



914922

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2023	.	
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The Committee on Environment and Natural Resources (Grall)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

120.52 Definitions.—As used in this act:



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

15           (21) "Technical change" means a change limited to  
16 correcting grammatical, typographical, and similar errors not  
17 affecting the substance of a rule.

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

23           120.54 Rulemaking.—

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

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

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

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



40           a. The material has been submitted in the prescribed  
41 electronic format to the Department of State and the full text  
42 of the material can be made available for free public access  
43 through an electronic hyperlink from the rule making the  
44 reference in the Florida Administrative Code; or

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

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

55           5. Notwithstanding any contrary provision in this section,  
56 when an adopted rule of the Department of Environmental  
57 Protection or a water management district is incorporated by  
58 reference in the other agency's rule to implement a provision of  
59 part IV of chapter 373, subsequent amendments to the rule are  
60 not effective as to the incorporating rule unless the agency  
61 incorporating by reference notifies the committee and the  
62 Department of State of its intent to adopt the subsequent  
63 amendment, publishes notice of such intent in the Florida  
64 Administrative Register, and files with the Department of State  
65 a copy of the amended rule incorporated by reference. Changes in  
66 the rule incorporated by reference are effective as to the other  
67 agency 20 days after the date of the published notice and filing  
68 with the Department of State. The Department of State shall



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

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

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

84 (a) 1. Except when the intended action is the repeal of a  
85 rule, agencies shall provide notice of the development of  
86 proposed rules by publication of a notice of rule development in  
87 the Florida Administrative Register at least 7 days before  
88 providing notice of a proposed rule as required by paragraph  
89 (3)(a). The notice of rule development must ~~shall~~ indicate the  
90 subject area to be addressed by rule development, provide a  
91 short, plain explanation of the purpose and effect of the  
92 proposed rule, cite the grant of rulemaking authority for the  
93 proposed rule and the law being implemented ~~specific legal~~  
94 ~~authority for the proposed rule~~, and include the proposed rule  
95 number and the preliminary text of the proposed rules, if  
96 available, or a statement of how a person may promptly obtain,  
97 without cost, a copy of any preliminary draft, when ~~if~~



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98 available. The notice must also include a request for the  
99 submission of any information that would be helpful to the  
100 agency in preparing the statement of estimated regulatory costs  
101 required pursuant to paragraph (3)(b) and a statement of how a  
102 person may submit comments on the proposal and how a person may  
103 provide information regarding the potential regulatory costs.

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

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

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

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

114 (c) An agency may hold public workshops for purposes of  
115 rule development and information gathering for the preparation  
116 of the statement of estimated regulatory costs. If requested in  
117 writing by any affected person, an agency must hold public  
118 workshops, including workshops in various regions of this ~~the~~  
119 state or the agency's service area, for purposes of rule  
120 development and information gathering for the preparation of the  
121 statement of estimated regulatory costs ~~if requested in writing~~  
122 by any affected person, unless the agency head explains in  
123 writing why a workshop is unnecessary. The explanation is not  
124 final agency action subject to review pursuant to ss. 120.569  
125 and 120.57. The failure to provide the explanation when required  
126 may be a material error in procedure pursuant to s.



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127 120.56(1)(c). When a workshop or public hearing is held, the  
128 agency must ensure that the persons responsible for preparing  
129 the proposed rule and the statement of estimated regulatory  
130 costs are available to receive public input, to explain the  
131 agency's proposal, and to respond to questions or comments  
132 regarding the rule being developed and the statement of  
133 estimated regulatory costs. The workshop may be facilitated or  
134 mediated by a neutral third person, or the agency may employ  
135 other types of dispute resolution alternatives for the workshop  
136 that are appropriate for rule development and for preparation of  
137 the statement of estimated regulatory costs. Notice of a  
138 workshop for rule development and for preparation of the  
139 statement of estimated regulatory costs must ~~workshop shall~~ be  
140 by publication in the Florida Administrative Register not less  
141 than 14 days before ~~prior to~~ the date on which the workshop is  
142 scheduled to be held and must ~~shall~~ indicate the subject area  
143 that ~~which~~ will be addressed; the agency contact person; and the  
144 place, date, and time of the workshop.

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



156 to develop information necessary to prepare a statement of  
157 estimated regulatory costs, when applicable.

158         2. An agency that chooses to use the negotiated rulemaking  
159 process described in this paragraph shall publish in the Florida  
160 Administrative Register a notice of negotiated rulemaking that  
161 includes a listing of the representative groups that will be  
162 invited to participate in the negotiated rulemaking process. Any  
163 person who believes that his or her interest is not adequately  
164 represented may apply to participate within 30 days after  
165 publication of the notice. All meetings of the negotiating  
166 committee must ~~shall~~ be noticed and open to the public pursuant  
167 to ~~the provisions of~~ this chapter. The negotiating committee  
168 shall be chaired by a neutral facilitator or mediator.

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

176         (3) ADOPTION PROCEDURES.—

177         (a) *Notices.*—

178         1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
179 any rule other than an emergency rule, an agency, upon approval  
180 of the agency head, shall give notice of its intended action,  
181 setting forth a short, plain explanation of the purpose and  
182 effect of the proposed action; the proposed rule number and full  
183 text of the proposed rule or amendment and a summary thereof; a  
184 reference to the grant of rulemaking authority pursuant to which



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185 the rule is adopted; and a reference to the section or  
186 subsection of the Florida Statutes or the Laws of Florida being  
187 implemented or interpreted. The notice must include a concise  
188 summary of the agency's statement of the estimated regulatory  
189 costs, ~~if one has been prepared,~~ based on the factors set forth  
190 in s. 120.541(2), which describes the regulatory impact of the  
191 rule in readable language; an agency website address where the  
192 statement of estimated regulatory costs can be viewed in its  
193 entirety; a statement that any person who wishes to provide the  
194 agency with information regarding the statement of estimated  
195 regulatory costs, or to provide a proposal for a lower cost  
196 regulatory alternative as provided by s. 120.541(1), must do so  
197 in writing within 21 days after publication of the notice; a  
198 request for the submission of any information that could be  
199 helpful to the agency regarding the statement of estimated  
200 regulatory costs; and a statement as to whether, based on the  
201 statement of the estimated regulatory costs ~~or other information~~  
202 ~~expressly relied upon and described by the agency if no~~  
203 ~~statement of regulatory costs is required,~~ the proposed rule is  
204 expected to require legislative ratification pursuant to s.  
205 120.541(3). The notice must state the procedure for requesting a  
206 public hearing on the proposed rule. Except when the intended  
207 action is the repeal of a rule, the notice must include a  
208 reference both to the date on which and to the place where the  
209 notice of rule development that is required by subsection (2)  
210 appeared.

211 2. The notice must ~~shall~~ be published in the Florida  
212 Administrative Register at least ~~not less than~~ 28 days before  
213 ~~prior to~~ the intended action. The proposed rule, including all



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

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

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

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

240       1. Statement of estimated regulatory costs.—Before the  
241 adoption or, ~~amendment, or repeal~~ of any rule, other than an  
242 emergency rule, an agency must ~~is encouraged to~~ prepare a



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243 statement of estimated regulatory costs of the proposed rule, as  
244 provided by s. 120.541. However, an agency is not required to  
245 prepare a statement of estimated regulatory costs for a proposed  
246 rule repeal unless such repeal would impose a regulatory cost.

247 In any challenge to a proposed rule repeal, a proposed rule  
248 repeal that only reduces or eliminates regulations on those  
249 individuals or entities regulated by the existing rule must be  
250 considered presumptively correct in any proceeding before the  
251 division or in any proceeding before a court of competent  
252 jurisdiction ~~However, an agency must prepare a statement of~~  
253 ~~estimated regulatory costs of the proposed rule, as provided by~~  
254 ~~s. 120.541, if:~~

255 a. ~~The proposed rule will have an adverse impact on small~~  
256 ~~business; or~~

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

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

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

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

269 (II) Taxes or fees assessed on transactions are likely to  
270 increase by \$500 or more in the aggregate in 1 year;

271 (III) Prices charged for goods and services are restricted



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272 or are likely to increase because of the rule;

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

275 (V) Operating costs are expected to increase by at least  
276 \$1,000 annually because of the rule; or

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

279 b. Each agency, before the adoption, amendment, or repeal  
280 of a rule, shall consider the impact of the rule on small  
281 businesses as defined in ~~by~~ s. 288.703 and the impact of the  
282 rule on small counties or small cities as defined in ~~by~~ s.  
283 120.52. Whenever practicable, an agency shall tier its rules to  
284 reduce disproportionate impacts on small businesses, small  
285 counties, or small cities to avoid regulating small businesses,  
286 small counties, or small cities that do not contribute  
287 significantly to the problem the rule is designed to address. An  
288 agency may define "small business" to include businesses  
289 employing more than 200 persons, may define "small county" to  
290 include those with populations of more than 75,000, and may  
291 define "small city" to include those with populations of more  
292 than 10,000, if it finds that such a definition is necessary to  
293 adapt a rule to the needs and problems of small businesses,  
294 small counties, or small cities. The agency shall consider each  
295 of the following methods for reducing the impact of the proposed  
296 rule on small businesses, small counties, and small cities, or  
297 any combination of these entities:

298 (I) Establishing less stringent compliance or reporting  
299 requirements in the rule.

