

Amendment No.

CHAMBER ACTION

SenateHouse

.

Representative Overdorf offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change to a rule or a statement of estimated regulatory cost that is limited to correcting citations or grammatical, typographical, or similar

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13 errors that do not affect the substance of the rule or
14 statement.

15 **Section 2. Subsection (5) is added to section 120.536,**
16 **Florida Statutes, to read:**

17 120.536 Rulemaking authority; repeal; challenge.—

18 (5) Unless otherwise expressly authorized by law, a rule
19 may not include a provision whereby the entire rule, or a
20 provision thereof, automatically expires or is repealed on a
21 specific date or at the end of a specified period.

22 **Section 3. Paragraphs (b) and (i) of subsection (1),**
23 **paragraphs (a), (c), and (d) of subsection (2), paragraphs (a),**
24 **(b), (d), and (e) of subsection (3), subsection (4), and**
25 **paragraph (a) of subsection (7) of section 120.54, Florida**
26 **Statutes, are amended to read:**

27 120.54 Rulemaking.—

28 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
29 EMERGENCY RULES.—

30 (b) Whenever an act of the Legislature is enacted which
31 requires implementation of the act by rules of an agency within
32 the executive branch of state government, the agency must
33 publish a notice of rule development ~~such rules shall be drafted~~
34 ~~and formally proposed~~ as provided in this section within 30 days
35 after the effective date of the law that requires rulemaking and
36 provides a grant of rulemaking authority ~~the times provided in~~
37 ~~s. 120.74(4) and (5).~~

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

42 2. An agency rule that incorporates by specific reference
43 another rule of that agency automatically incorporates
44 subsequent amendments to the referenced rule unless a contrary
45 intent is clearly indicated in the referencing rule. A notice of
46 amendments to a rule that has been incorporated by specific
47 reference in other rules of that agency must explain the effect
48 of those amendments on the referencing rules.

49 3. In rules adopted after December 31, 2010, or reviewed
50 pursuant to s. 120.5435, material may not be incorporated by
51 reference unless:

52 a. The material has been submitted in the prescribed
53 electronic format to the Department of State and the full text
54 of the material can be made available for free public access
55 through an electronic hyperlink from the rule making the
56 reference in the Florida Administrative Code; or

57 b. The agency has determined that posting the material on
58 the Internet for purposes of public examination and inspection
59 would constitute a violation of federal copyright law, in which
60 case a statement to that effect, along with the addresses
61 ~~address~~ of the locations at the Department of State and the
62 agency at which the material is available for public inspection

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and examination, must be included in the notice required by subparagraph (3)(a)1.

4. In rules proposed after July 1, 2025, material may not be incorporated by reference unless:

a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material, in a text-searchable format, can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; or

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

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

6.5. Notwithstanding any contrary provision in this section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are

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not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Register, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Register, file an objection to rulemaking with the agency. The objection must ~~shall~~ specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency does ~~shall~~ not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Register.

7. If an agency updates or makes a change to a document that the agency created and which is incorporated by reference pursuant to paragraph (3) (a) or subparagraph (3) (e)1., the update or change must be coded by underlining new text and

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113 striking through deleted text.

114 8.6. The Department of State may adopt by rule
115 requirements for incorporating materials pursuant to this
116 paragraph.

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

118 (a) 1. Except when the intended action is the repeal of a
119 rule, agencies shall provide notice of the development of
120 proposed rules by publication of a notice of rule development in
121 the Florida Administrative Register at least 7 days before
122 providing notice of a proposed rule as required by paragraph
123 (3)(a). The notice of rule development must:

124 a. ~~shall~~ Indicate the subject area to be addressed by rule
125 development. 7

126 b. Provide a short, plain explanation of the purpose and
127 effect of the proposed rule. 7

128 c. Cite the grant of rulemaking authority for the proposed
129 rule and the law being implemented. ~~specific legal authority for~~
130 ~~the proposed rule, and~~

131 d. Include the proposed rule number and, if available,
132 either the preliminary text of the proposed rule and any
133 incorporated documents ~~rules, if available,~~ or a statement of
134 how a person may promptly obtain, without cost, a copy of any
135 preliminary draft of such rule or documents, ~~if available.~~

136 2. A notice of a proposed rule must be published in the
137 Florida Administrative Register within 180 days after the most

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138 recent notice of rule development, unless the Legislature
139 expressly provides a different date. The agency may only exceed
140 this timeframe if it submits to the committee, at least 7
141 business days before the end of the 180-day timeframe, a concise
142 statement that identifies the reasons for the delay in
143 rulemaking. The agency must update this statement each quarter
144 thereafter until it has filed a notice of proposed rule in the
145 applicable matter.

