the general public.
- 726 (j) The rule's statement of estimated regulatory costs
727 complies with the requirements of s. 120.541 and whether the
728 rule does not impose regulatory costs on the regulated person,
729 county, or city which could be reduced by the adoption of less
730 costly alternatives that substantially accomplish the statutory
731 objectives.
- 732 (k) The rule will require additional appropriations.
- 733 (l) If the rule is an emergency rule, there exists an
734 emergency justifying the adoption of such rule, the agency is
735 within its statutory authority, and the rule was adopted in



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736 compliance with the requirements and limitations of s.
737 120.54(4).

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

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

757 120.55 Publication.—

758 (1) The Department of State shall:

759 (a)1. Through a continuous revision and publication system,
760 compile and publish electronically, on a website managed by the
761 department, the "Florida Administrative Code." The Florida
762 Administrative Code shall contain all rules adopted by each
763 agency, citing the grant of rulemaking authority and the
764 specific law implemented pursuant to which each rule was



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765 adopted, all history notes as authorized in s. 120.545(7),
766 complete indexes to all rules and any material incorporated by
767 reference contained in the code, and any other material required
768 or authorized by law or deemed useful by the department. The
769 electronic code shall display each rule chapter currently in
770 effect in browse mode and allow full text search of the code and
771 each rule chapter. The department may contract with a publishing
772 firm for a printed publication; however, the department shall
773 retain responsibility for the code as provided in this section.
774 The electronic publication shall be the official compilation of
775 the administrative rules of this state. The Department of State
776 shall retain the copyright over the Florida Administrative Code.

777 2. Not publish in the Florida Administrative Code rules
778 general in form but applicable to only one school district,
779 community college district, or county, or a part thereof, or
780 state university rules relating to internal personnel or
781 business and finance ~~shall not be published in the Florida~~
782 ~~Administrative Code~~. Exclusion from publication in the Florida
783 Administrative Code does ~~shall~~ not affect the validity or
784 effectiveness of such rules.

785 3. At the beginning of the section of the code dealing with
786 an agency that files copies of its rules with the department,
787 ~~the department shall~~ publish the address and telephone number of
788 the executive offices of each agency, the manner by which the
789 agency indexes its rules, a listing of all rules of that agency
790 excluded from publication in the code, a listing of all forms
791 and material incorporated by reference adopted by rule which are
792 used by the agency, and a statement as to where those rules may
793 be inspected.



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794 4. Not publish forms ~~shall not be published~~ in the Florida
795 Administrative Code. However, ~~but~~ any form that ~~which~~ an agency
796 uses in its dealings with the public, along with any
797 accompanying instructions, shall be filed with the committee
798 before it is used. Any form or instruction which meets the
799 definition of the term "rule" as defined ~~provided~~ in s. 120.52
800 shall be incorporated by reference into the appropriate rule.
801 The reference shall specifically state that the form is being
802 incorporated by reference and shall include the number, title,
803 and effective date of the form and an explanation of how the
804 form may be obtained. Each form created by an agency which is
805 incorporated by reference in a rule notice of which is given
806 under s. 120.54(3)(a) after December 31, 2007, must clearly
807 display the number, title, and effective date of the form and
808 the number of the rule in which the form is incorporated.

809 5. Require all materials incorporated by reference in any
810 part of an adopted rule after December 31, 2022, ~~The department~~
811 ~~shall allow adopted rules and material incorporated by reference~~
812 to be filed in the manner prescribed by s. 120.54(1)(i)3.a. or
813 b. electronic form as prescribed by department rule. When a rule
814 is filed for adoption with incorporated material in electronic
815 form, the department's publication of the Florida Administrative
816 Code on its website must contain a hyperlink from the
817 incorporating reference in the rule directly to that material.
818 The department may not allow hyperlinks from rules in the
819 Florida Administrative Code to any material other than that
820 filed with and maintained by the department, but may allow
821 hyperlinks to incorporated material maintained by the department
822 from the adopting agency's website or other sites.