300 (II) Establishing less stringent schedules or deadlines in



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301 the rule for compliance or reporting requirements.

302 (III) Consolidating or simplifying the rule's compliance or  
303 reporting requirements.

304 (IV) Establishing performance standards or best management  
305 practices to replace design or operational standards in the  
306 rule.

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

309 c.(I)~~b.(I)~~ If the agency determines that the proposed  
310 action will affect small businesses as defined by the agency as  
311 provided in sub-subparagraph b. a., the agency must ~~shall~~ send  
312 written notice of the rule to the rules ombudsman in the  
313 Executive Office of the Governor at least 28 days before the  
314 intended action.

315 (II) Each agency shall adopt those regulatory alternatives  
316 offered by the rules ombudsman in the Executive Office of the  
317 Governor and provided to the agency no later than 21 days after  
318 the rules ombudsman's receipt of the written notice of the rule  
319 which it finds are feasible and consistent with the stated  
320 objectives of the proposed rule and which would reduce the  
321 impact on small businesses. When regulatory alternatives are  
322 offered by the rules ombudsman in the Executive Office of the  
323 Governor, the 90-day period for filing the rule in subparagraph  
324 (e)2. is extended for a period of 21 days. The agency shall  
325 provide notice to the committee of any regulatory alternative  
326 offered to the agency pursuant to this sub-subparagraph at least  
327 21 days before filing the proposed rule for adoption.

328 (III) If an agency does not adopt all alternatives offered  
329 pursuant to this sub-subparagraph, it must ~~shall~~, before rule



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330 adoption or amendment and pursuant to subparagraph (d)1., file a  
331 detailed written statement with the committee explaining the  
332 reasons for failure to adopt such alternatives. Within 3 working  
333 days after the filing of such notice, the agency shall send a  
334 copy of such notice to the rules ombudsman in the Executive  
335 Office of the Governor.

336 (c) *Hearings.*—

337 1. If the intended action concerns any rule other than one  
338 relating exclusively to procedure or practice, the agency must  
339 ~~shall~~, on the request of any affected person received within 21  
340 days after the date of publication of the notice of intended  
341 agency action, give affected persons an opportunity to present  
342 evidence and argument on all issues under consideration. The  
343 agency may schedule a public hearing on the proposed rule and,  
344 if requested by any affected person, must ~~shall~~ schedule a  
345 public hearing on the proposed rule. When a public hearing is  
346 held, the agency must ensure that the persons responsible for  
347 preparing the proposed rule and the statement of estimated  
348 regulatory costs ~~staff~~ are in attendance ~~available~~ to explain  
349 the agency's proposal and to respond to questions or comments  
350 regarding the proposed rule, the statement of estimated  
351 regulatory costs, and the agency's decision on whether to adopt  
352 a lower cost regulatory alternative submitted pursuant to s.  
353 120.541(1)(a). If the agency head is a board or other collegial  
354 body created under s. 20.165(4) or s. 20.43(3)(g), and one or  
355 more requested public hearings is scheduled, the board or other  
356 collegial body must ~~shall~~ conduct at least one of the public  
357 hearings itself and may not delegate this responsibility without  
358 the consent of those persons requesting the public hearing. Any



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359 material pertinent to the issues under consideration submitted  
360 to the agency within 21 days after the date of publication of  
361 the notice or submitted to the agency between the date of  
362 publication of the notice and the end of the final public  
363 hearing must ~~shall~~ be considered by the agency and made a part  
364 of the record of the rulemaking proceeding.

365 2. Rulemaking proceedings are ~~shall be~~ governed solely by  
366 ~~the provisions of~~ this section unless a person timely asserts  
367 that the person's substantial interests will be affected in the  
368 proceeding and affirmatively demonstrates to the agency that the  
369 proceeding does not provide adequate opportunity to protect  
370 those interests. If the agency determines that the rulemaking  
371 proceeding is not adequate to protect the person's interests, it  
372 must ~~shall~~ suspend the rulemaking proceeding and convene a  
373 separate proceeding under ~~the provisions of~~ ss. 120.569 and  
374 120.57. The agency shall publish notice of convening a separate  
375 proceeding in the Florida Administrative Register. Similarly  
376 situated persons may be requested to join and participate in the  
377 separate proceeding. Upon conclusion of the separate proceeding,  
378 the rulemaking proceeding shall be resumed. All timelines in  
379 this section are tolled during any suspension of the rulemaking  
380 proceeding under this subparagraph, beginning on the date the  
381 notice of convening a separate proceeding is published, and the  
382 timelines shall resume the day after conclusion of the separate  
383 proceedings, notice of which must be provided to the committee.

384 (d) *Modification or withdrawal of proposed rules.*—

385 1. After the final public hearing on the proposed rule, or  
386 after the time for requesting a hearing has expired, if the  
387 proposed rule has not been changed from the proposed rule as



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388 previously filed with the committee, or contains only technical  
389 changes, the adopting agency shall file a notice to that effect  
390 with the committee at least 7 days before ~~prior to~~ filing the  
391 proposed rule for adoption. Any change, other than a technical  
392 change ~~that does not affect the substance of the rule~~, must be  
393 supported by the record of public hearings held on the proposed  
394 rule, must be in response to written material submitted to the  
395 agency within 21 days after the date of publication of the  
396 notice of intended agency action or submitted to the agency  
397 between the date of publication of the notice and the end of the  
398 final public hearing, or must be in response to a proposed  
399 objection by the committee. Any change, other than a technical  
400 change, to a statement of estimated regulatory costs requires a  
401 notice of change. In addition, ~~when~~ any change, other than a  
402 technical change, to is made in a proposed rule text or any  
403 material incorporated by reference requires, ~~other than a~~  
404 ~~technical change,~~ the adopting agency to shall provide a copy of  
405 a notice of change by certified mail or actual delivery to any  
406 person who requests it in writing no later than 21 days after  
407 the notice required in paragraph (a). The agency shall file the  
408 notice of change with the committee, along with the reasons for  
409 the change, and provide the notice of change to persons  
410 requesting it, at least 21 days before ~~prior to~~ filing the  
411 proposed rule for adoption. The notice of change must shall be  
412 published in the Florida Administrative Register at least 21  
413 days before ~~prior to~~ filing the proposed rule for adoption. The  
414 notice of change must include a summary of any revision of the  
415 statement of estimated regulatory costs required by s.  
416 120.541(1)(c). This subparagraph does not apply to emergency



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417 rules adopted pursuant to subsection (4). Material proposed to  
418 be incorporated by reference in the notice required by this  
419 subparagraph must be made available in the manner prescribed by  
420 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and  
421 include a summary of substantive revisions to any material  
422 proposed to be incorporated by reference in the proposed rule.

423       2. After the notice required by paragraph (a) and before  
424 prior to adoption, the agency may withdraw the proposed rule in  
425 whole or in part.

426       3. After the notice required by paragraph (a), the agency  
427 must withdraw the proposed rule if the agency has failed to  
428 adopt it within the prescribed timeframes in this chapter. If  
429 the agency, 30 days after notice by the committee that the  
430 agency has failed to adopt the proposed rule within the  
431 prescribed timeframes in this chapter, has not given notice of  
432 the withdrawal of the proposed rule, the committee must notify  
433 the Department of State that the date for adoption of the rule  
434 has expired, and the Department of State must publish a notice  
435 of withdrawal of the proposed rule.