146 (c) An agency may hold public workshops for purposes of
147 rule development or information gathering for the preparation of
148 the statement of estimated regulatory costs. An agency must hold
149 public workshops, including workshops in various regions of the
150 state or the agency's service area, for purposes of rule
151 development if requested in writing by any affected person,
152 unless the agency head explains in writing why a workshop is
153 unnecessary. The explanation is not final agency action subject
154 to review pursuant to ss. 120.569 and 120.57. The failure to
155 provide the explanation when required may be a material error in
156 procedure pursuant to s. 120.56(1)(c). When a workshop or public
157 hearing is held, the agency must ensure that the persons
158 responsible for preparing the proposed rule and the statement of
159 estimated regulatory costs, if applicable, are available to
160 explain the agency's proposal and to respond to questions or
161 comments regarding the rule being developed. The workshop may be
162 facilitated or mediated by a neutral third person, or the agency

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may employ other types of dispute resolution alternatives for the workshop that are appropriate for rule development. Notice of a workshop for rule development or for information gathering for the preparation of a statement of estimated regulatory costs must ~~workshop shall~~ be by publication in the Florida Administrative Register not less than 14 days before ~~prior to~~ the date on which the workshop is scheduled to be held and must ~~shall~~ indicate the subject area that ~~which~~ will be addressed; the agency contact person; and the place, date, and time of the workshop.

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

2. An agency that chooses to use the negotiated rulemaking process described in this paragraph shall publish in the Florida Administrative Register a notice of negotiated rulemaking that

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includes a listing of the representative groups that will be invited to participate in the negotiated rulemaking process. Any person who believes that his or her interest is not adequately represented may apply to participate within 30 days after publication of the notice. All meetings of the negotiating committee must ~~shall~~ be noticed and open to the public pursuant to ~~the provisions of~~ this chapter. The negotiating committee shall be chaired by a neutral facilitator or mediator.

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

(3) ADOPTION PROCEDURES.—

(a) Notices.—

1. Before ~~Prior to~~ the adoption, amendment, or repeal of any rule other than an emergency rule, an agency shall, upon approval of the agency head, ~~shall~~ give notice of its intended action. The notice must include the following:

a. ~~setting forth~~ A short, plain explanation of the purpose and effect of the proposed action.

b. The proposed rule number.

c. The full text of the proposed rule or amendment and a

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summary thereof.~~†~~

d. A reference to the grant of rulemaking authority pursuant to which the rule is adopted.~~†~~~~and~~

e. A reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented or interpreted.

f. The name, e-mail address, and telephone number of the agency employee who may be contacted regarding the intended action. ~~The notice must include~~

g. A concise summary of the agency's statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in s. 120.541(2) that describes the regulatory impact of the rule in readable language.

h. An agency website address where the statement of estimated regulatory costs can be viewed in its entirety, if one has been prepared.~~†~~

i. A statement that any person who wishes to provide the agency with information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by s. 120.541(1), must do so in writing within 21 days after publication of the notice.~~†~~~~and~~

j. A statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to

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require legislative ratification pursuant to s. 120.541(3).

k. A description of the notice must state the procedure
for requesting a public hearing on the proposed rule.

1. Except when the intended action is the repeal of a
rule, ~~the notice must include~~ a reference both to the date on
which and to the place where the notice of rule development that
is required by subsection (2) appeared.

2. The notice must shall be published in the Florida
Administrative Register at least 7 days after the notice of rule
development and at least not less than 28 days before prior to
the intended action. The proposed rule, including all material
proposed to be incorporated by reference, must shall be
available for inspection and copying by the public at the time
of the publication of notice. Material proposed to be
incorporated by reference in the notice must be made available
in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
subparagraph (1)(i)3.b.

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

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263 4. The adopting agency shall file with the committee, at
264 least 21 days before ~~prior to~~ the proposed adoption date, a copy
265 of each rule it proposes to adopt; a copy of any material
266 incorporated by reference in the rule; a detailed written
267 statement of the facts and circumstances justifying the proposed
268 rule; a copy of any statement of estimated regulatory costs that
269 has been prepared pursuant to s. 120.541; a statement of the
270 extent to which the proposed rule relates to federal standards
271 or rules on the same subject; and the notice required by
272 subparagraph 1.