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823 6. Include the date of any technical changes to a rule in
824 the history note of the rule in the Florida Administrative Code.
825 A technical change does not affect the effective date of the
826 rule. A technical change made after the adoption of a rule must
827 be published as a notice of correction.

828 (b)1. Electronically publish on a website managed by the
829 department a continuous revision and publication entitled the
830 "Florida Administrative Register," which shall serve as the
831 official publication. The Florida Administrative Register shall
832 be published once daily by 8 a.m. If after publication, a rule
833 is corrected and replaced, the Florida Administrative Register
834 shall indicate:

835 a. That the Florida Administrative Register has been
836 republished.

837 b. The rule that has been corrected by the Department of
838 State.

839 2. The Florida Administrative Register and must contain:

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

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

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

849 d.4. Notice of petitions for declaratory statements or
850 administrative determinations.

851 e.5. A summary of each objection to any rule filed by the



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852 Administrative Procedures Committee.

853 ~~f.6.~~ A list of rules filed for adoption in the previous 7
854 days.

855 ~~g.7.~~ A list of all rules filed for adoption pending
856 legislative ratification under s. 120.541(3). A rule shall be
857 removed from the list once notice of ratification or withdrawal
858 of the rule is received.

859 ~~h.8.~~ Any other material required or authorized by law or
860 deemed useful by the department.

861

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

865 (c) Prescribe by rule the style and form required for
866 rules, notices, and other materials submitted for filing,
867 including a rule requiring documents created by an agency that
868 are proposed to be incorporated by reference in notices
869 published pursuant to s. 120.54(3)(a) and (d) to be coded in the
870 same manner as notices published pursuant to s. 120.54(3)(a)1.

871 Section 6. Section 120.74, Florida Statutes, is amended to
872 read:

873 120.74 Agency annual rulemaking and regulatory plans;
874 reports.—

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

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



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

884 1. Whether the agency must adopt rules to implement the
885 law.

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

887 a. Whether a notice of rule development has been published
888 and, if so, the citation to such notice in the Florida
889 Administrative Register.

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

892 3. If rulemaking is not necessary to implement the law, a
893 concise written explanation of the reasons why the law may be
894 implemented without rulemaking.

895 (b) The plan must also identify and describe each rule,
896 including each rule number or proposed rule number, that include
897 a listing of each law not otherwise listed pursuant to paragraph
898 (a) which the agency expects to develop, adopt, or repeal for
899 the 12-month period beginning on October 1 and ending on
900 September 30 implement by rulemaking before the following July
901 1, excluding emergency rules except emergency rulemaking. For
902 each rule identified and described law listed under this
903 paragraph, the plan must state whether the rulemaking is
904 intended to simplify, clarify, increase efficiency, improve
905 coordination with other agencies, reduce regulatory costs, or
906 delete obsolete, unnecessary, or redundant rules.

907 (c) The plan must include any desired update to the prior
908 year's regulatory plan or supplement published pursuant to
909 subsection (7). If, in a prior year, a law was identified under



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910 this paragraph or under subparagraph (a)1. as a law requiring
911 rulemaking to implement but a notice of proposed rule has not
912 been published:

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

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

923 (d)1. The plan must include a schedule for the agency to
924 review its rules for consistency with the powers and duties
925 granted by the enabling statutes in accordance with this
926 paragraph. Each agency must review all of its rules existing
927 before July 1, 2022, in accordance with this paragraph by July
928 1, 2027. All rules adopted on or after July 1, 2022, and all
929 existing rules reviewed initially by July 1, 2027, shall be
930 reviewed every 10 years after their respective dates of adoption
931 or review. This schedule shall be updated on an annual basis to
932 ensure that all rules are reviewed every 10 years after their
933 respective dates of adoption or review.

934 2. The plan must include an index and summary of rules
935 reviewed during the previous year listed by number and title.
936 The index must indicate:

937 a. The rules reviewed pursuant to this paragraph that are
938 consistent with the powers and duties granted by the enabling



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939 statutes.

940 b. The rules reviewed pursuant to this paragraph that
941 require amendments to remove portions of the rule that are
942 inconsistent with the powers and duties granted by the enabling
943 statute. A summary of the required amendments and a schedule for
944 such rulemaking shall be provided.