436       4. After adoption and before the rule becomes effective, a  
437 rule may be modified or withdrawn only in the following  
438 circumstances:

439       a. When the committee objects to the rule;

440       b. When a final order, which is not subject to further  
441 appeal, is entered in a rule challenge brought pursuant to s.  
442 120.56 after the date of adoption but before the rule becomes  
443 effective pursuant to subparagraph (e)6.;

444       c. If the rule requires ratification, when more than 90  
445 days have passed since the rule was filed for adoption without



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446 the Legislature ratifying the rule, in which case the rule may  
447 be withdrawn but may not be modified; or

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

451 ~~5.4.~~ The agency shall give notice of its decision to  
452 withdraw or modify a rule in the first available issue of the  
453 publication in which the original notice of rulemaking was  
454 published, shall notify those persons described in subparagraph  
455 (a)3. in accordance with the requirements of that subparagraph,  
456 and shall notify the Department of State if the rule is required  
457 to be filed with the Department of State.

458 ~~6.5.~~ After a rule has become effective, it may be repealed  
459 or amended only through the rulemaking procedures specified in  
460 this chapter.

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

462 1. If the adopting agency is required to publish its rules  
463 in the Florida Administrative Code, the agency, upon approval of  
464 the agency head, must electronically ~~shall~~ file with the  
465 Department of State a three certified copy ~~copies~~ of the rule it  
466 proposes to adopt; one copy of any material incorporated by  
467 reference in the rule, certified by the agency; a summary of the  
468 rule; a summary of any hearings held on the rule; and a detailed  
469 written statement of the facts and circumstances justifying the  
470 rule. Agencies not required to publish their rules in the  
471 Florida Administrative Code shall file one certified copy of the  
472 proposed rule, and the other material required by this  
473 subparagraph, in the office of the agency head, and such rules  
474 must ~~shall~~ be open to the public.



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475           2. A rule may not be filed for adoption less than 28 days  
476 or more than 90 days after the notice required by paragraph (a),  
477 until 21 days after the notice of change required by paragraph  
478 (d), until 14 days after the final public hearing, until 21 days  
479 after a statement of estimated regulatory costs required under  
480 s. 120.541 has been provided to all persons who submitted a  
481 lower cost regulatory alternative and made available to the  
482 public at a readily accessible page on the agency's website, or  
483 until the administrative law judge has rendered a decision under  
484 s. 120.56(2), whichever applies. When a required notice of  
485 change is published before ~~prior to~~ the expiration of the time  
486 to file the rule for adoption, the period during which a rule  
487 must be filed for adoption is extended to 45 days after the date  
488 of publication. If notice of a public hearing is published  
489 before ~~prior to~~ the expiration of the time to file the rule for  
490 adoption, the period during which a rule must be filed for  
491 adoption is extended to 45 days after adjournment of the final  
492 hearing on the rule, 21 days after receipt of all material  
493 authorized to be submitted at the hearing, or 21 days after  
494 receipt of the transcript, if one is made, whichever is latest.  
495 The term "public hearing" includes any public meeting held by  
496 any agency at which the rule is considered. If a petition for an  
497 administrative determination under s. 120.56(2) is filed, the  
498 period during which a rule must be filed for adoption is  
499 extended to 60 days after the administrative law judge files the  
500 final order with the clerk or until 60 days after subsequent  
501 judicial review is complete.

502           3. At the time a rule is filed, the agency shall certify  
503 that the time limitations prescribed by this paragraph have been



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504 | complied with, that all statutory rulemaking requirements have  
505 | been met, and that there is no administrative determination  
506 | pending on the rule.

507 |         4. At the time a rule is filed, the committee shall certify  
508 | whether the agency has responded in writing to all material and  
509 | timely written comments or written inquiries made on behalf of  
510 | the committee. The Department of State shall reject any rule  
511 | that is not filed within the prescribed time limits; that does  
512 | not comply with all statutory rulemaking requirements and rules  
513 | of the Department of State; upon which an agency has not  
514 | responded in writing to all material and timely written  
515 | inquiries or written comments; upon which an administrative  
516 | determination is pending; or which does not include a statement  
517 | of estimated regulatory costs, if required.

518 |         5. If a rule has not been adopted within the time limits  
519 | imposed by this paragraph or has not been adopted in compliance  
520 | with all statutory rulemaking requirements, the agency proposing  
521 | the rule must ~~shall~~ withdraw the proposed rule and give notice  
522 | of its action in the next available issue of the Florida  
523 | Administrative Register. If the agency has not published notice  
524 | of withdrawal of the rule during the 30 days after receiving  
525 | notice from the committee that the agency has failed to withdraw  
526 | the rule, the committee must notify the Department of State that  
527 | the date for adoption of the rule has expired, and the  
528 | Department of State must publish a notice of withdrawal of the  
529 | rule.

530 |         6. The proposed rule shall be adopted on being filed with  
531 | the Department of State and becomes ~~become~~ effective 20 days  
532 | after being filed, on a later date specified in the notice



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533 required by subparagraph (a)1., on a date required by statute,  
534 or upon ratification by the Legislature pursuant to s.  
535 120.541(3). Rules not required to be filed with the Department  
536 of State ~~shall~~ become effective when adopted by the agency head,  
537 on a later date specified by rule or statute, or upon  
538 ratification by the Legislature pursuant to s. 120.541(3). If  
539 the committee notifies an agency that an objection to a rule is  
540 being considered, the agency may postpone the adoption of the  
541 rule to accommodate review of the rule by the committee. When an  
542 agency postpones adoption of a rule to accommodate review by the  
543 committee, the 90-day period for filing the rule is tolled until  
544 the committee notifies the agency that it has completed its  
545 review of the rule.

546  
547 For the purposes of this paragraph, the term "administrative  
548 determination" does not include subsequent judicial review.

549 (4) EMERGENCY RULES.—

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

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

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

559  
560 ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency  
561 from adopting a rule or rules identical to the emergency rule



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562 through the rulemaking procedures specified in subsection (3).

563 (e) Emergency rules must be published in the Florida  
564 Administrative Code.

565 (f) An agency may supersede an emergency rule currently in  
566 effect through adoption of another emergency rule. The agency  
567 must state the reason for adopting the new rule, in accordance  
568 with the procedures set forth in paragraph (a), and the new rule  
569 must be in effect for the duration of the effective period of  
570 the superseded rule. Technical changes to an emergency rule may  
571 be made within the first 7 days after adoption of the rule.

572 (g) Any notice of the renewal of an emergency rule must be  
573 published in the Florida Administrative Register before the  
574 expiration of the existing emergency rule. The notice of renewal  
575 must state the specific facts and reasons for the renewal  
576 pursuant to paragraph (c).

577 (h) All emergency rules must be published in the Florida  
578 Administrative Code in the section of the code dealing with the  
579 agency.

580 (i) For emergency rules with an effective period longer  
581 than 90 days which are intended to replace existing rules, a  
582 note must be added to the history note of the existing rule  
583 which specifically identifies the emergency rule that is  
584 intended to supersede the existing rule and includes the date  
585 that the emergency rule was filed with the Department of State.

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

590 (7) PETITION TO INITIATE RULEMAKING.—



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591 (a) Any person regulated by an agency or having substantial  
592 interest in an agency rule may petition an agency to adopt,  
593 amend, or repeal a rule or to provide the minimum public  
594 information required by this chapter. The petition must ~~shall~~  
595 specify the proposed rule and action requested. The agency shall  
596 file a copy of the petition with the committee. No ~~Not~~ later  
597 than 30 calendar days ~~after following the date of~~ filing a  
598 petition, the agency shall initiate rulemaking proceedings under  
599 this chapter, otherwise comply with the requested action, or  
600 deny the petition with a written statement of its reasons for  
601 the denial.

