

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

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

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

6 Section 1. Subsections (16) through (19) and (20), (21),  
 7 and (22) of section 120.52, Florida Statutes, are redesignated  
 8 as subsections (17) through (20) and (22), (23), and (24),  
 9 respectively, and new subsections (16) and (21) are added to  
 10 that section to read:

11 120.52 Definitions.—As used in this act:

12 (16) "Repromulgation" means the publication and adoption  
 13 of an existing rule following an agency's review of the rule for  
 14 consistency with the powers and duties granted by its enabling  
 15 statute.

16 (21) "Technical change" means a change limited to

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17 correcting grammatical, typographical, and similar errors not  
18 affecting the substance of a rule.

19 Section 2. Paragraph (i) of subsection (1), subsections  
20 (2) and (3), paragraph (c) of subsection (4), and paragraph (a)  
21 of subsection (7) of section 120.54, Florida Statutes, are  
22 amended, and paragraphs (e) through (j) are added to subsection  
23 (4) of that section, to read:

24 120.54 Rulemaking.—

25 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN  
26 EMERGENCY RULES.—

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

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

38 3. In rules adopted after December 31, 2010, and rules  
39 amended or repromulgated on or after July 1, 2023, material may  
40 not be incorporated by reference unless:

41 a. The material has been submitted in the prescribed

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42 | electronic format to the Department of State and the full text  
43 | of the material can be made available for free public access  
44 | through an electronic hyperlink from the rule making the  
45 | reference in the Florida Administrative Code; or

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

53 |       4. A rule may not be amended by reference only. Amendments  
54 | must set out the amended rule in full in the same manner as  
55 | required by the State Constitution for laws.

56 |       5. Notwithstanding any contrary provision in this section,  
57 | when an adopted rule of the Department of Environmental  
58 | Protection or a water management district is incorporated by  
59 | reference in the other agency's rule to implement a provision of  
60 | part IV of chapter 373, subsequent amendments to the rule are  
61 | not effective as to the incorporating rule unless the agency  
62 | incorporating by reference notifies the committee and the  
63 | Department of State of its intent to adopt the subsequent  
64 | amendment, publishes notice of such intent in the Florida  
65 | Administrative Register, and files with the Department of State  
66 | a copy of the amended rule incorporated by reference. Changes in

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67 the rule incorporated by reference are effective as to the other  
68 agency 20 days after the date of the published notice and filing  
69 with the Department of State. The Department of State shall  
70 amend the history note of the incorporating rule to show the  
71 effective date of such change. Any substantially affected person  
72 may, within 14 days after the date of publication of the notice  
73 of intent in the Florida Administrative Register, file an  
74 objection to rulemaking with the agency. The objection must  
75 ~~shall~~ specify the portions of the rule incorporated by reference  
76 to which the person objects and the reasons for the objection.  
77 The agency does ~~shall~~ not have the authority under this  
78 subparagraph to adopt those portions of the rule specified in  
79 such objection. The agency shall publish notice of the objection  
80 and of its action in response in the next available issue of the  
81 Florida Administrative Register.

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

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

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

90 (3)(a). The notice of rule development must ~~shall~~ indicate the  
91 subject area to be addressed by rule development, provide a

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92 short, plain explanation of the purpose and effect of the  
93 proposed rule, cite the grant of rulemaking authority for the  
94 proposed rule and the law being implemented ~~specific legal~~  
95 ~~authority for the proposed rule~~, and include the proposed rule  
96 number and the preliminary text of the proposed rules, if  
97 available, or a statement of how a person may promptly obtain,  
98 without cost, a copy of any preliminary draft, when if  
99 available. The notice must also include a request for the  
100 submission of any information that would be helpful to the  
101 agency in preparing the statement of estimated regulatory costs  
102 required pursuant to paragraph (3)(b) and a statement of how a  
103 person may submit comments on the proposal and how a person may  
104 provide information regarding the potential regulatory costs.

105 2. A notice of a proposed rule must be published in the  
106 Florida Administrative Register within 12 months after the most  
107 recent notice of rule development.

108 (b) All rules should be drafted in readable language. The  
109 language is readable if it:

110 1. ~~It~~ Avoids the use of obscure words and unnecessarily  
111 long or complicated constructions; and

112 2. ~~It~~ Avoids the use of unnecessary technical or  
113 specialized language that is understood only by members of  
114 particular trades or professions.

115 (c) An agency may hold public workshops for purposes of  
116 rule development and information gathering for the preparation

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117 of the statement of estimated regulatory costs. If requested in  
118 writing by any affected person, an agency must hold public  
119 workshops, including workshops in various regions of this the  
120 state or the agency's service area, for purposes of rule  
121 development and information gathering for the preparation of the  
122 statement of estimated regulatory costs if requested in writing  
123 by any affected person, unless the agency head explains in  
124 writing why a workshop is unnecessary. The explanation is not  
125 final agency action subject to review pursuant to ss. 120.569  
126 and 120.57. The failure to provide the explanation when required  
127 may be a material error in procedure pursuant to s.  
128 120.56(1)(c). When a workshop or public hearing is held, the  
129 agency must ensure that the persons responsible for preparing  
130 the proposed rule and the statement of estimated regulatory  
131 costs are available to receive public input, to explain the  
132 agency's proposal, and to respond to questions or comments  
133 regarding the rule being developed and the statement of  
134 estimated regulatory costs. The workshop may be facilitated or  
135 mediated by a neutral third person, or the agency may employ  
136 other types of dispute resolution alternatives for the workshop  
137 that are appropriate for rule development and for preparation of  
138 the statement of estimated regulatory costs. Notice of a  
139 workshop for rule development and for preparation of the  
140 statement of estimated regulatory costs must ~~workshop shall~~ be  
141 by publication in the Florida Administrative Register not less

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142 than 14 days before ~~prior to~~ the date on which the workshop is  
143 scheduled to be held and must ~~shall~~ indicate the subject area  
144 that ~~which~~ will be addressed; the agency contact person; and the  
145 place, date, and time of the workshop.

146 (d)1. An agency may use negotiated rulemaking in  
147 developing and adopting rules. The agency should consider the  
148 use of negotiated rulemaking when complex rules are being  
149 drafted or strong opposition to the rules is anticipated. The  
150 agency should consider, but is not limited to considering,  
151 whether a balanced committee of interested persons who will  
152 negotiate in good faith can be assembled, whether the agency is  
153 willing to support the work of the negotiating committee, and  
154 whether the agency can use the group consensus as the basis for  
155 its proposed rule. Negotiated rulemaking uses a committee of  
156 designated representatives to draft a mutually acceptable  
157 proposed rule and to develop information necessary to prepare a  
158 statement of estimated regulatory costs, when applicable.

159 2. An agency that chooses to use the negotiated rulemaking  
160 process described in this paragraph shall publish in the Florida  
161 Administrative Register a notice of negotiated rulemaking that  
162 includes a listing of the representative groups that will be  
163 invited to participate in the negotiated rulemaking process. Any  
164 person who believes that his or her interest is not adequately  
165 represented may apply to participate within 30 days after  
166 publication of the notice. All meetings of the negotiating

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167 committee must ~~shall~~ be noticed and open to the public pursuant  
168 to ~~the provisions of~~ this chapter. The negotiating committee  
169 shall be chaired by a neutral facilitator or mediator.

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

177 (3) ADOPTION PROCEDURES.—

178 (a) Notices.—

179 1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
180 any rule other than an emergency rule, an agency, upon approval  
181 of the agency head, shall give notice of its intended action,  
182 setting forth a short, plain explanation of the purpose and  
183 effect of the proposed action; the proposed rule number and full  
184 text of the proposed rule or amendment and a summary thereof; a  
185 reference to the grant of rulemaking authority pursuant to which  
186 the rule is adopted; and a reference to the section or  
187 subsection of the Florida Statutes or the Laws of Florida being  
188 implemented or interpreted. The notice must include a concise  
189 summary of the agency's statement of the estimated regulatory  
190 costs, if one has been prepared, based on the factors set forth  
191 in s. 120.541(2), which describes the regulatory impact of the



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192 rule in readable language; an agency website address where the  
193 statement of estimated regulatory costs can be viewed in its  
194 entirety; a statement that any person who wishes to provide the  
195 agency with information regarding the statement of estimated  
196 regulatory costs, ~~or~~ to provide a proposal for a lower cost  
197 regulatory alternative as provided by s. 120.541(1), or to  
198 request that a statement of regulatory cost be prepared must do  
199 so in writing within 21 days after publication of the notice;  
200 and a statement as to whether, based on the statement of the  
201 estimated regulatory costs ~~or other information expressly relied~~  
202 ~~upon and described by the agency if no statement of regulatory~~  
203 ~~costs is required,~~ the proposed rule is expected to require  
204 legislative ratification pursuant to s. 120.541(3). If a  
205 statement of regulatory costs is not required, the notice must  
206 state the information that the agency relied upon in reaching  
207 this conclusion. The notice must state the procedure for  
208 requesting a public hearing on the proposed rule. Except when  
209 the intended action is the repeal of a rule, the notice must  
210 include a reference both to the date on which and to the place  
211 where the notice of rule development that is required by  
212 subsection (2) appeared.