945 c. The rules reviewed pursuant to this paragraph that will
946 be repealed in their entirety because there is no enabling
947 statute. A schedule for the repeal of such rules shall be
948 provided.

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

954 (e) The plan must include a certification executed on
955 behalf of the agency by both the agency head, or, if the agency
956 head is a collegial body, the presiding officer; and the
957 individual acting as principal legal advisor to the agency head.
958 The certification must declare:

959 1. ~~Verify~~ That the persons executing the certification have
960 reviewed the plan.

961 2. ~~Verify~~ That the agency regularly reviews all of its
962 rules and identify the period during which all rules have most
963 recently been reviewed to determine if the rules remain
964 consistent with the agency's rulemaking authority and the laws
965 implemented.

966 3. That the agency understands that regulatory
967 accountability is necessary to ensure public confidence in the



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968 integrity of state government and, to that end, the agency is
969 diligently working toward reducing the number of regulatory
970 requirements consistent with the agency's rulemaking authority
971 and the laws implemented.

972 4. The total number of rules adopted and repealed during
973 the previous 12 months.

974 5. That all actions set forth in the prior annual
975 regulatory plan have been completed or are on a schedule to be
976 completed.

977 6. That all materials incorporated by reference in the
978 rules reviewed are available in the manner prescribed by s.
979 120.54(1)(i)3.a. or b.

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

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

982 1. Publish its regulatory plan on its website or on another
983 state website established for publication of administrative law
984 records. A clearly labeled hyperlink to the current plan must be
985 included on the agency's primary website homepage.

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

988 3. Publish in the Florida Administrative Register a notice
989 identifying the date of publication of the agency's regulatory
990 plan. The notice must include a hyperlink or website address
991 providing direct access to the published plan.

992 (b) To satisfy the requirements of paragraph (a), a board
993 established under s. 20.165(4), and any other board or
994 commission receiving administrative support from the Department
995 of Business and Professional Regulation, may coordinate with the
996 Department of Business and Professional Regulation, and a board



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997 established under s. 20.43(3)(g) may coordinate with the
998 Department of Health, for inclusion of the board's or
999 commission's plan and notice of publication in the coordinating
1000 department's plan and notice and for the delivery of the
1001 required documentation to the committee.

1002 (c) A regulatory plan prepared under subsection (1) and any
1003 regulatory plan published under this chapter before July 1,
1004 2014, shall be maintained at an active website for 10 years
1005 after the date of initial publication on the agency's website or
1006 another state website.

1007 (3) DEPARTMENT REVIEW OF BOARD PLAN.—By October 15 of each
1008 year:

1009 (a) For each board established under s. 20.165(4) and any
1010 other board or commission receiving administrative support from
1011 the Department of Business and Professional Regulation, the
1012 Department of Business and Professional Regulation shall file
1013 with the committee a certification that the department has
1014 reviewed each board's and commission's regulatory plan. A
1015 certification may relate to more than one board or commission.

1016 (b) For each board established under s. 20.43(3)(g), the
1017 Department of Health shall file with the committee a
1018 certification that the department has reviewed the board's
1019 regulatory plan. A certification may relate to more than one
1020 board.

1021 (4) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each
1022 year, each agency shall publish a notice of rule development
1023 under s. 120.54(2) for each law identified in the agency's
1024 regulatory plan pursuant to subparagraph (1)(a)1. for which
1025 rulemaking is necessary to implement but for which the agency



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1026 did not report the publication of a notice of rule development
1027 under subparagraph (1) (a)2.