273 5. If any of the information that is required to be
274 included in the notice under subparagraph 1., other than
275 substantive changes to the rule text, is omitted or is
276 incorrect, the agency must publish a notice of correction in the
277 Florida Administrative Register at least 7 days before the
278 intended agency action. The publication of a notice of
279 correction does not affect the timeframes for filing the rule
280 for adoption as set forth in paragraph (e). Technical changes
281 must be published as a notice of correction.

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

283 1. Statement of estimated regulatory costs.—Before the
284 adoption, amendment, or repeal of any rule, other than an
285 emergency rule, an agency is encouraged to prepare a statement
286 of estimated regulatory costs of the proposed rule, as provided
287 by s. 120.541. However, an agency must prepare a statement of

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estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

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

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

The agency must make available any information created or used by the agency in determining whether a proposed rule meets the factors listed in sub-subparagraphs a. and b. and such information shall be a part of the rulemaking record. The agency must consider in this determination the factors outlined in s. 120.541(2); however, the agency is not required to estimate the proposed rule's impact to these factors as part of this determination.

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

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small

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counties, or small cities that do not contribute significantly to the problem the rule is designed to address. ~~An agency may define "small business" to include businesses employing more than 200 persons, may define "small county" to include those with populations of more than 75,000, and may define "small city" to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities.~~ The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

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

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

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

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

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

b.(I) If the agency determines that the proposed action will affect small businesses ~~as defined by the agency as~~

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338 ~~provided in sub-subparagraph a.~~, the agency shall send written
339 notice of the rule to the rules ombudsman in the Executive
340 Office of the Governor at least 28 days before the intended
341 action.

342 (II) Each agency shall adopt those regulatory alternatives
343 offered by the rules ombudsman in the Executive Office of the
344 Governor and provided to the agency no later than 21 days after
345 the rules ombudsman's receipt of the written notice of the rule
346 which it finds are feasible and consistent with the stated
347 objectives of the proposed rule and which would reduce the
348 impact on small businesses. When regulatory alternatives are
349 offered by the rules ombudsman in the Executive Office of the
350 Governor, the 90-day period for filing the rule in subparagraph
351 (e)2. is extended for a period of 21 days. An agency shall
352 provide the committee a copy of any regulatory alternative
353 offered to the agency within 7 days after its delivery to the
354 agency. The agency may not file a rule for adoption before such
355 regulatory alternative, if applicable, has been provided to the
356 committee.

357 (III) If an agency does not adopt all alternatives offered
358 pursuant to this sub-subparagraph, it must ~~shall~~, before rule
359 adoption or amendment and pursuant to subparagraph (d)1., file a
360 detailed written statement with the committee explaining the
361 reasons for failure to adopt such alternatives. Within 3 working
362 days after the filing of such notice, the agency shall send a

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copy of such notice to the rules ombudsman in the Executive Office of the Governor.

(d) Modification or withdrawal of proposed rules.—

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

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the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days before ~~prior to~~ filing the rule for adoption. The notice of change must ~~shall~~ be published in the Florida Administrative Register at least 21 days before ~~prior to~~ filing the proposed rule for adoption. The notice of change must include a summary of any revision to the statement of estimated regulatory costs required by s. 120.541(1)(c). This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by reference in the notice of change must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and include a summary of substantive revisions to any material proposed to be incorporated by reference in the proposed rule.

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

3. After the notice required by paragraph (a), the agency must withdraw the proposed rule if the agency has either failed to adopt it within the prescribed timeframes in this chapter or failed to submit the concise statement required under subparagraph (2)(a)2. If, 30 days after notice by the committee that the agency has failed to either adopt the proposed rule

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413 within the prescribed timeframes in this chapter or submit the
414 required statement, the agency has not given notice of the
415 withdrawal of the proposed rule, the committee must notify the
416 Department of State that the date for adoption of the rule or
417 submission of the required statement has expired, and the
418 Department of State must publish a notice of withdrawal of the
419 proposed rule. Within 30 days after the withdrawal, the agency
420 must initiate rulemaking again if the mandatory grant of
421 rulemaking authority the agency relied upon as authority to
422 pursue the original rule action is still in effect at the time
423 of the original rule's withdrawal.