602 Section 3. Section 120.541, Florida Statutes, is amended to  
603 read:

604 120.541 Statement of estimated regulatory costs.—

605 (1) (a) Within 21 days after publication of the notice of a  
606 proposed rule or notice of change ~~required under s.~~  
607 120.54(3)(a), a substantially affected person may submit to an  
608 agency a good faith written proposal for a lower cost regulatory  
609 alternative to a proposed rule which substantially accomplishes  
610 the objectives of the law being implemented. The agency shall  
611 provide a copy of any proposal for a lower cost regulatory  
612 alternative to the committee at least 21 days before filing the  
613 proposed rule for adoption. The proposal may include the  
614 alternative of not adopting any rule if the proposal explains  
615 how the lower costs and objectives of the law will be achieved  
616 by not adopting any rule. If submitted after a notice of change,  
617 a proposal for a lower cost regulatory alternative is deemed to  
618 be made in good faith only if the person reasonably believes,  
619 and the proposal states the person's reasons for believing, that



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620 the proposed rule as changed by the notice of change increases  
621 the regulatory costs or creates an adverse impact on small  
622 businesses which was not created by the previous proposed rule.  
623 If such a proposal is submitted, the 90-day period for filing  
624 the rule is extended 21 days. Upon the submission of the lower  
625 cost regulatory alternative, the agency shall ~~prepare a~~  
626 ~~statement of estimated regulatory costs as provided in~~  
627 ~~subsection (2), or shall~~ revise its prior statement of estimated  
628 regulatory costs, and either adopt the alternative proposal,  
629 reject the alternative proposal, or modify the proposed rule to  
630 reduce the regulatory costs. If the agency rejects the  
631 alternative proposal or modifies the proposed rule, the agency  
632 must ~~or~~ provide a statement of the reasons for rejecting the  
633 alternative in favor of the proposed rule.  
634 ~~(b) If a proposed rule will have an adverse impact on small~~  
635 ~~business or if the proposed rule is likely to directly or~~  
636 ~~indirectly increase regulatory costs in excess of \$200,000 in~~  
637 ~~the aggregate within 1 year after the implementation of the~~  
638 ~~rule, the agency shall prepare a statement of estimated~~  
639 ~~regulatory costs as required by s. 120.54(3)(b).~~  
640 ~~(b)(c)~~ The agency must ~~shall~~ revise a statement of  
641 estimated regulatory costs if any change to the rule made under  
642 s. 120.54(3)(d) increases the regulatory costs of the rule or if  
643 the rule is modified in response to the submission of a lower  
644 cost regulatory alternative. A summary of the revised statement  
645 must be included with any subsequent notice published under s.  
646 120.54(3).  
647 ~~(c)(d)~~ At least 21 days before filing the proposed rule for  
648 adoption, an agency that is required to revise a statement of



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649 estimated regulatory costs shall provide the statement to the  
650 person who submitted the lower cost regulatory alternative, to  
651 the rules ombudsman in the Executive Office of the Governor, and  
652 to the committee. The revised statement must be published and  
653 made available in the same manner as the original statement of  
654 estimated regulatory costs and shall provide notice on the  
655 agency's website that it is available to the public.

656 (d) ~~(e)~~ Notwithstanding s. 120.56(1)(c), the failure of the  
657 agency to prepare and publish a statement of estimated  
658 regulatory costs or to respond to a written lower cost  
659 regulatory alternative as provided in this subsection is a  
660 material failure to follow the applicable rulemaking procedures  
661 or requirements set forth in this chapter.

662 (e) ~~(f)~~ An agency's failure to prepare a statement of  
663 estimated regulatory costs or to respond to a written lower cost  
664 regulatory alternative may not be raised in a proceeding  
665 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
666 unless:

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

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

671 (f) ~~(g)~~ A rule that is challenged pursuant to s.  
672 120.52(8)(f) may not be declared invalid unless:

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

675 2. The challenge is to the agency's rejection of a lower  
676 cost regulatory alternative offered under paragraph (a) or s.  
677 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and



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678           3. The substantial interests of the person challenging the  
679 rule are materially affected by the rejection.

680           (2) A statement of estimated regulatory costs must ~~shall~~  
681 include:

682           (a) An economic analysis showing whether the rule directly  
683 or indirectly:

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

688           2. Is likely to have an adverse impact on business  
689 competitiveness, including the ability of persons doing business  
690 in this ~~the~~ state to compete with persons doing business in  
691 other states or domestic markets, productivity, or innovation in  
692 excess of \$1 million in the aggregate within 5 years after the  
693 implementation of the rule; or

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

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

702           (c) A good faith estimate of the cost to the agency, and to  
703 any other state and local government entities, of implementing  
704 and enforcing the proposed rule, and any anticipated effect on  
705 state or local revenues.

706           (d) A good faith estimate of the compliance ~~transactional~~



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707 costs likely to be incurred by individuals and entities,  
708 including local government entities, required to comply with the  
709 requirements of the rule. ~~As used in this section,~~  
710 ~~"transactional costs" are direct costs that are readily~~  
711 ~~ascertainable based upon standard business practices, and~~  
712 ~~include filing fees, the cost of obtaining a license, the cost~~  
713 ~~of equipment required to be installed or used or procedures~~  
714 ~~required to be employed in complying with the rule, additional~~  
715 ~~operating costs incurred, the cost of monitoring and reporting,~~  
716 ~~and any other costs necessary to comply with the rule.~~

717 (e) An analysis of the impact on small businesses as  
718 defined by s. 288.703, and an analysis of the impact on small  
719 counties and small cities as defined in s. 120.52. The impact  
720 analysis for small businesses must include the basis for the  
721 agency's decision not to implement alternatives that would  
722 reduce adverse impacts on small businesses.

723 (f) Any additional information that the agency determines  
724 may be useful.

725 (g) In the ~~statement or revised statement, whichever~~  
726 ~~applies,~~ a description of any regulatory alternatives submitted  
727 under paragraph (1) (a) and a statement adopting the alternative  
728 or a statement of the reasons for rejecting the alternative in  
729 favor of the proposed rule.

730 (3) If the adverse impact or regulatory costs of the rule  
731 exceed any of the criteria established in paragraph (2) (a), the  
732 rule must ~~shall~~ be submitted to the President of the Senate and  
733 Speaker of the House of Representatives no later than 30 days  
734 before ~~prior to~~ the next regular legislative session, and the  
735 rule may not take effect until it is ratified by the



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736 Legislature.

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

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

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

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

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

744 (5) For purposes of subsections (2) and (3), adverse  
745 impacts and regulatory costs likely to occur within 5 years  
746 after implementation of the rule include adverse impacts and  
747 regulatory costs estimated to occur within 5 years after the  
748 effective date of the rule. However, if any provision of the  
749 rule is not fully implemented upon the effective date of the  
750 rule, the adverse impacts and regulatory costs associated with  
751 such provision must be adjusted to include any additional  
752 adverse impacts and regulatory costs estimated to occur within 5  
753 years after implementation of such provision.

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

758 1. Increased customer charges for goods or services.

759 2. Decreased market value of goods or services produced,  
760 provided, or sold.

761 3. Increased costs resulting from the purchase of  
762 substitute or alternative goods or services.

763 4. The reasonable value of time to be spent by owners,  
764 officers, operators, and managers to understand and comply with



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765 the proposed rule, including, but not limited to, time to be  
766 spent completing required education, training, or testing.

767 5. Capital costs.

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

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

775 (c) In estimating compliance costs under paragraph (2)(d),  
776 the agency shall consider, among other matters, all direct and  
777 indirect costs necessary to comply with the proposed rule which  
778 are readily ascertainable based upon standard business  
779 practices, including, but not limited to, costs related to:

780 1. Filing fees.

781 2. Expenses to obtain a license.

782 3. Necessary equipment.

783 4. Installation, utilities, and maintenance of necessary  
784 equipment.

785 5. Necessary operations and procedures.

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

788 7. Other processes.

789 8. Labor based on relevant rates of wages, salaries, and  
790 benefits.

791 9. Materials and supplies.

792 10. Capital expenditures, including financing costs.

793 11. Professional and technical services, including



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794 contracted services necessary to implement and maintain  
795 compliance.

796 12. Monitoring and reporting.  
797 13. Qualifying and recurring education, training, and  
798 testing.

799 14. Travel.  
800 15. Insurance and surety requirements.  
801 16. A fair and reasonable allocation of administrative  
802 costs and other overhead.

803 17. Reduced sales or other revenues.  
804 18. Other items suggested by the rules ombudsman in the  
805 Executive Office of the Governor or by any interested person,  
806 business organization, or business representative.

807 (7) (a) The Department of State shall include on the Florida  
808 Administrative Register website the agency website addresses  
809 where statements of estimated regulatory costs can be viewed in  
810 their entirety.

811 (b) An agency that prepares a statement of estimated  
812 regulatory costs must provide, as part of the notice required  
813 under s. 120.54(3) (a), the agency website address where the  
814 statement of estimated regulatory costs can be read in its  
815 entirety to the Department of State for publication in the  
816 Florida Administrative Register.