213 2. The notice must ~~shall~~ be published in the Florida  
214 Administrative Register at least ~~not less than~~ 28 days before  
215 ~~prior to~~ the intended action. The proposed rule, including all  
216 materials proposed to be incorporated by reference and the

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217 statement of estimated regulatory costs, must ~~shall~~ be available  
218 for inspection and copying by the public at the time of the  
219 publication of notice. Material proposed to be incorporated by  
220 reference in the notice must be made available in the manner  
221 prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph  
222 (1)(i)3.b.

223 3. The notice must ~~shall~~ be mailed or delivered  
224 electronically to all persons named in the proposed rule and  
225 mailed or delivered electronically to all persons who, at least  
226 14 days before publication of the notice ~~prior to such mailing,~~  
227 have made requests of the agency for advance notice of its  
228 proceedings. The agency shall also give such notice as is  
229 prescribed by rule to those particular classes of persons to  
230 whom the intended action is directed.

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

241 (b) Special matters to be considered in rule adoption.-

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242 1. Statement of estimated regulatory costs.—Before the  
243 adoption, amendment, or repeal of any rule, other than an  
244 emergency rule, an agency is encouraged to prepare a statement  
245 of estimated regulatory costs of the proposed rule, as provided  
246 by s. 120.541. However, an agency is not required to prepare a  
247 statement of estimated regulatory costs for a proposed rule  
248 repeal unless such repeal would impose a regulatory cost. In any  
249 challenge to a proposed rule repeal, a proposed rule repeal that  
250 only reduces or eliminates regulations on those individuals or  
251 entities regulated by the existing rule must be considered  
252 presumptively correct in any proceeding before the division or  
253 in any proceeding before a court of competent jurisdiction.  
254 However, an agency must prepare a statement of estimated  
255 regulatory costs of the proposed rule, as provided by s.  
256 120.541, if:

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

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

263 2. Small businesses, small counties, and small cities.—  
264 a. Each agency, before the adoption, amendment, or repeal  
265 of a rule, shall consider the impact of the rule on small  
266 businesses as defined in ~~by~~ s. 288.703 and the impact of the

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267 rule on small counties or small cities as defined in ~~by~~ s.  
268 120.52. Whenever practicable, an agency shall tier its rules to  
269 reduce disproportionate impacts on small businesses, small  
270 counties, or small cities to avoid regulating small businesses,  
271 small counties, or small cities that do not contribute  
272 significantly to the problem the rule is designed to address. An  
273 agency may define "small business" to include businesses  
274 employing more than 200 persons, may define "small county" to  
275 include those with populations of more than 75,000, and may  
276 define "small city" to include those with populations of more  
277 than 10,000, if it finds that such a definition is necessary to  
278 adapt a rule to the needs and problems of small businesses,  
279 small counties, or small cities. The agency shall consider each  
280 of the following methods for reducing the impact of the proposed  
281 rule on small businesses, small counties, and small cities, or  
282 any combination of these entities:

283 (I) Establishing less stringent compliance or reporting  
284 requirements in the rule.

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

287 (III) Consolidating or simplifying the rule's compliance  
288 or reporting requirements.

289 (IV) Establishing performance standards or best management  
290 practices to replace design or operational standards in the  
291 rule.

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

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

300 (II) Each agency shall adopt those regulatory alternatives  
301 offered by the rules ombudsman in the Executive Office of the  
302 Governor and provided to the agency no later than 21 days after  
303 the rules ombudsman's receipt of the written notice of the rule  
304 which it finds are feasible and consistent with the stated  
305 objectives of the proposed rule and which would reduce the  
306 impact on small businesses. When regulatory alternatives are  
307 offered by the rules ombudsman in the Executive Office of the  
308 Governor, the 90-day period for filing the rule in subparagraph  
309 (e)2. is extended for a period of 21 days. The agency shall  
310 provide notice to the committee of any regulatory alternative  
311 offered to the agency pursuant to this sub-subparagraph at least  
312 21 days before filing the proposed rule for adoption.

313 (III) If an agency does not adopt all alternatives offered  
314 pursuant to this sub-subparagraph, it must ~~shall~~, before rule  
315 adoption or amendment and pursuant to subparagraph (d)1., file a  
316 detailed written statement with the committee explaining the

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317 reasons for failure to adopt such alternatives. Within 3 working  
318 days after the filing of such notice, the agency shall send a  
319 copy of such notice to the rules ombudsman in the Executive  
320 Office of the Governor.

321 (c) Hearings.—

322 1. If the intended action concerns any rule other than one  
323 relating exclusively to procedure or practice, the agency must  
324 ~~shall~~, on the request of any affected person received within 21  
325 days after the date of publication of the notice of intended  
326 agency action, give affected persons an opportunity to present  
327 evidence and argument on all issues under consideration. The  
328 agency may schedule a public hearing on the proposed rule and,  
329 if requested by any affected person, must ~~shall~~ schedule a  
330 public hearing on the proposed rule. When a public hearing is  
331 held, the agency must ensure that the persons responsible for  
332 preparing the proposed rule and the statement of estimated  
333 regulatory costs ~~staff~~ are in attendance ~~available~~ to explain  
334 the agency's proposal and to respond to questions or comments  
335 regarding the proposed rule, the statement of estimated  
336 regulatory costs, and the agency's decision on whether to adopt  
337 a lower cost regulatory alternative submitted pursuant to s.  
338 120.541(1)(a). If the agency head is a board or other collegial  
339 body created under s. 20.165(4) or s. 20.43(3)(g), and one or  
340 more requested public hearings is scheduled, the board or other  
341 collegial body must ~~shall~~ conduct at least one of the public

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342 hearings itself and may not delegate this responsibility without  
343 the consent of those persons requesting the public hearing. Any  
344 material pertinent to the issues under consideration submitted  
345 to the agency within 21 days after the date of publication of  
346 the notice or submitted to the agency between the date of  
347 publication of the notice and the end of the final public  
348 hearing must ~~shall~~ be considered by the agency and made a part  
349 of the record of the rulemaking proceeding.

350 2. Rulemaking proceedings are ~~shall~~ be governed solely by  
351 ~~the provisions of~~ this section unless a person timely asserts  
352 that the person's substantial interests will be affected in the  
353 proceeding and affirmatively demonstrates to the agency that the  
354 proceeding does not provide adequate opportunity to protect  
355 those interests. If the agency determines that the rulemaking  
356 proceeding is not adequate to protect the person's interests, it  
357 must ~~shall~~ suspend the rulemaking proceeding and convene a  
358 separate proceeding under ~~the provisions of~~ ss. 120.569 and  
359 120.57. The agency shall publish notice of convening a separate  
360 proceeding in the Florida Administrative Register. Similarly  
361 situated persons may be requested to join and participate in the  
362 separate proceeding. Upon conclusion of the separate proceeding,  
363 the rulemaking proceeding shall be resumed. All timelines in  
364 this section are tolled during any suspension of the rulemaking  
365 proceeding under this subparagraph, beginning on the date the  
366 notice of convening a separate proceeding is published, and the

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367 timelines shall resume the day after conclusion of the separate  
368 proceedings, notice of which must be provided to the committee.