424 4.3- After adoption and before the rule becomes effective,
425 a rule may be modified or withdrawn only in the following
426 circumstances:

- 427 a. When the committee objects to the rule;
- 428 b. When a final order, which is not subject to further
429 appeal, is entered in a rule challenge brought pursuant to s.
430 120.56 after the date of adoption but before the rule becomes
431 effective pursuant to subparagraph (e)6.;
- 432 c. If the rule requires ratification, when ~~more than 90~~
433 ~~days have passed since the rule was filed for adoption without~~
434 the Legislature does not ratify ~~ratifying~~ the rule by the
435 adjournment sine die of the regular session immediately
436 following the timely filing for adoption of the rule, in which
437 case the rule must ~~may~~ be withdrawn, and within 90 days after

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adjournment sine die, the agency:

(I) May initiate rulemaking again by publishing the notice required by paragraph (3) (a); or

(II) Must initiate rulemaking again by publishing the notice required by paragraph (3) (a), if the mandatory grant of rulemaking authority the agency relied upon as authority to pursue the original rule action is still in effect at the time of the original rule's withdrawal but may not be modified; or

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

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

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

7. The committee must, within 15 days after the end of each calendar quarter, compile and post on its website a list of each failure by an agency to file a notice of proposed rule

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463 within the timeframe prescribed by subparagraph (2)(a)2. that
464 has occurred within the last quarter. The committee's list must
465 provide the following:

466 a. The name of the agency that failed to timely file a
467 notice of proposed rule.

468 b. The website address where the relevant notice of rule
469 development may be found.

470 c. A citation to the applicable grant of rulemaking
471 authority for the proposed rule and the law being implemented.

472 d. If the timeframe for filing a notice of proposed rule
473 prescribed in subparagraph (2)(a)2. has been exceeded but a
474 notice of proposed rule has not been filed, the length of time
475 since the filing of the notice of rule development.

476 e. If the timeframe for filing a notice of proposed rule
477 in subparagraph (2)(a)2. has been exceeded and a notice of
478 proposed rule has been filed, the length of time between the
479 agency filing the notice of rule development and the filing of
480 the notice of proposed rule.

481 f. A copy of the agency's concise statement required under
482 subparagraph (2)(a)2.

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

484 1. If the adopting agency is required to publish its rules
485 in the Florida Administrative Code, the agency, upon approval of
486 the agency head, must electronically ~~shall~~ file with the
487 Department of State a ~~three~~ certified copy ~~copies~~ of the rule it

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

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the public, or until the administrative law judge has rendered a decision under s. 120.56(2), whichever applies. When a required notice of change is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the

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513 final hearing on the rule, 21 days after receipt of all material
514 authorized to be submitted at the hearing, or 21 days after
515 receipt of the transcript, if one is made, whichever is latest.
516 The term "public hearing" includes any public meeting held by
517 any agency at which the rule is considered. If a petition for an
518 administrative determination under s. 120.56(2) is filed, the
519 period during which a rule must be filed for adoption is
520 extended to 60 days after the administrative law judge files the
521 final order with the clerk or until 60 days after subsequent
522 judicial review is complete.

523 3. At the time a rule is filed, the agency shall certify
524 that the time limitations prescribed by this paragraph have been
525 complied with, that all statutory rulemaking requirements have
526 been met, and that there is no administrative determination
527 pending on the rule.

528 4. At the time a rule is filed, the committee shall
529 certify whether the agency has responded in writing to all
530 material and timely written comments or written inquiries made
531 on behalf of the committee. The department shall reject any rule
532 that is not filed within the prescribed time limits; that does
533 not comply with all statutory rulemaking requirements and rules
534 of the department; upon which an agency has not responded in
535 writing to all material and timely written inquiries or written
536 comments; upon which an administrative determination is pending;
537 or which does not include a statement of estimated regulatory

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costs, if required.

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

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

For the purposes of this paragraph, the term "administrative

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determination" does not include subsequent judicial review.

(4) EMERGENCY RULES.—

(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, or if the Legislature authorizes the agency to adopt emergency rules and finds that all conditions specified in this paragraph are met, the agency may, within the authority granted to the agency under the State Constitution or delegated to it by the Legislature, adopt any rule necessitated by the immediate danger or legislative finding. The agency may adopt a rule by any procedure which is fair under the circumstances if:

1. The procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules and the agency's findings of immediate danger, necessity, and procedural fairness or a

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588 citation to the grant of emergency rulemaking authority, must
589 ~~shall~~ be published in the first available issue of the Florida
590 Administrative Register and provided to the committee along with
591 any material incorporated by reference in the rules. The
592 agency's findings of immediate danger, necessity, and procedural
593 fairness are ~~shall be~~ judicially reviewable.

594 (b) Rules pertaining to the public health, safety, or
595 welfare must ~~shall~~ include rules pertaining to perishable
596 agricultural commodities or rules pertaining to the
597 interpretation and implementation of the requirements of
598 chapters 97-102 and chapter 105 of the Election Code.