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

822 Section 4. Section 120.5435, Florida Statutes, is created



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823 to read:

824 120.5435 Repromulgation of rules.—

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

828 (2) If an agency determines after review that substantive  
829 changes to update a rule are not required, such agency must  
830 repromulgate the rule to reflect the date of the review. All  
831 rules adopted, amended, or repromulgated on or after July 1,  
832 2023, must be reviewed within 5 years after their effective  
833 dates and every 5 years thereafter. Each agency shall review all  
834 existing rules pursuant to this section no later than December  
835 31, 2028. Any variation from this schedule must be reflected in  
836 the agency's regulatory plan. No later than December 31, 2023,  
837 the committee shall provide each agency with a list of existing  
838 rules and their effective dates. Failure of an agency to adhere  
839 to the deadlines imposed in this section constitutes a material  
840 failure to follow the applicable rulemaking procedures or  
841 requirements of this chapter and shall be the basis of an  
842 objection under s. 120.545.

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

845 (a) Publish a notice of repromulgation in the Florida  
846 Administrative Register. A notice of repromulgation is not  
847 required to include the text of the rule being repromulgated.

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



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852       (4) The agency must file a notice of repromulgation with  
853 the committee at least 14 days before filing the rule for  
854 repromulgation. At the time the rule is filed for  
855 repromulgation, the committee shall certify whether the agency  
856 has responded in writing to all material and timely written  
857 comments or written inquiries made on behalf of the committee.

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

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

862       (7) (a) The agency, upon approval of the agency head or his  
863 or her designee, shall electronically file with the Department  
864 of State a certified copy of the repromulgated rule it proposes  
865 to adopt and one certified copy of any material incorporated by  
866 reference in the rule.

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

869       (c) The Department of State shall update the history note  
870 of the rule in the Florida Administrative Code to reflect the  
871 filing date of the repromulgated rule.

872       (8) At least 30 days before each legislative session, the  
873 committee shall submit to the President of the Senate and the  
874 Speaker of the House of Representatives a list of all rules that  
875 have not been repromulgated in accordance with this section, and  
876 identify whether the statutory rulemaking authority for each  
877 rule remains in effect. If no action is taken by the Legislature  
878 with regard to a rule during the next regular legislative  
879 session, each agency, within 14 days after the close of the  
880 session, must initiate rulemaking proceedings under chapter 120



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881 to repeal the rule.

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

884 Section 5. Section 120.5436, Florida Statutes, is created  
885 to read:

886 120.5436 Infrastructure and environmental permitting  
887 review.-

888 (1) (a) It is the intent of the Legislature to build a more  
889 resilient and responsive government infrastructure to allow for  
890 quick recovery after natural disasters, including hurricanes and  
891 tropical storms.

892 (b) It is further the intent of the Legislature to promote  
893 efficiency in state government across branches, agencies, and  
894 other governmental entities and to identify any area of  
895 improvement within each that allows for quick, effective  
896 delivery of services.

897 (c) Further, the Legislature intends for the state to seek  
898 out ways to improve its administrative procedures in relevant  
899 fields to build a streamlined permitting process that withstands  
900 disruptions caused by natural disasters, including hurricanes  
901 and tropical storms.

902 (2) (a) The Department of Environmental Protection and water  
903 management districts shall conduct a holistic review of their  
904 current coastal permitting processes and other permit programs.  
905 These permitting processes must include, but are not limited to,  
906 coastal construction control line permits; joint coastal  
907 permits; environmental resource permits; consistent with the  
908 terms of the United States Environmental Protection Agency's  
909 approval, state-administered section 404 permits; and permitting



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910 processes related to water supply infrastructure, wastewater  
911 infrastructure, and onsite treatment and disposal systems.

912 (b) The scope and purpose of the review is to identify  
913 areas of improvement and to increase efficiency within each  
914 process. Factors that must be considered in the review include  
915 the following:

916 1. The requirements to obtain a permit.

917 2. Time periods for review, including by commenting  
918 agencies, and approval of the permit application.

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

921 4. Areas of duplication across one or more permit programs.

922 5. The methods of requesting permits.

923 6. Any other factors that may increase the efficiency of  
924 the permitting processes and may allow improved storm recovery.

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

929 Section 6. Subsection (1) of section 120.545, Florida  
930 Statutes, is amended to read:

931 120.545 Committee review of agency rules.—

932 (1) As a legislative check on legislatively created  
933 authority, the committee shall examine each existing rule and  
934 proposed rule, except for those proposed rules exempted by s.  
935 120.81(1)(e) and (2), and its accompanying material, and each  
936 emergency rule, and may examine any existing rule, for the  
937 purpose of determining whether:

938 (a) The rule is an invalid exercise of delegated



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939 legislative authority.

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

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

942 (d) The rule is in proper form.

943 (e) The notice given before ~~prior to~~ its adoption was  
944 sufficient to give adequate notice of the purpose and effect of  
945 the rule.

946 (f) The rule is consistent with expressed legislative  
947 intent pertaining to the specific provisions of law which the  
948 rule implements.

949 (g) The rule is necessary to accomplish the apparent or  
950 expressed objectives of the specific provision of law which the  
951 rule implements.

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

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

957 (j) The rule's statement of estimated regulatory costs  
958 complies with the requirements of s. 120.541 and whether the  
959 rule does not impose regulatory costs on the regulated person,  
960 county, or city which could be reduced by the adoption of less  
961 costly alternatives that substantially accomplish the statutory  
962 objectives.

963 (k) The rule will require additional appropriations.

964 (l) If the rule is an emergency rule, there exists an  
965 emergency justifying the adoption of such rule, the agency is  
966 within its statutory authority, and the rule was adopted in  
967 compliance with the requirements and limitations of s.



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968 120.54(4).

969 Section 7. Paragraphs (a), (b), and (c) of subsection (1)  
970 of section 120.55, Florida Statutes, are amended to read:

971 120.55 Publication.—

972 (1) The Department of State shall:

973 (a)1. Through a continuous revision and publication system,  
974 compile and publish electronically, on a website managed by the  
975 department, the "Florida Administrative Code." The Florida  
976 Administrative Code must ~~shall~~ contain all rules adopted by each  
977 agency, citing the grant of rulemaking authority and the  
978 specific law implemented pursuant to which each rule was  
979 adopted, all history notes as authorized in s. 120.545(7),  
980 complete indexes to all rules contained in the code, and any  
981 other material required or authorized by law or deemed useful by  
982 the department. The electronic code must ~~shall~~ display each rule  
983 chapter currently in effect in browse mode and allow full text  
984 search of the code and each rule chapter. The department may  
985 contract with a publishing firm for a printed publication;  
986 however, the department shall retain responsibility for the code  
987 as provided in this section. The electronic publication is ~~shall~~  
988 ~~be~~ the official compilation of the administrative rules of this  
989 state. The Florida Administrative Register must be published  
990 once each business day by 8 a.m., with the exception of state  
991 holidays or emergency closures of state agencies. If a rule,  
992 proposed rule, or notice of rule development is corrected and  
993 replaced, the corrected rule or notice must be published in the  
994 next available Florida Administrative Register with a notation  
995 indicating that the rule, proposed rule, or notice has been  
996 corrected by the Department of State. Any timeframes for



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997 rulemaking set forth in this chapter must revert to the initial  
998 date of publication.

999

1000 The Department of State retains ~~shall retain~~ the copyright over  
1001 the Florida Administrative Code.

1002 2. Not publish rules in the Florida Administrative Code  
1003 which are general in form but applicable to only one school  
1004 district, community college district, or county, or a part  
1005 thereof, or state university rules relating to internal  
1006 personnel or business and finance ~~shall not be published in the~~  
1007 ~~Florida Administrative Code~~. Exclusion from publication in the  
1008 Florida Administrative Code does ~~shall~~ not affect the validity  
1009 or effectiveness of such rules.

1010 3. At the beginning of the section of the code dealing with  
1011 an agency that files copies of its rules with the department,  
1012 the agency ~~department~~ shall publish the address and telephone  
1013 number of the executive offices of each agency, the manner by  
1014 which the agency indexes its rules, a listing of all rules of  
1015 that agency excluded from publication in the code, and a  
1016 statement as to where those rules may be inspected.

1017 4. Not publish forms ~~shall not be published~~ in the Florida  
1018 Administrative Code; but any form which an agency uses in its  
1019 dealings with the public, along with any accompanying  
1020 instructions, shall be filed with the committee before it is  
1021 used. Any form or instruction which meets the definition of  
1022 "rule" provided in s. 120.52 must ~~shall~~ be incorporated by  
1023 reference into the appropriate rule. The reference must ~~shall~~  
1024 specifically state that the form is being incorporated by  
1025 reference and must ~~shall~~ include the number, title, and



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1026 effective date of the form and an explanation of how the form  
1027 may be obtained. Each form created by an agency which is  
1028 incorporated by reference in a rule notice of which is given  
1029 under s. 120.54(3)(a) after December 31, 2007, must clearly  
1030 display the number, title, and effective date of the form and  
1031 the number of the rule in which the form is incorporated.