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

370 1. After the final public hearing on the proposed rule, or  
371 after the time for requesting a hearing has expired, if the  
372 proposed rule has not been changed from the proposed rule as  
373 previously filed with the committee, or contains only technical  
374 changes, the adopting agency shall file a notice to that effect  
375 with the committee at least 7 days before ~~prior to~~ filing the  
376 proposed rule for adoption. Any change, other than a technical  
377 change ~~that does not affect the substance of the rule~~, must be  
378 supported by the record of public hearings held on the proposed  
379 rule, must be in response to written material submitted to the  
380 agency within 21 days after the date of publication of the  
381 notice of intended agency action or submitted to the agency  
382 between the date of publication of the notice and the end of the  
383 final public hearing, or must be in response to a proposed  
384 objection by the committee. Any change, other than a technical  
385 change, to a statement of estimated regulatory costs requires a  
386 notice of change. In addition, ~~when~~ any change, other than a  
387 technical change, to is made in a proposed rule text or any  
388 material incorporated by reference requires, ~~other than a~~  
389 ~~technical change,~~ the adopting agency to shall provide a copy of  
390 a notice of change by certified mail or actual delivery to any  
391 person who requests it in writing no later than 21 days after

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392 the notice required in paragraph (a). The agency shall file the  
393 notice of change with the committee, along with the reasons for  
394 the change, and provide the notice of change to persons  
395 requesting it, at least 21 days before ~~prior to~~ filing the  
396 proposed rule for adoption. The notice of change must ~~shall~~ be  
397 published in the Florida Administrative Register at least 21  
398 days before ~~prior to~~ filing the proposed rule for adoption. The  
399 notice of change must include a summary of any revision of the  
400 statement of estimated regulatory costs required by s.

401 120.541(1)(c). This subparagraph does not apply to emergency  
402 rules adopted pursuant to subsection (4). Material proposed to  
403 be incorporated by reference in the notice required by this  
404 subparagraph must be made available in the manner prescribed by  
405 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and  
406 include a summary of substantive revisions to any material  
407 proposed to be incorporated by reference in the proposed rule.

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

411 3. After the notice required by paragraph (a), the agency  
412 must withdraw the proposed rule if the agency has failed to  
413 adopt it within the prescribed timeframes in this chapter. If  
414 the agency, 30 days after notice by the committee that the  
415 agency has failed to adopt the proposed rule within the  
416 prescribed timeframes in this chapter, has not given notice of

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417 the withdrawal of the proposed rule, the committee must notify  
418 the Department of State that the date for adoption of the rule  
419 has expired, and the Department of State must publish a notice  
420 of withdrawal of the proposed rule.

421 4. After adoption and before the rule becomes effective, a  
422 rule may be modified or withdrawn only in the following  
423 circumstances:

424 a. When the committee objects to the rule;

425 b. When a final order, which is not subject to further  
426 appeal, is entered in a rule challenge brought pursuant to s.  
427 120.56 after the date of adoption but before the rule becomes  
428 effective pursuant to subparagraph (e)6.;

429 c. If the rule requires ratification, and two consecutive  
430 regular legislative sessions ~~when more than 90 days~~ have passed  
431 since the rule was filed for adoption without the Legislature  
432 ratifying the rule, ~~in which case the rule must~~ may be withdrawn  
433 ~~but may not be modified~~; or

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

438 ~~5.4.~~ The agency shall give notice of its decision to  
439 withdraw or modify a rule in the first available issue of the  
440 publication in which the original notice of rulemaking was  
441 published, shall notify those persons described in subparagraph

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442 (a)3. in accordance with the requirements of that subparagraph,  
443 and shall notify the Department of State if the rule is required  
444 to be filed with the Department of State.

445 ~~6.5.~~ After a rule has become effective, it may be repealed  
446 or amended only through the rulemaking procedures specified in  
447 this chapter.

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

449 1. If the adopting agency is required to publish its rules  
450 in the Florida Administrative Code, the agency, upon approval of  
451 the agency head, must electronically ~~shall~~ file with the  
452 Department of State a three certified copy ~~copies~~ of the rule it  
453 proposes to adopt; one copy of any material incorporated by  
454 reference in the rule, certified by the agency; a summary of the  
455 rule; a summary of any hearings held on the rule; and a detailed  
456 written statement of the facts and circumstances justifying the  
457 rule. Agencies not required to publish their rules in the  
458 Florida Administrative Code shall file one certified copy of the  
459 proposed rule, and the other material required by this  
460 subparagraph, in the office of the agency head, and such rules  
461 must ~~shall~~ be open to the public.

462 2. A rule may not be filed for adoption less than 28 days  
463 or more than 90 days after the notice required by paragraph (a),  
464 until 21 days after the notice of change required by paragraph  
465 (d), until 14 days after the final public hearing, until 21 days  
466 after a statement of estimated regulatory costs required under

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467 s. 120.541 has been provided to all persons who submitted a  
468 lower cost regulatory alternative and made available to the  
469 public at a readily accessible page on the agency's website, or  
470 until the administrative law judge has rendered a decision under  
471 s. 120.56(2), whichever applies. When a required notice of  
472 change is published before ~~prior to~~ the expiration of the time  
473 to file the rule for adoption, the period during which a rule  
474 must be filed for adoption is extended to 45 days after the date  
475 of publication. If notice of a public hearing is published  
476 before ~~prior to~~ the expiration of the time to file the rule for  
477 adoption, the period during which a rule must be filed for  
478 adoption is extended to 45 days after adjournment of the final  
479 hearing on the rule, 21 days after receipt of all material  
480 authorized to be submitted at the hearing, or 21 days after  
481 receipt of the transcript, if one is made, whichever is latest.  
482 The term "public hearing" includes any public meeting held by  
483 any agency at which the rule is considered. If a petition for an  
484 administrative determination under s. 120.56(2) is filed, the  
485 period during which a rule must be filed for adoption is  
486 extended to 60 days after the administrative law judge files the  
487 final order with the clerk or until 60 days after subsequent  
488 judicial review is complete.

489 3. At the time a rule is filed, the agency shall certify  
490 that the time limitations prescribed by this paragraph have been  
491 complied with, that all statutory rulemaking requirements have

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492 been met, and that there is no administrative determination  
493 pending on the rule.

494 4. At the time a rule is filed, the committee shall  
495 certify whether the agency has responded in writing to all  
496 material and timely written comments or written inquiries made  
497 on behalf of the committee. The Department of State shall reject  
498 any rule that is not filed within the prescribed time limits;  
499 that does not comply with all statutory rulemaking requirements  
500 and rules of the Department of State; upon which an agency has  
501 not responded in writing to all material and timely written  
502 inquiries or written comments; upon which an administrative  
503 determination is pending; or which does not include a statement  
504 of estimated regulatory costs, if required.

505 5. If a rule has not been adopted within the time limits  
506 imposed by this paragraph or has not been adopted in compliance  
507 with all statutory rulemaking requirements, the agency proposing  
508 the rule must ~~shall~~ withdraw the proposed rule and give notice  
509 of its action in the next available issue of the Florida  
510 Administrative Register. If the agency has not published notice  
511 of withdrawal of the rule during the 30 days after receiving  
512 notice from the committee that the agency has failed to withdraw  
513 the rule, the committee must notify the Department of State that  
514 the date for adoption of the rule has expired, and the  
515 Department of State must publish a notice of withdrawal of the  
516 rule.

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517           6. The proposed rule shall be adopted on being filed with  
518 the Department of State and becomes ~~become~~ effective 20 days  
519 after being filed, on a later date specified in the notice  
520 required by subparagraph (a)1., on a date required by statute,  
521 or upon ratification by the Legislature pursuant to s.  
522 120.541(3). Rules not required to be filed with the Department  
523 of State ~~shall~~ become effective when adopted by the agency head,  
524 on a later date specified by rule or statute, or upon  
525 ratification by the Legislature pursuant to s. 120.541(3). If  
526 the committee notifies an agency that an objection to a rule is  
527 being considered, the agency may postpone the adoption of the  
528 rule to accommodate review of the rule by the committee. When an  
529 agency postpones adoption of a rule to accommodate review by the  
530 committee, the 90-day period for filing the rule is tolled until  
531 the committee notifies the agency that it has completed its  
532 review of the rule.

533  
534 For the purposes of this paragraph, the term "administrative  
535 determination" does not include subsequent judicial review.

536           (4) EMERGENCY RULES.—

537           (c) Unless otherwise provided by law, an emergency rule  
538 may adopted under this subsection ~~shall~~ not be effective for a  
539 period longer than 90 days and is ~~shall~~ not ~~be~~ renewable, except  
540 when the agency has initiated rulemaking to adopt rules  
541 addressing the subject of the emergency rule and either:

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

544 2. The proposed rules are awaiting ratification by the  
545 Legislature pursuant to s. 120.541(3).