599 (c) 1. An emergency rule adopted under this subsection may
600 ~~shall~~ not be effective for a period longer than 90 days and may
601 ~~shall~~ not be renewable, except when the agency has initiated
602 rulemaking to adopt rules addressing the subject of the
603 emergency rule and either:

604 a.1. A challenge to the proposed rules has been filed and
605 remains pending; or

606 b.2. The proposed rules are awaiting ratification by the
607 Legislature pursuant to s. 120.541(3). If the proposed rule is
608 not ratified during the next regular legislative session, the
609 emergency rule shall expire at adjournment sine die of that
610 regular legislative session. The proposed rule must be withdrawn
611 from ratification in accordance with s. 120.54(3)(d).

612 2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~

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the agency from adopting a rule or rules identical to the emergency rule through the rulemaking procedures specified in subsection (3).

(d) Notice of the renewal of an emergency rule must be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice of renewal must state the specific facts and reasons for such renewal.

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

(f) Emergency rules must be published in the Florida Administrative Code.

(g) An agency may supersede an emergency rule in effect through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a). The superseding rule may not be in effect longer than the duration of the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register

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638 as a notice of correction.

639 (i)~~(d)~~ Subject to applicable constitutional and statutory
640 provisions, an emergency rule becomes effective immediately on
641 filing, or on a date less than 20 days thereafter if specified
642 in the rule, if the adopting agency finds that such effective
643 date is necessary because of immediate danger to the public
644 health, safety, or welfare.

645 (j) An agency may repeal an emergency rule before it
646 expires by providing notice of its intended action in the
647 Florida Administrative Register. The notice must include the
648 full text of the emergency rule and a summary thereof; if
649 applicable, a reference to the rule number; and a short, plain
650 explanation as to why the conditions specified in accordance
651 with paragraph (a) no longer require the emergency rule.

652 (7) PETITION TO INITIATE RULEMAKING.—

653 (a) Any person regulated by an agency or having
654 substantial interest in an agency rule may petition an agency to
655 adopt, amend, or repeal a rule or to provide the minimum public
656 information required by this chapter. The petition must ~~shall~~
657 specify the proposed rule and action requested. The agency shall
658 provide to the committee a copy of the petition within 7 days
659 after its receipt. No ~~Not~~ later than 30 calendar days following
660 the date of filing a petition, the agency shall initiate
661 rulemaking proceedings under this chapter, otherwise comply with
662 the requested action, or deny the petition with a written

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statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 4. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 120.541, Florida Statutes, are amended, paragraph (d) is added to subsection (4), and subsections (6) and (7) are added to that section, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states the person's reasons for believing that the proposed rule, as changed by the notice of change, increases the regulatory costs or creates an adverse impact on small businesses which was not created by the previously proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a

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statement of estimated regulatory costs as provided in subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule. The agency shall provide to the committee, within 7 days after its receipt, a copy of any proposal for a lower cost regulatory alternative, and within 7 days after its release, a copy of the agency's response thereto. The agency may not file a rule for adoption before such documents, if applicable, have been provided to the committee.

(2) A statement of estimated regulatory costs shall include:

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

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

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

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712 3. Is likely to increase regulatory costs, including any
713 transactional costs, in excess of \$1 million in the aggregate
714 within 5 years after the implementation of the rule.

715 (b) A good faith estimate of the number of individuals and
716 entities likely to be required to comply with the rule, together
717 with a general description of the types of individuals likely to
718 be affected by the rule.

719 (c) A good faith estimate of the cost to the agency, and
720 to any other state and local government entities, of
721 implementing and enforcing the proposed rule, and any
722 anticipated effect on state or local revenues.

723 (d) A good faith estimate of the transactional costs
724 likely to be incurred by individuals and entities, including
725 local government entities, required to comply with the
726 requirements of the rule. As used in this section,
727 "transactional costs" are direct costs that are readily
728 ascertainable by the agency based upon standard business
729 practices, and may include:

730 1. Filing fees.

731 2. Expenses to obtain a license.

732 3. Necessary equipment.

733 4. Installation, utilities for, and maintenance of
734 necessary equipment.

735 5. Necessary operations or procedures.

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736 6. Accounting, financial, information management, and
737 other administrative processes.

738 7. Labor, based on relevant wages, salaries, and benefits.

739 8. Materials and supplies.

740 9. Capital expenditures, including financing costs.

741 10. Professional and technical services, including
742 contracted services necessary to implement and maintain
743 compliance.

744 11. Monitoring and reporting.