1032 5. Require all materials incorporated by reference in any  
1033 part of an adopted rule and in any part of a repromulgated rule

1034 ~~The department shall allow adopted rules and material~~  
1035 ~~incorporated by reference to be filed in the manner prescribed~~  
1036 ~~by s. 120.54(1)(i)3.a. or b. electronic form as prescribed by~~  
1037 ~~department rule.~~ When a proposed rule is filed for adoption or  
1038 repromulgation with incorporated material in electronic form,  
1039 the department's publication of the Florida Administrative Code  
1040 on its website must contain a hyperlink from the incorporating  
1041 reference in the rule directly to that material. The department  
1042 may not allow hyperlinks from rules in the Florida  
1043 Administrative Code to any material other than that filed with  
1044 and maintained by the department, but may allow hyperlinks to  
1045 incorporated material maintained by the department from the  
1046 adopting agency's website or other sites.

1047 6. Include the date of any technical changes to a rule in  
1048 the history note of the rule in the Florida Administrative Code.

1049 A technical change does not affect the effective date of the  
1050 rule.

1051 (b) Electronically publish on a website managed by the  
1052 department a continuous revision and publication entitled the  
1053 "Florida Administrative Register," which shall serve as the  
1054 official publication and must contain:



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1055           1. All notices required by s. 120.54(2) and (3)(a), showing  
1056 the text of all rules proposed for consideration.

1057           2. All notices of public meetings, hearings, and workshops  
1058 conducted in accordance with s. 120.525, including a statement  
1059 of the manner in which a copy of the agenda may be obtained.

1060           3. A notice of each request for authorization to amend or  
1061 repeal an existing uniform rule or for the adoption of new  
1062 uniform rules.

1063           4. Notice of petitions for declaratory statements or  
1064 administrative determinations.

1065           5. A summary of each objection to any rule filed by the  
1066 Administrative Procedures Committee.

1067           6. A list of rules filed for adoption in the previous 7  
1068 days.

1069           7. A list of all rules filed for adoption pending  
1070 legislative ratification under s. 120.541(3). A rule shall be  
1071 removed from the list once notice of ratification or withdrawal  
1072 of the rule is received.

1073           8. The full text of each emergency rule in effect on the  
1074 date of publication.

1075           9. Any other material required or authorized by law or  
1076 deemed useful by the department.

1077  
1078 The department may contract with a publishing firm for a printed  
1079 publication of the Florida Administrative Register and make  
1080 copies available on an annual subscription basis.

1081           (c) Prescribe by rule the style and form required for  
1082 rules, notices, and other materials submitted for filing,  
1083 including a rule requiring documents created by an agency which



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1084 are proposed to be incorporated by reference in notices  
1085 published pursuant to s. 120.54(3) (a) and (d) to be coded in the  
1086 same manner as notices published pursuant to s. 120.54(3) (a)1.

1087 Section 8. Paragraph (a) of subsection (2) of section  
1088 120.56, Florida Statutes, is amended to read:

1089 120.56 Challenges to rules.—

1090 (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

1091 (a) A petition alleging the invalidity of a proposed rule  
1092 shall be filed within 21 days after the date of publication of  
1093 the notice required by s. 120.54(3) (a); within 10 days after the  
1094 final public hearing is held on the proposed rule as provided by  
1095 s. 120.54(3) (e)2.; within 20 days after the statement of  
1096 estimated regulatory costs or revised statement of estimated  
1097 regulatory costs, if applicable, has been prepared and made  
1098 available as provided in s. 120.541(1) (c) ~~s. 120.541(1) (d)~~; or  
1099 within 20 days after the date of publication of the notice  
1100 required by s. 120.54(3) (d). The petitioner has the burden to  
1101 prove by a preponderance of the evidence that the petitioner  
1102 would be substantially affected by the proposed rule. The agency  
1103 then has the burden to prove by a preponderance of the evidence  
1104 that the proposed rule is not an invalid exercise of delegated  
1105 legislative authority as to the objections raised. A person who  
1106 is not substantially affected by the proposed rule as initially  
1107 noticed, but who is substantially affected by the rule as a  
1108 result of a change, may challenge any provision of the resulting  
1109 proposed rule.

1110 Section 9. Subsection (1) and paragraph (a) of subsection  
1111 (2) of section 120.74, Florida Statutes, are amended to read:

1112 120.74 Agency annual rulemaking and regulatory plans;



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1113 reports.-

1114 (1) REGULATORY PLAN.—By October 1 of each year, each agency  
1115 shall prepare a regulatory plan.

1116 (a) The plan must include a listing of each law enacted or  
1117 amended during the previous 12 months which creates or modifies  
1118 the duties or authority of the agency. If the Governor or the  
1119 Attorney General provides a letter to the committee stating that  
1120 a law affects all or most agencies, the agency may exclude the  
1121 law from its plan. For each law listed by an agency under this  
1122 paragraph, the plan must state:

1123 1. Whether the agency must adopt rules to implement the  
1124 law.

1125 2. If rulemaking is necessary to implement the law:

1126 a. Whether a notice of rule development has been published  
1127 and, if so, the citation to such notice in the Florida  
1128 Administrative Register.

1129 b. The date by which the agency expects to publish the  
1130 notice of proposed rule under s. 120.54(3)(a).

1131 3. If rulemaking is not necessary to implement the law, a  
1132 concise written explanation of the reasons why the law may be  
1133 implemented without rulemaking.

1134 (b) The plan must also identify and describe each rule,  
1135 including each rule number or proposed rule number, that include  
1136 a listing of each law not otherwise listed pursuant to paragraph  
1137 (a) which the agency expects to develop, adopt, or repeal for  
1138 the 12-month period beginning on October 1 and ending on  
1139 September 30 implement by rulemaking before the following July  
1140 1, excluding emergency rules except emergency rulemaking. For  
1141 each rule ~~law~~ listed under this paragraph, the plan must state



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1142 whether the rulemaking is intended to simplify, clarify,  
1143 increase efficiency, improve coordination with other agencies,  
1144 reduce regulatory costs, or delete obsolete, unnecessary, or  
1145 redundant rules.

1146 (c) The plan must include any desired update to the prior  
1147 year's regulatory plan or supplement published pursuant to  
1148 subsection (7). If, in a prior year, a law was identified under  
1149 this paragraph or under subparagraph (a)1. as a law requiring  
1150 rulemaking to implement but a notice of proposed rule has not  
1151 been published:

1152 1. The agency must ~~shall~~ identify and again list such law,  
1153 noting the applicable notice of rule development by citation to  
1154 the Florida Administrative Register; or

1155 2. If the agency has subsequently determined that  
1156 rulemaking is not necessary to implement the law, the agency  
1157 must ~~shall~~ identify such law, reference the citation to the  
1158 applicable notice of rule development in the Florida  
1159 Administrative Register, and provide a concise written  
1160 explanation of the reason why the law may be implemented without  
1161 rulemaking.

1162 (d) The plan must identify any rules that are required to  
1163 be repromulgated pursuant to s. 120.5435 for the 12-month period  
1164 beginning on October 1 and ending on September 30.

1165 (e) The plan must include a certification executed on  
1166 behalf of the agency by both the agency head, or, if the agency  
1167 head is a collegial body, the presiding officer; and the  
1168 individual acting as principal legal advisor to the agency head.  
1169 The certification must declare:

1170 1. ~~Verify~~ That the persons executing the certification have



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1171 reviewed the plan.

1172       2. ~~Verify~~ That the agency regularly reviews all of its  
1173 rules and identify the period during which all rules have most  
1174 recently been reviewed to determine if the rules remain  
1175 consistent with the agency's rulemaking authority and the laws  
1176 implemented.

1177       3. That the agency understands that regulatory  
1178 accountability is necessary to ensure public confidence in the  
1179 integrity of state government and, to that end, the agency is  
1180 diligently working toward lowering the total number of rules  
1181 adopted.

1182       4. The total number of rules adopted and repealed during  
1183 the previous 12 months.

1184       (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1185       (a) By October 1 of each year, each agency shall:

1186       1. Publish its regulatory plan on its website or on another  
1187 state website established for publication of administrative law  
1188 records. A clearly labeled hyperlink to the current plan must be  
1189 included on the agency's primary website homepage.