546  
547 ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency  
548 from adopting a rule or rules identical to the emergency rule  
549 through the rulemaking procedures specified in subsection (3).

550 (e) Emergency rules must be published in the Florida  
551 Administrative Code.

552 (f) An agency may supersede an emergency rule currently in  
553 effect through adoption of another emergency rule. The agency  
554 must state the reason for adopting the new rule, in accordance  
555 with the procedures set forth in paragraph (a), and the new rule  
556 must be in effect for the duration of the effective period of  
557 the superseded rule. Technical changes to an emergency rule may  
558 be made within the first 7 days after adoption of the rule.

559 (g) Any notice of the renewal of an emergency rule must be  
560 published in the Florida Administrative Register before the  
561 expiration of the existing emergency rule. The notice of renewal  
562 must state the specific facts and reasons for the renewal  
563 pursuant to paragraph (c).

564 (h) All emergency rules must be published in the Florida  
565 Administrative Code in the section of the code dealing with the  
566 agency.

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567 (i) For emergency rules with an effective period longer  
568 than 90 days which are intended to replace existing rules, a  
569 note must be added to the history note of the existing rule  
570 which specifically identifies the emergency rule that is  
571 intended to supersede the existing rule and includes the date  
572 that the emergency rule was filed with the Department of State.

573 (j) An emergency rule adopted under this subsection may be  
574 repealed at any time while the rule is in effect by publishing a  
575 notice in the Florida Administrative Register citing the reason  
576 for the repeal and the effective date of the repeal.

577 (7) PETITION TO INITIATE RULEMAKING.—

578 (a) Any person regulated by an agency or having  
579 substantial interest in an agency rule may petition an agency to  
580 adopt, amend, or repeal a rule or to provide the minimum public  
581 information required by this chapter. The petition must ~~shall~~  
582 specify the proposed rule and action requested. The agency shall  
583 file a copy of the petition with the committee. No ~~Not~~ later  
584 than 30 calendar days after ~~following the date of~~ filing a  
585 petition, the agency shall initiate rulemaking proceedings under  
586 this chapter, otherwise comply with the requested action, or  
587 deny the petition with a written statement of its reasons for  
588 the denial.

589 Section 3. Section 120.541, Florida Statutes, is amended  
590 to read:

591 120.541 Statement of estimated regulatory costs.—



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592 (1) (a) Within 21 days after publication of the notice of a  
593 proposed rule or notice of change ~~required under s.~~  
594 ~~120.54(3)(a)~~, a substantially affected person may submit to an  
595 agency a good faith written proposal for a lower cost regulatory  
596 alternative to a proposed rule which substantially accomplishes  
597 the objectives of the law being implemented. The agency shall  
598 provide a copy of any proposal for a lower cost regulatory  
599 alternative to the committee at least 21 days before filing the  
600 proposed rule for adoption. The proposal may include the  
601 alternative of not adopting any rule if the proposal explains  
602 how the lower costs and objectives of the law will be achieved  
603 by not adopting any rule. If submitted after a notice of change,  
604 a proposal for a lower cost regulatory alternative is deemed to  
605 be made in good faith only if the person reasonably believes,  
606 and the proposal states the person's reasons for believing, that  
607 the proposed rule as changed by the notice of change increases  
608 the regulatory costs or creates an adverse impact on small  
609 businesses which was not created by the previous proposed rule.  
610 If such a proposal is submitted, the 90-day period for filing  
611 the rule is extended 21 days. Upon the submission of the lower  
612 cost regulatory alternative, the agency shall ~~prepare a~~  
613 ~~statement of estimated regulatory costs as provided in~~  
614 ~~subsection (2), or shall~~ revise its prior statement of estimated  
615 regulatory costs, and either adopt the alternative proposal,  
616 reject the alternative proposal, or modify the proposed rule to

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617 reduce the regulatory costs. If the agency rejects the  
618 alternative proposal or modifies the proposed rule, the agency  
619 must ~~or~~ provide a statement of the reasons for rejecting the  
620 alternative in favor of the proposed rule.

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

627 (c) The agency must ~~shall~~ revise a statement of estimated  
628 regulatory costs if any change to the rule made under s.  
629 120.54(3)(d) increases the regulatory costs of the rule or if  
630 the rule is modified in response to the submission of a lower  
631 cost regulatory alternative. A summary of the revised statement  
632 must be included with any subsequent notice published under s.  
633 120.54(3).

634 (d) At least 21 days before filing the proposed rule for  
635 adoption, an agency that is required to revise a statement of  
636 estimated regulatory costs shall provide the statement to the  
637 person who submitted the lower cost regulatory alternative, to  
638 the rules ombudsman in the Executive Office of the Governor, and  
639 to the committee. The revised statement must be published and  
640 made available in the same manner as the original statement of  
641 estimated regulatory costs ~~and shall provide notice on the~~

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642 ~~agency's website that it is available to the public.~~

643 (e) Notwithstanding s. 120.56(1)(c), the failure of the  
644 agency to prepare and publish a statement of estimated  
645 regulatory costs or to respond to a written lower cost  
646 regulatory alternative as provided in this subsection is a  
647 material failure to follow the applicable rulemaking procedures  
648 or requirements set forth in this chapter.

649 (f) An agency's failure to prepare a statement of  
650 estimated regulatory costs or to respond to a written lower cost  
651 regulatory alternative may not be raised in a proceeding  
652 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
653 unless:

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

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

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

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

662 2. The challenge is to the agency's rejection of a lower  
663 cost regulatory alternative offered under paragraph (a) or s.  
664 120.54(3)(b)2.b.; and

665 3. The substantial interests of the person challenging the  
666 rule are materially affected by the rejection.

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667 (2) A statement of estimated regulatory costs must ~~shall~~  
668 include:

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

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

675 2. Is likely to have an adverse impact on business  
676 competitiveness, including the ability of persons doing business  
677 in this ~~the~~ state to compete with persons doing business in  
678 other states or domestic markets, productivity, or innovation in  
679 excess of \$1 million in the aggregate within 5 years after the  
680 implementation of the rule; or

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

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

689 (c) A good faith estimate of the cost to the agency, and  
690 to any other state and local government entities, of  
691 implementing and enforcing the proposed rule, and any

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692 anticipated effect on state or local revenues.

693 (d) A good faith estimate of the compliance ~~transactional~~  
694 costs likely to be incurred by individuals and entities,  
695 including local government entities, required to comply with the  
696 requirements of the rule. ~~As used in this section,~~  
697 ~~"transactional costs" are direct costs that are readily~~  
698 ~~ascertainable based upon standard business practices, and~~  
699 ~~include filing fees, the cost of obtaining a license, the cost~~  
700 ~~of equipment required to be installed or used or procedures~~  
701 ~~required to be employed in complying with the rule, additional~~  
702 ~~operating costs incurred, the cost of monitoring and reporting,~~  
703 ~~and any other costs necessary to comply with the rule.~~

704 (e) An analysis of the impact on small businesses as  
705 defined by s. 288.703, and an analysis of the impact on small  
706 counties and small cities as defined in s. 120.52. The impact  
707 analysis for small businesses must include the basis for the  
708 agency's decision not to implement alternatives that would  
709 reduce adverse impacts on small businesses.

710 (f) Any additional information that the agency determines  
711 may be useful.

712 (g) In the ~~statement or~~ revised statement, ~~whichever~~  
713 ~~applies,~~ a description of any regulatory alternatives submitted  
714 under paragraph (1)(a) and a statement adopting the alternative  
715 or a statement of the reasons for rejecting the alternative in  
716 favor of the proposed rule.

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717 (3) If the adverse impact or regulatory costs of the rule  
718 exceed any of the criteria established in paragraph (2) (a), the  
719 rule must ~~shall~~ be submitted to the President of the Senate and  
720 Speaker of the House of Representatives no later than 30 days  
721 before ~~prior to~~ the next regular legislative session, and the  
722 rule may not take effect until it is ratified by the  
723 Legislature.

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

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

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

728 (c) Triennial updates of and amendments to the Florida  
729 Fire Prevention Code which are expressly authorized by s.  
730 633.202.