745 12. Qualifying and recurring education, training, and
746 testing.

747 13. Travel.

748 14. Insurance and surety requirements.

749 15. A fair and reasonable allocation of administrative
750 costs and other overhead.

751 16. Reduced sales or other revenue.

752 17. Other items suggested by the rules ombudsman in the
753 Executive Office of the Governor or by any interested person,
754 business organization, or business representative filing fees,
755 ~~the cost of obtaining a license, the cost of equipment required~~
756 ~~to be installed or used or procedures required to be employed in~~
757 ~~complying with the rule, additional operating costs incurred,~~
758 ~~the cost of monitoring and reporting, and any other costs~~
759 ~~necessary to comply with the rule.~~

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

(f) In evaluating the impacts described in paragraphs (a) and (e), an agency must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.
4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

(g) Any additional information that the agency determines may be useful.

(h) ~~(g)~~ In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative

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784 or a statement of the reasons for rejecting the alternative in
785 favor of the proposed rule.

786 (3) If the adverse impact or regulatory costs of the rule
787 exceed any of the criteria established in paragraph (2)(a), the
788 rule must ~~shall~~ be submitted to the President of the Senate and
789 Speaker of the House of Representatives no later than 30 days
790 before ~~prior to~~ the next regular legislative session, and the
791 rule may not take effect until it is ratified by the
792 Legislature. The agency shall notify the committee of its
793 submission of the rule to the Legislature for ratification
794 within 3 business days after submittal.

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

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

797 (6)(a) The Department of State shall include on the
798 Florida Administrative Register website the agency website
799 addresses where statements of estimated regulatory costs can be
800 viewed in their entirety.

801 (b) An agency that prepares a statement of estimated
802 regulatory costs must provide, as part of the notice required
803 under s. 120.54(3)(a), the agency website address where the
804 statement of estimated regulatory costs can be read in its
805 entirety to the Department of State for publication in the
806 Florida Administrative Register.

807 (c) If an agency revises its statement of estimated
808 regulatory costs, the agency must provide notice that a revision

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809 has been made in the manner provided under s. 120.54(3)(d)1.
810 Such notice must also include the agency website address where
811 the revision can be viewed in its entirety.

812 (7) The rules ombudsman in the Executive Office of the
813 Governor must prescribe and post on a publicly accessible
814 website a form that incorporates the factors in subsection (2).
815 Agencies must use this form to prepare a statement of estimated
816 regulatory costs as required by this section.

817 **Section 5. Section 120.5435, Florida Statutes, is created**
818 **to read:**

819 120.5435 Agency review of rules.—

820 (1) For the purposes of this section, the term "rule"
821 means the rule number assigned by the Department of State.

822 (2)(a) By July 1, 2030, each agency, in coordination with
823 the committee, shall review all existing rules adopted by the
824 agency before July 1, 2025, in accordance with this section.

825 (b) Beginning October 1, 2025, each agency shall include a
826 list of its existing rules in its annual regulatory plan,
827 prepared and submitted pursuant to s. 120.74. The agency shall
828 include a schedule of the rules it will review each year during
829 the 5-year rule review period. The agency may amend its yearly
830 schedule in subsequent regulatory plans, but must provide for
831 the completed review of at least 20 percent of the agency's
832 rules per year, until all of its subject rules have been
833 reviewed.

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834 (c) This subsection stands repealed July 1, 2032.

835 (3) Any rule initially adopted after July 1, 2025, must be
836 reviewed in accordance with this section in the fifth year
837 following adoption. Such review must be completed before the day
838 that marks the sixth year since the adoption of the rule.

839 (4) The agency rule review must determine whether each
840 rule:

841 (a) Is a valid exercise of delegated legislative
842 authority;

843 (b) Has current statutory authority;

844 (c) Reiterates or paraphrases statutory material;

845 (d) Is in proper form;

846 (e) Is consistent with expressed legislative intent
847 pertaining to the specific provisions of law which the rule
848 implements;

849 (f) Requires a technical or substantive update to reflect
850 current use; and

851 (g) Requires updated references to statutory citations and
852 incorporated materials.

853 (5) By January 1 of each year, the agency shall submit to
854 the President of the Senate, the Speaker of the House of
855 Representatives, and the committee a report that summarizes the
856 agency's intended action on each rule under review during the
857 current fiscal year.