1190       2. Electronically deliver to the committee a copy of the  
1191 certification required in paragraph (1) (e) ~~(1) (d)~~.

1192       3. Publish in the Florida Administrative Register a notice  
1193 identifying the date of publication of the agency's regulatory  
1194 plan. The notice must include a hyperlink or website address  
1195 providing direct access to the published plan.

1196       Section 10. Subsection (11) of section 120.80, Florida  
1197 Statutes, is amended to read:

1198       120.80 Exceptions and special requirements; agencies.—

1199       (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~



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1200 ~~120.52(16)~~, the enlistment, organization, administration,  
1201 equipment, maintenance, training, and discipline of the militia,  
1202 National Guard, organized militia, and unorganized militia, as  
1203 provided by s. 2, Art. X of the State Constitution, are not  
1204 rules as defined by this chapter.

1205 Section 11. Paragraph (c) of subsection (1) of section  
1206 120.81, Florida Statutes, is amended to read:

1207 120.81 Exceptions and special requirements; general areas.—

1208 (1) EDUCATIONAL UNITS.—

1209 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any tests,  
1210 test scoring criteria, or testing procedures relating to student  
1211 assessment which are developed or administered by the Department  
1212 of Education pursuant to s. 1003.4282, s. 1008.22, or s.  
1213 1008.25, or any other statewide educational tests required by  
1214 law, are not rules.

1215 Section 12. Paragraph (a) of subsection (1) of section  
1216 420.9072, Florida Statutes, is amended to read:

1217 420.9072 State Housing Initiatives Partnership Program.—The  
1218 State Housing Initiatives Partnership Program is created for the  
1219 purpose of providing funds to counties and eligible  
1220 municipalities as an incentive for the creation of local housing  
1221 partnerships, to expand production of and preserve affordable  
1222 housing, to further the housing element of the local government  
1223 comprehensive plan specific to affordable housing, and to  
1224 increase housing-related employment.

1225 (1) (a) In addition to the legislative findings set forth in  
1226 s. 420.6015, the Legislature finds that affordable housing is  
1227 most effectively provided by combining available public and  
1228 private resources to conserve and improve existing housing and



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1229 provide new housing for very-low-income households, low-income  
1230 households, and moderate-income households. The Legislature  
1231 intends to encourage partnerships in order to secure the  
1232 benefits of cooperation by the public and private sectors and to  
1233 reduce the cost of housing for the target group by effectively  
1234 combining all available resources and cost-saving measures. The  
1235 Legislature further intends that local governments achieve this  
1236 combination of resources by encouraging active partnerships  
1237 between government, lenders, builders and developers, real  
1238 estate professionals, advocates for low-income persons, and  
1239 community groups to produce affordable housing and provide  
1240 related services. Extending the partnership concept to encompass  
1241 cooperative efforts among small counties as defined in s.  
1242 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities  
1243 is specifically encouraged. Local governments are also intended  
1244 to establish an affordable housing advisory committee to  
1245 recommend monetary and nonmonetary incentives for affordable  
1246 housing as provided in s. 420.9076.

1247 Section 13. Subsection (7) of section 420.9075, Florida  
1248 Statutes, is amended to read:

1249 420.9075 Local housing assistance plans; partnerships.—

1250 (7) The moneys deposited in the local housing assistance  
1251 trust fund shall be used to administer and implement the local  
1252 housing assistance plan. The cost of administering the plan may  
1253 not exceed 5 percent of the local housing distribution moneys  
1254 and program income deposited into the trust fund. A county or an  
1255 eligible municipality may not exceed the 5-percent limitation on  
1256 administrative costs, unless its governing body finds, by  
1257 resolution, that 5 percent of the local housing distribution



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1258 plus 5 percent of program income is insufficient to adequately  
1259 pay the necessary costs of administering the local housing  
1260 assistance plan. The cost of administering the program may not  
1261 exceed 10 percent of the local housing distribution plus 5  
1262 percent of program income deposited into the trust fund, except  
1263 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,  
1264 and eligible municipalities receiving a local housing  
1265 distribution of up to \$350,000 may use up to 10 percent of  
1266 program income for administrative costs.

1267 Section 14. Paragraph (d) of subsection (1) of section  
1268 443.091, Florida Statutes, is amended to read:

1269 443.091 Benefit eligibility conditions.—

1270 (1) An unemployed individual is eligible to receive  
1271 benefits for any week only if the Department of Economic  
1272 Opportunity finds that:

1273 (d) She or he is able to work and is available for work. In  
1274 order to assess eligibility for a claimed week of unemployment,  
1275 the department shall develop criteria to determine a claimant's  
1276 ability to work and availability for work. A claimant must be  
1277 actively seeking work in order to be considered available for  
1278 work. This means engaging in systematic and sustained efforts to  
1279 find work, including contacting at least five prospective  
1280 employers for each week of unemployment claimed. The department  
1281 may require the claimant to provide proof of such efforts to the  
1282 one-stop career center as part of reemployment services. A  
1283 claimant's proof of work search efforts may not include the same  
1284 prospective employer at the same location in 3 consecutive  
1285 weeks, unless the employer has indicated since the time of the  
1286 initial contact that the employer is hiring. The department



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1287 shall conduct random reviews of work search information provided  
1288 by claimants. As an alternative to contacting at least five  
1289 prospective employers for any week of unemployment claimed, a  
1290 claimant may, for that same week, report in person to a one-stop  
1291 career center to meet with a representative of the center and  
1292 access reemployment services of the center. The center shall  
1293 keep a record of the services or information provided to the  
1294 claimant and shall provide the records to the department upon  
1295 request by the department. However:

1296       1. Notwithstanding any other provision of this paragraph or  
1297 paragraphs (b) and (e), an otherwise eligible individual may not  
1298 be denied benefits for any week because she or he is in training  
1299 with the approval of the department, or by reason of s.  
1300 443.101(2) relating to failure to apply for, or refusal to  
1301 accept, suitable work. Training may be approved by the  
1302 department in accordance with criteria prescribed by rule. A  
1303 claimant's eligibility during approved training is contingent  
1304 upon satisfying eligibility conditions prescribed by rule.

1305       2. Notwithstanding any other provision of this chapter, an  
1306 otherwise eligible individual who is in training approved under  
1307 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
1308 determined ineligible or disqualified for benefits due to  
1309 enrollment in such training or because of leaving work that is  
1310 not suitable employment to enter such training. As used in this  
1311 subparagraph, the term "suitable employment" means work of a  
1312 substantially equal or higher skill level than the worker's past  
1313 adversely affected employment, as defined for purposes of the  
1314 Trade Act of 1974, as amended, the wages for which are at least  
1315 80 percent of the worker's average weekly wage as determined for



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1316 purposes of the Trade Act of 1974, as amended.

1317 3. Notwithstanding any other provision of this section, an  
1318 otherwise eligible individual may not be denied benefits for any  
1319 week because she or he is before any state or federal court  
1320 pursuant to a lawfully issued summons to appear for jury duty.

1321 4. Union members who customarily obtain employment through  
1322 a union hiring hall may satisfy the work search requirements of  
1323 this paragraph by reporting daily to their union hall.

1324 5. The work search requirements of this paragraph do not  
1325 apply to persons who are unemployed as a result of a temporary  
1326 layoff or who are claiming benefits under an approved short-time  
1327 compensation plan as provided in s. 443.1116.

1328 6. In small counties as defined in s. 120.52(20) ~~s.~~  
1329 ~~120.52(19)~~, a claimant engaging in systematic and sustained  
1330 efforts to find work must contact at least three prospective  
1331 employers for each week of unemployment claimed.

1332 7. The work search requirements of this paragraph do not  
1333 apply to persons required to participate in reemployment  
1334 services under paragraph (e).