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

732 (5) For purposes of subsections (2) and (3), adverse  
733 impacts and regulatory costs likely to occur within 5 years  
734 after implementation of the rule include adverse impacts and  
735 regulatory costs estimated to occur within 5 years after the  
736 effective date of the rule. However, if any provision of the  
737 rule is not fully implemented upon the effective date of the  
738 rule, the adverse impacts and regulatory costs associated with  
739 such provision must be adjusted to include any additional  
740 adverse impacts and regulatory costs estimated to occur within 5  
741 years after implementation of such provision.

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

747 Section 4. Section 120.5435, Florida Statutes, is created  
748 to read:

749 120.5435 Repromulgation of rules.—

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

753 (2) If an agency determines after review that substantive  
754 changes to update a rule are not required, the agency must  
755 repromulgate the rule to reflect the date of the review. All  
756 rules adopted, amended, or repromulgated on or after January 1,  
757 2019, must be reviewed and amended, repealed, or repromulgated  
758 within 5 years after their effective dates and every 5 years  
759 thereafter. Each agency shall review all existing rules pursuant  
760 to this section no later than December 31, 2028, in accordance  
761 with a schedule provided by the committee. No later than  
762 September 1, 2023, and annually thereafter, the committee shall  
763 provide each agency with a list of existing rules and their  
764 effective dates to be reviewed in the next calendar year. Any  
765 variation from this schedule must be reflected in the agency's  
766 regulatory plan. Failure of an agency to adhere to the deadlines

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767 imposed in this section constitutes a material failure to follow  
768 the applicable rulemaking procedures or requirements of this  
769 chapter and shall be the basis of an objection under s. 120.545.

770 (3) Before repromulgation of a rule, the agency must, upon  
771 approval by the agency head or the agency head's designee:

772 (a) Publish a notice of repromulgation in the Florida  
773 Administrative Register. A notice of repromulgation is not  
774 required to include the text of the rule being repromulgated.

775 (b) File the rule for repromulgation with the Department  
776 of State. A rule may not be filed for repromulgation less than  
777 28 days, or more than 90 days, after the date of publication of  
778 the notice required by paragraph (a).

779 (4) The agency must file a notice of repromulgation with  
780 the committee at least 14 days before filing the rule for  
781 repromulgation. At the time the rule is filed for  
782 repromulgation, the committee shall certify whether the agency  
783 has responded in writing to all material and timely written  
784 comments or written inquiries made on behalf of the committee.

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

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

789 (7)(a) The agency, upon approval of the agency head or the  
790 agency head's designee, shall electronically file with the  
791 Department of State a certified copy of the repromulgated rule

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792 it proposes to adopt and one certified copy of any material  
793 incorporated by reference in the rule.

794 (b) The rule is considered to be repromulgated upon its  
795 filing with the Department of State.

796 (c) The Department of State shall update the history note  
797 of the rule in the Florida Administrative Code to reflect the  
798 filing date of the repromulgated rule.

799 (8) At least 30 days before each legislative session, the  
800 committee shall submit to the President of the Senate and the  
801 Speaker of the House of Representatives a list of all rules that  
802 have not been repromulgated in accordance with this section, and  
803 identify whether the statutory rulemaking authority for each  
804 rule remains in effect. If no action is taken by the Legislature  
805 with regard to a rule during the next regular legislative  
806 session, each agency, by July 1 following the close of the  
807 session, must initiate rulemaking proceedings under this chapter  
808 to repeal the rule.

809 (9) The Department of State shall adopt rules to implement  
810 this section by December 31, 2023.

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

813 120.545 Committee review of agency rules.—

814 (1) As a legislative check on legislatively created  
815 authority, the committee shall examine each existing rule and  
816 proposed rule, except for those proposed rules exempted by s.

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817 120.81(1) (e) and (2), and its accompanying material, and each  
818 emergency rule, ~~and may examine any existing rule,~~ for the  
819 purpose of determining whether:

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

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

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

825 (d) The rule is in proper form.

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

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

832 (g) The rule is necessary to accomplish the apparent or  
833 expressed objectives of the specific provision of law which the  
834 rule implements.

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

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

840 (j) The rule's statement of estimated regulatory costs  
841 complies with the requirements of s. 120.541 and whether the

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842 rule does not impose regulatory costs on the regulated person,  
843 county, or city which could be reduced by the adoption of less  
844 costly alternatives that substantially accomplish the statutory  
845 objectives.

846 (k) The rule will require additional appropriations.

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

851 120.54(4).

852 Section 6. Paragraphs (a), (b), and (c) of subsection (1)  
853 of section 120.55, Florida Statutes, are amended to read:

854 120.55 Publication.—

855 (1) The Department of State shall:

856 (a)1. Through a continuous revision and publication  
857 system, compile and publish electronically, on a website managed  
858 by the department, the "Florida Administrative Code." The  
859 Florida Administrative Code must ~~shall~~ contain all rules adopted  
860 by each agency, citing the grant of rulemaking authority and the  
861 specific law implemented pursuant to which each rule was  
862 adopted, all history notes as authorized in s. 120.545(7),  
863 complete indexes to all rules contained in the code, and any  
864 other material required or authorized by law or deemed useful by  
865 the department. The electronic code must ~~shall~~ display each rule  
866 chapter currently in effect in browse mode and allow full text

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867 search of the code and each rule chapter. The department may  
868 contract with a publishing firm for a printed publication;  
869 however, the department shall retain responsibility for the code  
870 as provided in this section. The electronic publication ~~is shall~~  
871 ~~be~~ the official compilation of the administrative rules of this  
872 state. The Florida Administrative Register must be published  
873 once each business day by 8 a.m., with the exception of state  
874 holidays or emergency closures of state agencies. If a rule,  
875 proposed rule, or notice of rule development is corrected and  
876 replaced, the corrected rule or notice must be published in the  
877 next available Florida Administrative Register with a notation  
878 indicating that the rule, proposed rule, or notice has been  
879 corrected by the Department of State. Any timeframes for  
880 rulemaking set forth in this chapter must revert to the initial  
881 date of publication. The Department of State retains shall  
882 ~~retain~~ the copyright over the Florida Administrative Code.

883 2. Not publish rules in the Florida Administrative Code  
884 which are general in form but applicable to only one school  
885 district, community college district, or county, or a part  
886 thereof, or state university rules relating to internal  
887 personnel or business and finance shall not be published in the  
888 Florida Administrative Code. Exclusion from publication in the  
889 Florida Administrative Code does shall not affect the validity  
890 or effectiveness of such rules.

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

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892 with an agency that files copies of its rules with the  
893 department, the agency ~~department~~ shall publish the address and  
894 telephone number of the executive offices of each agency, the  
895 manner by which the agency indexes its rules, a listing of all  
896 rules of that agency excluded from publication in the code, and  
897 a statement as to where those rules may be inspected.

898 4. Not publish forms ~~shall not be published~~ in the Florida  
899 Administrative Code; but any form which an agency uses in its  
900 dealings with the public, along with any accompanying  
901 instructions, shall be filed with the committee before it is  
902 used. Any form or instruction which meets the definition of  
903 "rule" provided in s. 120.52 must ~~shall~~ be incorporated by  
904 reference into the appropriate rule. The reference must ~~shall~~  
905 specifically state that the form is being incorporated by  
906 reference and must ~~shall~~ include the number, title, and  
907 effective date of the form and an explanation of how the form  
908 may be obtained. Each form created by an agency which is  
909 incorporated by reference in a rule notice of which is given  
910 under s. 120.54(3)(a) after December 31, 2007, must clearly  
911 display the number, title, and effective date of the form and  
912 the number of the rule in which the form is incorporated.

913 5. Require all materials incorporated by reference in any  
914 part of an adopted rule and in any part of a repromulgated rule  
915 ~~The department shall allow adopted rules and material~~  
916 ~~incorporated by reference~~ to be filed in the manner prescribed

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917 ~~by s. 120.54(1)(i)3.a. or b. electronic form as prescribed by~~  
918 ~~department rule.~~ When a proposed rule is filed for adoption or  
919 repromulgation with incorporated material in electronic form,  
920 the department's publication of the Florida Administrative Code  
921 on its website must contain a hyperlink from the incorporating  
922 reference in the rule directly to that material. The department  
923 may not allow hyperlinks from rules in the Florida  
924 Administrative Code to any material other than that filed with  
925 and maintained by the department, but may allow hyperlinks to  
926 incorporated material maintained by the department from the  
927 adopting agency's website or other sites.