1028 (5) DEADLINE TO PUBLISH PROPOSED RULE.—For each law for
1029 which implementing rulemaking is necessary as identified in the
1030 agency's plan pursuant to subparagraph (1) (a)1. or subparagraph
1031 (1) (c)1., the agency shall publish a notice of proposed rule
1032 pursuant to s. 120.54(3) (a) by April 1 of the year following the
1033 deadline for the regulatory plan. This deadline may be extended
1034 if the agency publishes a notice of extension in the Florida
1035 Administrative Register identifying each rulemaking proceeding
1036 for which an extension is being noticed by citation to the
1037 applicable notice of rule development as published in the
1038 Florida Administrative Register. The agency shall include a
1039 concise statement in the notice of extension identifying any
1040 issues that are causing the delay in rulemaking. An extension
1041 shall expire on October 1 after the April 1 deadline, provided
1042 that the regulatory plan due on October 1 may further extend the
1043 rulemaking proceeding by identification pursuant to subparagraph
1044 (1) (c)1. or conclude the rulemaking proceeding by identification
1045 pursuant to subparagraph (1) (c)2. A published regulatory plan
1046 may be corrected at any time to accomplish the purpose of
1047 extending or concluding an affected rulemaking proceeding and is
1048 deemed corrected as of the October 1 due date. Upon publication
1049 of a correction, the agency shall publish in the Florida
1050 Administrative Register a notice of the date of the correction
1051 identifying the affected rulemaking proceeding by applicable
1052 citation to the Florida Administrative Register.

1053 (6) CERTIFICATIONS.—Each agency shall file a certification
1054 with the committee upon compliance with subsection (4) and upon



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1055 filing a notice under subsection (5) of either a deadline
1056 extension or a regulatory plan correction. A certification may
1057 relate to more than one notice or contemporaneous act. The date
1058 or dates of compliance shall be noted in each certification.

1059 (7) SUPPLEMENTING THE REGULATORY PLAN.—After publication of
1060 the regulatory plan, the agency shall supplement the plan within
1061 30 days after a bill becomes a law if the law is enacted before
1062 the next regular session of the Legislature and the law
1063 substantively modifies the agency's specifically delegated legal
1064 duties, unless the law affects all or most state agencies as
1065 identified by letter to the committee from the Governor or the
1066 Attorney General. The supplement must include the information
1067 required in paragraph (1) (a) and shall be published as required
1068 in subsection (2), but no certification or delivery to the
1069 committee is required. The agency shall publish in the Florida
1070 Administrative Register notice of publication of the supplement,
1071 and include a hyperlink on its website or web address for direct
1072 access to the published supplement. For each law reported in the
1073 supplement, if rulemaking is necessary to implement the law, the
1074 agency shall publish a notice of rule development by the later
1075 of the date provided in subsection (4) or 60 days after the bill
1076 becomes a law, and a notice of proposed rule shall be published
1077 by the later of the date provided in subsection (5) or 120 days
1078 after the bill becomes a law. The proposed rule deadline may be
1079 extended to the following October 1 by notice as provided in
1080 subsection (5). If such proposed rule has not been filed by
1081 October 1, a law included in a supplement shall also be included
1082 in the next annual plan pursuant to subsection (1).

1083 (8) FAILURE TO COMPLY.—If an agency fails to comply with a



1084 requirement of subsection (1), paragraph (2)(a), or subsection
1085 (5), within 15 days after written demand from the committee or
1086 from the chair of any other legislative committee, the agency
1087 shall deliver a written explanation of the reasons for
1088 noncompliance to the committee, the President of the Senate, the
1089 Speaker of the House of Representatives, and the chair of any
1090 legislative committee requesting the explanation of the reasons
1091 for noncompliance.

1092 (9) EDUCATIONAL UNITS.—This section does not apply to
1093 educational units.

1094 Section 7. This act shall take effect July 1, 2022.

1095

1096 ===== T I T L E A M E N D M E N T =====

1097 And the title is amended as follows:

1098 Delete everything before the enacting clause
1099 and insert:

1100 A bill to be entitled
1101 An act relating to administrative procedures; amending
1102 s. 120.52, F.S.; defining the term "technical change";
1103 amending s. 120.54, F.S.; requiring a notice of rule
1104 development to include certain information; requiring
1105 a notice of withdrawal if a notice of proposed rule is
1106 not filed within a certain timeframe; requiring a
1107 notice of proposed rule to include certain
1108 information; requiring certain notices to be published
1109 within a specified timeframe; requiring that material
1110 proposed to be incorporated by reference be made
1111 available in a specified manner; authorizing
1112 electronic delivery of notices to persons who have