858 (6) The agency shall take one of the following actions

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during its rule review:

(a) Make no change to the rule. If the agency determines that no change is necessary, the agency must submit to the committee by April 1 a copy of the reviewed rule, a written statement of its intended action, and its assessment of factors specified in subsection (4). This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(b) Make a technical change to the rule. If the agency determines that one or more technical changes are necessary, the agency must submit to the committee by April 1 a copy of the reviewed rule and the recommended technical change or changes coded by underlining new text and striking through deleted text, a written statement of its intended action, its assessment of the factors specified in subsection (4), and the facts and circumstances justifying the technical change or changes to the reviewed rule. This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(c) Make a substantive change to the rule. If the agency determines that the rule requires a substantive change, the agency must make all changes, including any technical changes, to the rule in accordance with this chapter. The agency shall publish a notice of rule development in the Florida Administrative Register by April 1. The agency shall also submit to the committee by April 1 a copy of the reviewed rule and the recommended change or changes coded by underlining new text and

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884 striking through deleted text, a written statement of its
885 intended action, and its assessment of factors specified in
886 subsection (4). This submission to the committee does not
887 constitute a notice of rule development as contemplated by s.
888 120.54(2)(a) and is not required to be in the same form as the
889 rule that will be proposed by the agency.

890 (d) Repeal the rule. If an agency determines that the rule
891 should be repealed, the agency must repeal the rule in
892 accordance with this chapter and publish the required notice in
893 the Florida Administrative Register by April 1. The agency shall
894 also submit to the committee by April 1 a written statement of
895 its intended action and its assessment of factors specified in
896 subsection (4). This submission to the committee does not
897 constitute a notice of proposed rule as contemplated by s.
898 120.54(3)(a).

899 (7)(a) By July 1, the committee shall examine each
900 agency's rule review submissions. The committee may request from
901 an agency any information that is reasonably necessary for
902 examination of a rule as required by subsections (2) and (3).

903 (b) If the agency recommends no change or a technical
904 change to a rule, the committee must certify whether the agency
905 has responded in writing to all material and timely written
906 comments or inquiries made on behalf of the committee.

907 (8) The rule review is completed upon:

908 (a) The agency, upon approval of the agency head or his or

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her designee, electronically filing a certified copy of the reviewed rule to which no changes or only technical changes were made, and the committee's certification granted pursuant to subsection (7), with the Department of State; or

(b) The agency, for a reviewed rule subject to substantive change or repeal, timely filing the appropriate notice pursuant to s. 120.54.

(9) The Department of State shall publish in the Florida Administrative Register a notice of the completed rule review and shall update the history note of the rule in the Florida Administrative Code to reflect the date of completion, if applicable.

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

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.81(1)(e) and (2), ~~and its accompanying material, and~~ each emergency rule, each rule reviewed under s. 120.5435, and may examine any existing rule, and any accompanying material or associated documents used to interpret a proposed or existing rule, for the purpose of determining whether:

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

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

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

937 (d) The rule is in proper form.

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

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

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

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

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

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

958 (k) The rule will require additional appropriations.

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

120.54(4).

(m) The rule includes a provision not authorized by statute, whereby the entire rule, or a provision thereof, automatically expires or is repealed on a specific date or at the end of a specified period.

Section 7. Subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision and publication system, compile and publish electronically, on a website managed by the department, the "Florida Administrative Code." The Florida Administrative Code must ~~shall~~ contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in ss. 120.5435 and 120.545(7) ~~s. 120.545(7)~~, complete indexes to all rules and any material incorporated by reference contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code must ~~shall~~ display each rule chapter currently in effect in browse mode and allow

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984 full text search of the code and each rule chapter. The
985 department may contract with a publishing firm for a printed
986 publication; however, the department retains ~~shall retain~~
987 responsibility for the code as provided in this section. The
988 electronic publication is ~~shall be~~ the official compilation of
989 the administrative rules of this state. The Department of State
990 retains ~~shall retain~~ the copyright over the Florida
991 Administrative Code.

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

999 3. At the beginning of the section of the code dealing
1000 with an agency that files copies of its rules with the
1001 department, the department shall publish the address and
1002 telephone number of the executive offices of each agency, the
1003 manner by which the agency indexes its rules, a listing of all
1004 rules of that agency excluded from publication in the code, a
1005 listing of all forms and material incorporated by reference
1006 adopted by rule which are used by the agency, and a statement as
1007 to where those rules may be inspected.