928 6. Include the date of any technical changes to a rule in  
929 the history note of the rule in the Florida Administrative Code.  
930 A technical change does not affect the effective date of the  
931 rule.

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

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

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

941 3. A notice of each request for authorization to amend or

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942 repeal an existing uniform rule or for the adoption of new  
943 uniform rules.

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

946 5. A summary of each objection to any rule filed by the  
947 Administrative Procedures Committee.

948 6. A list of rules filed for adoption in the previous 7  
949 days.

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

954 8. The full text of each emergency rule in effect on the  
955 date of publication.

956 9. Any other material required or authorized by law or  
957 deemed useful by the department.

958  
959 The department may contract with a publishing firm for a printed  
960 publication of the Florida Administrative Register and make  
961 copies available on an annual subscription basis.

962 (c) Prescribe by rule the style and form required for  
963 rules, notices, and other materials submitted for filing,  
964 including a rule requiring documents created by an agency which  
965 are proposed to be incorporated by reference in notices  
966 published pursuant to s. 120.54(3) (a) and (d) to be coded in the

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967 same manner as notices published pursuant to s. 120.54(3)(a)1.

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

970 120.74 Agency annual rulemaking and regulatory plans;  
971 reports.—

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

974 (a) The plan must include a listing of each law enacted or  
975 amended during the previous 12 months which creates or modifies  
976 the duties or authority of the agency. If the Governor or the  
977 Attorney General provides a letter to the committee stating that  
978 a law affects all or most agencies, the agency may exclude the  
979 law from its plan. For each law listed by an agency under this  
980 paragraph, the plan must state:

981 1. Whether the agency must adopt rules to implement the  
982 law.

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

984 a. Whether a notice of rule development has been published  
985 and, if so, the citation to such notice in the Florida  
986 Administrative Register.

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

989 3. If rulemaking is not necessary to implement the law, a  
990 concise written explanation of the reasons why the law may be  
991 implemented without rulemaking.

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992 (b) The plan must also identify and describe each rule,  
993 including each rule number or proposed rule number, that include  
994 ~~a listing of each law not otherwise listed pursuant to paragraph~~  
995 ~~(a) which~~ the agency expects to develop, adopt, or repeal for  
996 the 12-month period beginning on October 1 and ending on  
997 September 30 ~~implement by rulemaking before the following July~~  
998 ~~1, excluding emergency rules except emergency rulemaking.~~ For  
999 each rule ~~law~~ listed under this paragraph, the plan must state  
1000 whether the rulemaking is intended to simplify, clarify,  
1001 increase efficiency, improve coordination with other agencies,  
1002 reduce regulatory costs, or delete obsolete, unnecessary, or  
1003 redundant rules.

1004 (c) The plan must include any desired update to the prior  
1005 year's regulatory plan or supplement published pursuant to  
1006 subsection (7). If, in a prior year, a law was identified under  
1007 this paragraph or under subparagraph (a)1. as a law requiring  
1008 rulemaking to implement but a notice of proposed rule has not  
1009 been published:

1010 1. The agency must ~~shall~~ identify and again list such law,  
1011 noting the applicable notice of rule development by citation to  
1012 the Florida Administrative Register; or

1013 2. If the agency has subsequently determined that  
1014 rulemaking is not necessary to implement the law, the agency  
1015 must ~~shall~~ identify such law, reference the citation to the  
1016 applicable notice of rule development in the Florida

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1017 Administrative Register, and provide a concise written  
1018 explanation of the reason why the law may be implemented without  
1019 rulemaking.

1020 (d) The plan must identify any rules that are required to  
1021 be repromulgated pursuant to s. 120.5435 for the 12-month period  
1022 beginning on October 1 and ending on September 30.

1023 (e) The plan must include a certification executed on  
1024 behalf of the agency by both the agency head, or, if the agency  
1025 head is a collegial body, the presiding officer; and the  
1026 individual acting as principal legal advisor to the agency head.  
1027 The certification must declare:

1028 1. ~~Verify~~ That the persons executing the certification  
1029 have reviewed the plan.

1030 2. ~~Verify~~ That the agency regularly reviews all of its  
1031 rules and identify the period during which all rules have most  
1032 recently been reviewed to determine if the rules remain  
1033 consistent with the agency's rulemaking authority and the laws  
1034 implemented.

1035 3. That the agency understands that regulatory  
1036 accountability is necessary to ensure public confidence in the  
1037 integrity of state government and, to that end, the agency is  
1038 diligently working toward lowering the total number of rules  
1039 adopted.

1040 4. The total number of rules adopted and repealed during  
1041 the previous 12 months.

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- 1042 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—
- 1043 (a) By October 1 of each year, each agency shall:
- 1044 1. Publish its regulatory plan on its website or on
- 1045 another state website established for publication of
- 1046 administrative law records. A clearly labeled hyperlink to the
- 1047 current plan must be included on the agency's primary website
- 1048 homepage.
- 1049 2. Electronically deliver to the committee a copy of the
- 1050 certification required in paragraph (1)(e) ~~(1)(d)~~.
- 1051 3. Publish in the Florida Administrative Register a notice
- 1052 identifying the date of publication of the agency's regulatory
- 1053 plan. The notice must include a hyperlink or website address
- 1054 providing direct access to the published plan.
- 1055 Section 8. Subsections (5) and (11) of section 120.80,
- 1056 Florida Statutes, are amended to read:
- 1057 120.80 Exceptions and special requirements; agencies.—
- 1058 (5) FLORIDA LAND AND WATER ADJUDICATORY COMMISSION.—
- 1059 (a) Notwithstanding ~~the provisions of~~ s. 120.57(1)(a),
- 1060 when the Florida Land and Water Adjudicatory Commission receives
- 1061 a notice of appeal pursuant to s. 380.07, the commission shall
- 1062 notify the division within 60 days after receipt of the notice
- 1063 of appeal if the commission elects to request the assignment of
- 1064 an administrative law judge.
- 1065 (b) Notwithstanding s. 120.5435, repromulgation
- 1066 requirements do not apply to community development districts

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1067 | established pursuant to s. 190.005.

1068 |       (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~  
1069 | ~~120.52(16)~~, the enlistment, organization, administration,  
1070 | equipment, maintenance, training, and discipline of the militia,  
1071 | National Guard, organized militia, and unorganized militia, as  
1072 | provided by s. 2, Art. X of the State Constitution, are not  
1073 | rules as defined by this chapter.

1074 |       Section 9. Paragraph (c) of subsection (1) of section  
1075 | 120.81, Florida Statutes, is amended to read:

1076 |       120.81 Exceptions and special requirements; general  
1077 | areas.—

1078 |       (1) EDUCATIONAL UNITS.—

1079 |       (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any  
1080 | tests, test scoring criteria, or testing procedures relating to  
1081 | student assessment which are developed or administered by the  
1082 | Department of Education pursuant to s. 1003.4282, s. 1008.22, or  
1083 | s. 1008.25, or any other statewide educational tests required by  
1084 | law, are not rules.

1085 |       Section 10. Paragraph (a) of subsection (1) of section  
1086 | 420.9072, Florida Statutes, is amended to read:

1087 |       420.9072 State Housing Initiatives Partnership Program.—  
1088 | The State Housing Initiatives Partnership Program is created for  
1089 | the purpose of providing funds to counties and eligible  
1090 | municipalities as an incentive for the creation of local housing  
1091 | partnerships, to expand production of and preserve affordable

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1092 housing, to further the housing element of the local government  
1093 comprehensive plan specific to affordable housing, and to  
1094 increase housing-related employment.

1095 (1)(a) In addition to the legislative findings set forth  
1096 in s. 420.6015, the Legislature finds that affordable housing is  
1097 most effectively provided by combining available public and  
1098 private resources to conserve and improve existing housing and  
1099 provide new housing for very-low-income households, low-income  
1100 households, and moderate-income households. The Legislature  
1101 intends to encourage partnerships in order to secure the  
1102 benefits of cooperation by the public and private sectors and to  
1103 reduce the cost of housing for the target group by effectively  
1104 combining all available resources and cost-saving measures. The  
1105 Legislature further intends that local governments achieve this  
1106 combination of resources by encouraging active partnerships  
1107 between government, lenders, builders and developers, real  
1108 estate professionals, advocates for low-income persons, and  
1109 community groups to produce affordable housing and provide  
1110 related services. Extending the partnership concept to encompass  
1111 cooperative efforts among small counties as defined in s.  
1112 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities  
1113 is specifically encouraged. Local governments are also intended  
1114 to establish an affordable housing advisory committee to  
1115 recommend monetary and nonmonetary incentives for affordable  
1116 housing as provided in s. 420.9076.