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1113 requested advance notice of agency rulemaking
1114 proceedings; requiring publication of a notice of
1115 correction in certain circumstances; providing that a
1116 notice of correction does not affect certain
1117 timeframes; revising the circumstances under which a
1118 proposed rule's adverse impact on small businesses is
1119 considered to exist; requiring an agency to provide
1120 notice of a regulatory alternative to the
1121 Administrative Procedures Committee before filing the
1122 rule for adoption; requiring an agency to publish a
1123 notice of convening a separate proceeding in certain
1124 circumstances; providing that rulemaking timelines are
1125 tolled during such separate proceedings; requiring a
1126 notice of change for certain changes to a statement of
1127 estimated regulatory costs; revising the requirements
1128 for the contents of a notice of change; requiring the
1129 committee to notify the Department of State that the
1130 date for an agency to adopt a rule has expired under
1131 certain circumstances; requiring the department to
1132 publish a notice of withdrawal under certain
1133 circumstances; requiring that certain information be
1134 available on the agency's website; requiring emergency
1135 rules to be published in the Florida Administrative
1136 Code; prohibiting agencies from making changes to
1137 emergency rules by superseding the rule; authorizing
1138 an agency to make technical changes to an emergency
1139 rule during a specified timeframe; requiring
1140 publication of a notice of the technical change in the
1141 Florida Administrative Register; requiring an agency



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1142 to file a copy of a certain petition with the
1143 committee; amending s. 120.541, F.S.; requiring an
1144 agency to provide a copy of any proposal for a lower
1145 cost regulatory alternative to the committee within a
1146 certain timeframe; specifying the circumstances under
1147 which such a proposal is made in good faith; revising
1148 requirements for an agency's consideration of a lower
1149 cost regulatory alternative; providing for an agency's
1150 revision and publication of a revised statement of
1151 estimated regulatory costs in response to certain
1152 circumstances; requiring that a revised statement of
1153 lower cost regulatory alternative be submitted to the
1154 rules ombudsman in the Executive Office of the
1155 Governor and published in a specified manner; revising
1156 the information required in a statement of estimated
1157 regulatory cost; deleting the definition of the term
1158 "transactional costs"; revising the applicability of
1159 specified provisions; providing additional
1160 requirements for the calculation of estimated
1161 regulatory costs; requiring the department to include
1162 specified information on a website; requiring certain
1163 agencies to include certain information in a statement
1164 of estimated regulatory costs and on their websites;
1165 providing certain requirements for an agency that
1166 revises a statement of estimated regulatory costs;
1167 amending s. 120.545, F.S.; requiring the committee to
1168 examine existing rules; authorizing the committee to
1169 file an objection in certain instances; amending s.
1170 120.55, F.S.; requiring the Florida Administrative



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1171 Code to contain complete indexes to any material
1172 incorporated by reference contained in the code;
1173 requiring material incorporated by reference to be
1174 filed in a specified manner after a certain date;
1175 requiring the department to include the date of a
1176 technical change in the Florida Administrative Code;
1177 providing that a technical change does not affect the
1178 effective date of a rule; requiring a technical change
1179 made after rule adoption to be published as a notice
1180 of correction; requiring the Florida Administrative
1181 Register to be published once daily and indicate
1182 certain information; requiring specified rulemaking;
1183 amending s. 120.74, F.S.; requiring an agency's
1184 regulatory plan to identify and describe each rule the
1185 agency plans to develop, adopt, or repeal during a
1186 specified 12 month period; requiring such plan to
1187 include a schedule of rule review; providing indexes
1188 of certain information to be included in such plan;
1189 requiring such plan to include a list of certain
1190 statutes and laws or parts thereof; requiring the
1191 agency to provide such list to the Division of Law
1192 Revision; requiring a certification in such plan to
1193 make certain declarations; requiring an agency to
1194 deliver a written explanation upon request by
1195 designated persons for failing to comply with the
1196 regulatory plan requirements; providing an effective
1197 date.