1335 Section 15. This act shall take effect July 1, 2023.

1336  
1337 ===== T I T L E A M E N D M E N T =====

1338 And the title is amended as follows:

1339 Delete everything before the enacting clause  
1340 and insert:

1341 A bill to be entitled  
1342 An act relating to administrative procedures; amending  
1343 s. 120.52, F.S.; defining the terms "repromulgation"  
1344 and "technical change"; amending s. 120.54, F.S.;



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1345 applying certain provisions applicable to all rules  
1346 other than emergency rules to rules amended or  
1347 repromulgated after a specified date; requiring  
1348 agencies to publish a certain notice of rule  
1349 development in the Florida Administrative Register  
1350 within a specified timeframe before providing  
1351 specified notice of a proposed rule; requiring that a  
1352 notice of rule development cite the grant of  
1353 rulemaking authority; requiring that a notice of rule  
1354 development contain a proposed rule number and  
1355 specified statements; requiring that notice of a  
1356 proposed rule be published in the Florida  
1357 Administrative Register within a specified timeframe  
1358 after the most recent notice of rule development;  
1359 revising the scope of public workshops to include  
1360 information gathered for the preparation of statements  
1361 of estimated regulatory costs; requiring that a notice  
1362 of proposed rule include a website address where a  
1363 statement of regulatory costs can be viewed; requiring  
1364 that a notice of proposed rule include a request for  
1365 the submission of any helpful information regarding  
1366 the statement of estimated regulatory costs; requiring  
1367 that material proposed to be incorporated by reference  
1368 and the statement of estimated regulatory costs be  
1369 made available to the public; requiring that material  
1370 proposed to be incorporated by reference be made  
1371 available in a specified manner; authorizing  
1372 electronic delivery of notices to persons who have  
1373 requested advance notice of agency rulemaking



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1374 proceedings; requiring an agency to prepare a  
1375 statement of estimated regulatory costs before  
1376 adopting or amending any rule other than an emergency  
1377 rule; providing that an agency is not required to  
1378 prepare a statement of estimated regulatory costs  
1379 before repealing a rule; providing an exception;  
1380 requiring that certain rule repeals be considered  
1381 presumptively correct in a proceeding before the  
1382 Division of Administrative Hearings or a court of  
1383 competent jurisdiction; revising the criteria under  
1384 which a proposed rule's adverse impact on small  
1385 businesses is deemed to exist; requiring an agency to  
1386 provide notice of a regulatory alternative to the  
1387 Administrative Procedures Committee within a certain  
1388 timeframe; requiring certain agency personnel to  
1389 attend public hearings on proposed rules; requiring an  
1390 agency to publish a notice of convening a separate  
1391 proceeding in certain circumstances; providing that  
1392 rulemaking timelines are tolled during such separate  
1393 proceedings; providing that such timelines resume the  
1394 day after the conclusion of such proceedings;  
1395 requiring that notice of conclusion of such  
1396 proceedings be provided to the committee; revising the  
1397 requirements for the contents of a notice of change;  
1398 requiring the committee to notify the Department of  
1399 State that the date for an agency to adopt a proposed  
1400 rule has expired under certain circumstances;  
1401 requiring the department to publish a notice of  
1402 withdrawal under certain circumstances; requiring the



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1403 agency, upon approval of the agency head, to  
1404 electronically file with the department a certified  
1405 copy of the proposed rule; requiring the committee to  
1406 notify the department that the agency has failed to  
1407 withdraw a rule within a specified timeframe;  
1408 requiring the department to publish a notice of  
1409 withdrawal of the rule; prohibiting an emergency rule  
1410 from being effective for longer than a specified  
1411 timeframe; providing that such rule is not renewable;  
1412 providing an exception; requiring that emergency rules  
1413 be published in the Florida Administrative Code;  
1414 authorizing agencies to supersede an emergency rule  
1415 through adoption of another emergency rule; providing  
1416 the requirements for adopting the new rule;  
1417 authorizing an agency to make technical changes to an  
1418 emergency rule during a specified timeframe; requiring  
1419 that notice of renewal of an emergency rule be  
1420 published in the Florida Administrative Register  
1421 before the expiration of the existing rule; requiring  
1422 that the notice state specified facts and reasons;  
1423 requiring that emergency rules be published in a  
1424 certain section of the Florida Administrative Code;  
1425 requiring specified emergency rules to contain a  
1426 certain history note; providing that certain emergency  
1427 rules may be repealed at any time while the emergency  
1428 rule is in effect by publishing a certain notice in  
1429 the Florida Administrative Register; requiring an  
1430 agency to file a copy of a certain petition with the  
1431 committee; making technical changes; amending s.



1432 120.541, F.S.; requiring an agency to provide a copy  
1433 of a proposal for a lower cost regulatory alternative  
1434 to the committee within a certain timeframe;  
1435 specifying the circumstances under which such proposal  
1436 is deemed to be made in good faith; revising  
1437 requirements for an agency's consideration of a lower  
1438 cost regulatory alternative; providing for an agency's  
1439 revision and publication of a revised statement of  
1440 estimated regulatory costs in response to such  
1441 alternatives; requiring that the revised statement of  
1442 estimated regulatory costs be made available in the  
1443 same manner as the original; deleting the definition  
1444 of the term "transactional costs"; revising the  
1445 applicability of specified provisions; providing  
1446 additional requirements for the calculation of  
1447 estimated regulatory costs; making technical changes;  
1448 conforming provisions to changes made by the act;  
1449 conforming a cross-reference; creating s. 120.5435,  
1450 F.S.; providing legislative intent; requiring agency  
1451 review of rules and repromulgation of rules that do  
1452 not require substantive changes within a specified  
1453 timeframe; requiring that such rules be reviewed  
1454 periodically; requiring the agency to publish any  
1455 variation from this schedule in the agency's  
1456 regulatory plan; requiring the committee to provide  
1457 each agency with a specified list; providing that the  
1458 failure of an agency to adhere to specified deadlines  
1459 constitutes a material failure and is the basis for a  
1460 specified objection; requiring an agency to publish a



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1461 notice of repromulgation in the Florida Administrative  
1462 Register and file a rule for repromulgation with the  
1463 department within a specified timeframe; requiring an  
1464 agency to file a notice of repromulgation with the  
1465 committee within a specified timeframe; requiring the  
1466 committee to certify if the agency has provided  
1467 certain responses to the committee; providing that a  
1468 repromulgated rule is not subject to challenge as a  
1469 proposed rule and that certain hearing requirements do  
1470 not apply; requiring an agency to electronically file  
1471 a certified copy of a proposed repromulgated rule and  
1472 any material incorporated by reference; providing that  
1473 a rule is considered repromulgated upon filing with  
1474 the department; requiring the department to update  
1475 certain information in the Florida Administrative  
1476 Code; requiring the committee to submit a specified  
1477 list to the Legislature, within a specified timeframe;  
1478 requiring the agency to initiate rulemaking  
1479 proceedings to repeal certain rules within a specified  
1480 timeframe if certain conditions exist; requiring the  
1481 department to adopt rules by a certain date; creating  
1482 s. 120.5436, F.S.; providing legislative intent;  
1483 requiring the Department of Environmental Protection  
1484 and water management districts to conduct a holistic  
1485 review of certain permitting processes and programs;  
1486 providing the scope and purpose of the review;  
1487 providing the factors the department and districts  
1488 must consider when conducting the review; requiring  
1489 the department and districts to submit a specified



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1490 report to the Governor and Legislature by a specified  
1491 date; amending s. 120.545, F.S.; requiring the  
1492 committee to examine certain existing rules; amending  
1493 s. 120.55, F.S.; requiring the Department of State to  
1494 publish the Florida Administrative Register once each  
1495 business day by a specified time; providing  
1496 exceptions; requiring the department to indicate if a  
1497 rule, proposed rule, or notice of rule development was  
1498 corrected or replaced by republishing the register and  
1499 noting the rule, proposed rule, or notice of rule  
1500 development was corrected; requiring that certain  
1501 rulemaking timeframes revert to the initial date of  
1502 publication; requiring the agency, rather than the  
1503 department, to publish specified information at the  
1504 beginning of specified sections of the code; requiring  
1505 that materials incorporated by reference be filed in a  
1506 specified manner; requiring the department to include  
1507 the date of a technical rule change in the Florida  
1508 Administrative Code; providing that a technical change  
1509 does not affect the effective date of a rule; revising  
1510 the required contents of the Florida Administrative  
1511 Register; requiring the department to adopt specified  
1512 rules; amending s. 120.56, F.S.; conforming a cross-  
1513 reference; amending s. 120.74, F.S.; requiring an  
1514 agency to list each rule it plans to develop, adopt,  
1515 or repeal during the forthcoming year in the agency's  
1516 annual regulatory plan; requiring that an agency's  
1517 annual regulatory plan identify any rules required to  
1518 be repromulgated during the forthcoming year;



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1519 requiring the agency to make certain declarations  
1520 concerning the annual regulatory plan; amending ss.  
1521 120.80, 120.81, 420.9072, 420.9075, and 443.091, F.S.;  
1522 conforming cross-references; providing an effective  
1523 date.