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1117 Section 11. Subsection (7) of section 420.9075, Florida  
1118 Statutes, is amended to read:

1119 420.9075 Local housing assistance plans; partnerships.—

1120 (7) The moneys deposited in the local housing assistance  
1121 trust fund shall be used to administer and implement the local  
1122 housing assistance plan. The cost of administering the plan may  
1123 not exceed 5 percent of the local housing distribution moneys  
1124 and program income deposited into the trust fund. A county or an  
1125 eligible municipality may not exceed the 5-percent limitation on  
1126 administrative costs, unless its governing body finds, by  
1127 resolution, that 5 percent of the local housing distribution  
1128 plus 5 percent of program income is insufficient to adequately  
1129 pay the necessary costs of administering the local housing  
1130 assistance plan. The cost of administering the program may not  
1131 exceed 10 percent of the local housing distribution plus 5  
1132 percent of program income deposited into the trust fund, except  
1133 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,  
1134 and eligible municipalities receiving a local housing  
1135 distribution of up to \$350,000 may use up to 10 percent of  
1136 program income for administrative costs.

1137 Section 12. Paragraph (d) of subsection (1) of section  
1138 443.091, Florida Statutes, is amended to read:

1139 443.091 Benefit eligibility conditions.—

1140 (1) An unemployed individual is eligible to receive  
1141 benefits for any week only if the Department of Economic

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1142 Opportunity finds that:

1143 (d) She or he is able to work and is available for work.  
1144 In order to assess eligibility for a claimed week of  
1145 unemployment, the department shall develop criteria to determine  
1146 a claimant's ability to work and availability for work. A  
1147 claimant must be actively seeking work in order to be considered  
1148 available for work. This means engaging in systematic and  
1149 sustained efforts to find work, including contacting at least  
1150 five prospective employers for each week of unemployment  
1151 claimed. The department may require the claimant to provide  
1152 proof of such efforts to the one-stop career center as part of  
1153 reemployment services. A claimant's proof of work search efforts  
1154 may not include the same prospective employer at the same  
1155 location in 3 consecutive weeks, unless the employer has  
1156 indicated since the time of the initial contact that the  
1157 employer is hiring. The department shall conduct random reviews  
1158 of work search information provided by claimants. As an  
1159 alternative to contacting at least five prospective employers  
1160 for any week of unemployment claimed, a claimant may, for that  
1161 same week, report in person to a one-stop career center to meet  
1162 with a representative of the center and access reemployment  
1163 services of the center. The center shall keep a record of the  
1164 services or information provided to the claimant and shall  
1165 provide the records to the department upon request by the  
1166 department. However:

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1167 1. Notwithstanding any other provision of this paragraph  
1168 or paragraphs (b) and (e), an otherwise eligible individual may  
1169 not be denied benefits for any week because she or he is in  
1170 training with the approval of the department, or by reason of s.  
1171 443.101(2) relating to failure to apply for, or refusal to  
1172 accept, suitable work. Training may be approved by the  
1173 department in accordance with criteria prescribed by rule. A  
1174 claimant's eligibility during approved training is contingent  
1175 upon satisfying eligibility conditions prescribed by rule.

1176 2. Notwithstanding any other provision of this chapter, an  
1177 otherwise eligible individual who is in training approved under  
1178 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
1179 determined ineligible or disqualified for benefits due to  
1180 enrollment in such training or because of leaving work that is  
1181 not suitable employment to enter such training. As used in this  
1182 subparagraph, the term "suitable employment" means work of a  
1183 substantially equal or higher skill level than the worker's past  
1184 adversely affected employment, as defined for purposes of the  
1185 Trade Act of 1974, as amended, the wages for which are at least  
1186 80 percent of the worker's average weekly wage as determined for  
1187 purposes of the Trade Act of 1974, as amended.

1188 3. Notwithstanding any other provision of this section, an  
1189 otherwise eligible individual may not be denied benefits for any  
1190 week because she or he is before any state or federal court  
1191 pursuant to a lawfully issued summons to appear for jury duty.

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1192 4. Union members who customarily obtain employment through  
1193 a union hiring hall may satisfy the work search requirements of  
1194 this paragraph by reporting daily to their union hall.

1195 5. The work search requirements of this paragraph do not  
1196 apply to persons who are unemployed as a result of a temporary  
1197 layoff or who are claiming benefits under an approved short-time  
1198 compensation plan as provided in s. 443.1116.

1199 6. In small counties as defined in s. 120.52(20) ~~s.~~  
1200 ~~120.52(19)~~, a claimant engaging in systematic and sustained  
1201 efforts to find work must contact at least three prospective  
1202 employers for each week of unemployment claimed.

1203 7. The work search requirements of this paragraph do not  
1204 apply to persons required to participate in reemployment  
1205 services under paragraph (e).

1206 Section 13. Infrastructure and environmental permitting  
1207 review.—

1208 (1)(a) It is the intent of the Legislature to build a more  
1209 resilient and responsive government infrastructure to allow for  
1210 quick recovery after natural disasters, including hurricanes and  
1211 tropical storms without negatively impacting coastal ecosystems  
1212 or increasing future community vulnerability.

1213 (b) It is further the intent of the Legislature to promote  
1214 efficiency in state government across branches, agencies, and  
1215 other governmental entities and to identify any area of  
1216 improvement within each that allows for quick, effective

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1217 delivery of services.

1218 (c) Further, the Legislature intends for the state to seek  
1219 out ways to improve its administrative procedures in relevant  
1220 fields to build a streamlined permitting process that withstands  
1221 disruptions caused by natural disasters, including hurricanes  
1222 and tropical storms while maintaining the integrity of natural  
1223 coastal ecosystems.

1224 (2) (a) The Department of Environmental Protection and  
1225 water management districts shall conduct a holistic review of  
1226 their current coastal permitting processes and other permit  
1227 programs. These permitting processes must include, but are not  
1228 limited to, coastal construction control line permits; joint  
1229 coastal permits; environmental resource permits; consistent with  
1230 the terms of the United States Environmental Protection Agency's  
1231 approval, state-administered section 404 permits; and permitting  
1232 processes related to water supply infrastructure, wastewater  
1233 infrastructure, and onsite sewage treatment and disposal  
1234 systems.

1235 (b) The scope and purpose of the review is to identify  
1236 areas of improvement and to increase efficiency within each  
1237 process. Factors that must be considered in the review include  
1238 the following:

- 1239 1. The requirements to obtain a permit.  
1240 2. Time periods for review, including by commenting  
1241 agencies, and approval of the permit application.

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1242 3. Areas for improved efficiency and decision-point  
1243 consolidation within a single project's process.

1244 4. Areas of duplication across one or more permit  
1245 programs.

1246 5. The methods of requesting permits.

1247 6. Adequate staffing levels necessary for complete and  
1248 efficient review.

1249 7. Any other factors that may increase the efficiency of  
1250 the permitting processes and may allow improved storm recovery.

1251 (c) By December 31, 2023, the department and water  
1252 management districts shall provide their findings and proposed  
1253 solutions in a report to the Governor, the President of the  
1254 Senate, and the Speaker of the House of Representatives.

1255 Section 14. This act shall take effect July 1, 2023.

1256 -----  
1257  
1258 **T I T L E A M E N D M E N T**

1259 Remove everything before the enacting clause and insert:

1260 A bill to be entitled

1261 An act relating to administrative procedures and  
1262 permitting process review; amending s. 120.52, F.S.;  
1263 defining the terms "repromulgation" and "technical  
1264 change"; amending s. 120.54, F.S.; applying certain  
1265 provisions applicable to all rules other than  
1266 emergency rules to rules amended or repromulgated on

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1267 or after a specified date; requiring agencies to  
1268 publish a certain notice of rule development in the  
1269 Florida Administrative Register within a specified  
1270 timeframe before providing notice of a proposed rule;  
1271 requiring that a notice of rule development cite the  
1272 grant of rulemaking authority; requiring that a notice  
1273 of rule development contain a proposed rule number and  
1274 specified statements; requiring that notice of a  
1275 proposed rule be published in the Florida  
1276 Administrative Register within a specified timeframe  
1277 after the most recent notice of rule development;  
1278 revising the scope of public workshops to include  
1279 information gathering for the preparation of  
1280 statements of estimated regulatory costs; requiring  
1281 that a notice of proposed rule include a website  
1282 address where a statement of estimated regulatory  
1283 costs can be viewed if one has been prepared;  
1284 requiring that a notice of proposed rule include a  
1285 specified statement; requiring that a notice of  
1286 proposed rule include certain information relied upon  
1287 by the agency in certain circumstances; requiring that  
1288 material proposed to be incorporated by reference and  
1289 the statement of estimated regulatory costs be made  
1290 available to the public; requiring that material  
1291 proposed to be incorporated by reference be made

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1292 available in a specified manner; authorizing  
1293 electronic delivery of notices to persons who have  
1294 requested advance notice of agency rulemaking  
1295 proceedings; providing that an agency is not required  
1296 to prepare a statement of estimated regulatory costs  
1297 before a proposed rule repeal; providing an exception;  
1298 requiring that certain proposed rule repeals be  
1299 considered presumptively correct in a proceeding  
1300 before the Division of Administrative Hearings or a  
1301 court of competent jurisdiction; requiring an agency  
1302 to provide notice of a regulatory alternative to the  
1303 Administrative Procedures Committee within a certain  
1304 timeframe; requiring certain agency personnel to  
1305 attend public hearings on proposed rules; requiring an  
1306 agency to publish a notice of convening a separate  
1307 proceeding in certain circumstances; providing that  
1308 rulemaking timelines are tolled during such separate  
1309 proceedings; providing that such timelines resume the  
1310 day after the conclusion of such proceedings;  
1311 requiring that notice of conclusion of such  
1312 proceedings be provided to the committee; revising  
1313 requirements for the contents of a notice of change;  
1314 requiring the committee to notify the Department of  
1315 State that the date for an agency to adopt a proposed  
1316 rule has expired under certain circumstances;

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1317 requiring the department to publish a notice of  
1318 withdrawal of the proposed rule under certain  
1319 circumstances; requiring that a certain rule be  
1320 withdrawn if the rule has not been ratified within a  
1321 specified timeframe; requiring the agency, upon  
1322 approval of the agency head, to electronically file  
1323 with the department a certified copy of the proposed  
1324 rule; requiring the committee to notify the department  
1325 that the date for adoption of a rule has expired in  
1326 certain circumstances; requiring the department to  
1327 publish a notice of withdrawal of the rule in certain  
1328 circumstances; prohibiting an emergency rule from  
1329 being effective for longer than a specified timeframe;  
1330 providing that such rule is not renewable; providing  
1331 an exception; requiring that emergency rules be  
1332 published in the Florida Administrative Code;  
1333 authorizing agencies to supersede an emergency rule  
1334 through adoption of another emergency rule; providing  
1335 requirements for adopting the new rule; authorizing an  
1336 agency to make technical changes to an emergency rule  
1337 during a specified timeframe; requiring that notice of  
1338 renewal of an emergency rule be published in the  
1339 Florida Administrative Register before the expiration  
1340 of the existing emergency rule; requiring that the  
1341 notice state specified facts and reasons for the

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1342 renewal; requiring that emergency rules be published  
1343 in a certain section of the Florida Administrative  
1344 Code; requiring specified emergency rules to contain a  
1345 certain history note; providing that certain emergency  
1346 rules may be repealed at any time while the rule is in  
1347 effect by publishing a certain notice in the Florida  
1348 Administrative Register; requiring an agency to file a  
1349 copy of a certain petition with the committee; making  
1350 technical changes; amending s. 120.541, F.S.;

1351 requiring an agency to provide a copy of a proposal  
1352 for a lower cost regulatory alternative to the  
1353 committee within a certain timeframe; specifying the  
1354 circumstances under which such proposal is deemed to  
1355 be made in good faith; revising requirements for an  
1356 agency upon receipt of a proposal for a lower cost  
1357 regulatory alternative; providing for an agency's  
1358 revision and publication of a revised statement of  
1359 estimated regulatory costs in response to such  
1360 alternatives; requiring that the revised statement of  
1361 estimated regulatory costs be made available in the  
1362 same manner as the original; deleting the definition  
1363 of the term "transactional costs"; revising the  
1364 applicability of specified provisions; requiring an  
1365 agency to provide a specified notice of a revision to  
1366 the statement of estimated regulatory costs; making

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1367 technical changes; creating s. 120.5435, F.S.;

1368 providing legislative intent; requiring agency review

1369 of rules and repromulgation of rules that do not

1370 require substantive changes; requiring that certain

1371 rules be reviewed and amended, repealed, or

1372 repromulgated within a specified timeframe and every 5

1373 years thereafter; requiring any variation from this

1374 schedule to be reflected in the agency's regulatory

1375 plan; requiring the committee to provide each agency

1376 with a specified list by a specified date annually;

1377 providing that the failure of an agency to adhere to

1378 specified deadlines constitutes a material failure and

1379 is the basis for a specified objection; requiring an

1380 agency to publish a notice of repromulgation in the

1381 Florida Administrative Register and file a rule for

1382 repromulgation with the department within a specified

1383 timeframe; requiring an agency to file a notice of

1384 repromulgation with the committee within a specified

1385 timeframe; requiring the committee to certify whether

1386 the agency has responded to certain comments and

1387 inquiries; providing that a repromulgated rule is not

1388 subject to challenge as a proposed rule and that

1389 certain hearing requirements do not apply to such

1390 repromulgation; requiring an agency, upon approval of

1391 the agency head or its designee, to electronically

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2023)

Amendment No.

1392 file with the department a certified copy of the  
1393 repromulgated rule and any material incorporated by  
1394 reference; providing that a rule is considered  
1395 repromulgated upon its filing with the department;  
1396 requiring the department to update certain information  
1397 in the Florida Administrative Code; requiring the  
1398 committee to submit a specified list to the  
1399 Legislature within a specified timeframe; requiring  
1400 each agency to initiate rulemaking proceedings to  
1401 repeal certain rules within a specified timeframe if  
1402 certain conditions exist; requiring the department to  
1403 adopt rules by a certain date; amending s. 120.545,  
1404 F.S.; requiring the committee to examine certain  
1405 existing rules; amending s. 120.55, F.S.; requiring  
1406 the Department of State to publish the Florida  
1407 Administrative Register once each business day by a  
1408 specified time; providing exceptions; requiring the  
1409 department to indicate if a rule, proposed rule, or  
1410 notice of rule development was corrected or replaced  
1411 by republishing the register and noting that the rule,  
1412 proposed rule, or notice of rule development was  
1413 corrected; requiring that certain rulemaking  
1414 timeframes revert to the initial date of publication;  
1415 requiring the agency, rather than the department, to  
1416 publish specified information at the beginning of

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1417 specified sections of the code; requiring that  
1418 materials incorporated by reference be filed in a  
1419 specified manner; requiring the department to include  
1420 the date of a technical rule change in the Florida  
1421 Administrative Code; providing that a technical change  
1422 does not affect the effective date of a rule; revising  
1423 the required contents of the Florida Administrative  
1424 Register; requiring the department to adopt specified  
1425 rules; amending s. 120.74, F.S.; requiring an agency's  
1426 annual regulatory plan to identify and describe each  
1427 rule that the agency expects to develop, adopt, or  
1428 repeal during the forthcoming year, identify any rules  
1429 that are required to be repromulgated during the  
1430 forthcoming year, and include a certification that  
1431 makes certain declarations; conforming a cross-  
1432 reference; amending s. 120.80, F.S.; providing  
1433 applicability; conforming a cross-reference; amending  
1434 ss. 120.81, 420.9072, 420.9075, and 443.091, F.S.;  
1435 conforming cross-references; providing legislative  
1436 intent; requiring the Department of Environmental  
1437 Protection and water management districts to conduct a  
1438 holistic review of certain permitting processes and  
1439 programs; providing requirements for such processes;  
1440 providing the scope and purpose of the review;  
1441 requiring certain factors to be considered in the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 713 (2023)

Amendment No.

1442 review; requiring the department and water management  
1443 districts to submit a specified report to the Governor  
1444 and Legislature by a specified date; providing an  
1445 effective date.