1008 4. Forms may ~~shall~~ not be published in the Florida

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Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, must ~~shall~~ be filed with the committee before it is used. Any form or instruction which meets the definition of the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated by reference into the appropriate rule. The reference must ~~shall~~ specifically state that the form is being incorporated by reference and ~~shall~~ include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. After December 31, 2025, the department shall require any material incorporated by reference in ~~allow~~ adopted rules ~~and material incorporated by reference~~ to be filed in the manner prescribed by s. 120.54(1)(i)3.a. or b. ~~electronic form as prescribed by department rule.~~ When a proposed rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with

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and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

6. The department shall include the date of any technical changes in the history note of the rule in the Florida Administrative Code. A technical change does not affect the effective date of the rule. A technical change made after the adoption of a rule must be published as a notice of correction.

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

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

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

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

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

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

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1059 ~~6.5.~~ A summary of each objection to any rule filed by the
1060 Administrative Procedures Committee.

1061 ~~7.6.~~ A list of rules filed for adoption in the previous 7
1062 days.

1063 ~~8.7.~~ A list of all rules filed for adoption pending
1064 legislative ratification under s. 120.541(3). A rule shall be
1065 removed from the list once notice of ratification or withdrawal
1066 of the rule is received.

1067 9. The full text of each emergency rule in effect on the
1068 date of publication.

1069 ~~10.8.~~ Any other material required or authorized by law or
1070 deemed useful by the department.

1071
1072 The department may contract with a publishing firm for a printed
1073 publication of the Florida Administrative Register and make
1074 copies available on an annual subscription basis.

1075 (c) Prescribe by rule the style and form required for
1076 rules, notices, and other materials submitted for filing,
1077 including any rule requiring that documents created by an agency
1078 which are proposed to be incorporated by reference in notices
1079 published pursuant to s. 120.54(3)(a) and (d) be coded as
1080 required in s. 120.54(1)(i)7.

1081 (d) Charge each agency using the Florida Administrative
1082 Register a space rate to cover the costs related to the Florida
1083 Administrative Register and the Florida Administrative Code.

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1084 (e) Maintain a permanent record of all notices published
1085 in the Florida Administrative Register.

1086 **Section 8. Paragraph (c) of subsection (1) and subsections**
1087 **(4) through (8) of section 120.74, Florida Statutes, are**
1088 **amended, and paragraphs (e), (f), and (g) are added to**
1089 **subsection (1) of that section, to read:**

1090 120.74 Agency annual rulemaking and regulatory plans;
1091 reports.—

1092 (1) REGULATORY PLAN.—By October 1 of each year, each
1093 agency shall prepare a regulatory plan.

1094 (c) The plan must include any desired update to the prior
1095 year's regulatory plan or supplement published pursuant to
1096 subsection (5) ~~(7)~~. If, in a prior year, a law was identified
1097 under this paragraph or under subparagraph (a)1. as a law
1098 requiring rulemaking to implement but a notice of proposed rule
1099 has not been published:

1100 1. The agency shall identify and again list such law,
1101 noting the applicable notice of rule development by citation to
1102 the Florida Administrative Register; or

1103 2. If the agency has subsequently determined that
1104 rulemaking is not necessary to implement the law, the agency
1105 shall identify such law, reference the citation to the
1106 applicable notice of rule development in the Florida
1107 Administrative Register, and provide a concise written
1108 explanation of the reason why the law may be implemented without

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(e) The plan also includes all of the following:

1. A list of the agency's existing rules scheduled for review pursuant to s. 120.5435.

2. A 5-year schedule for the review of all existing rules as of July 1, 2025.

3. A yearly schedule for the rules it will review each year during the 5-year rule review. The agency may amend this schedule, if necessary.

(f) The plan must include any desired update to the prior year's regulatory plan or supplement thereof, published pursuant to subsection (5). If, in a prior year, the agency identified a rule under this paragraph as one requiring review pursuant to s. 120.5435, but the agency has not yet completed an action described in s. 120.5435(5):

1. The agency must identify and list such rule in its regulatory plan as an untimely rule review and notify the committee of such action; or

2. If the agency subsequently determined that the rule review is not necessary, the agency must identify the rule and provide a concise written explanation of the reason why the rule does not require a rule review.

(g)1. Beginning October 1, 2025, each agency issuing licenses in accordance with s. 120.60 shall track the agency's compliance with the licensing timeframes established in s.

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1134 120.60, and beginning October 1, 2026, must include in the
1135 regulatory plan required by subsection (1), all of the following
1136 information regarding its licensing activities of the prior
1137 fiscal year, categorized by type of license:

1138 a. The number of license applications submitted to the
1139 agency.

1140 b. The number of license applications that required one or
1141 more requests for additional information.

1142 c. The number of license applications for which the
1143 applicant was nonresponsive to one or more requests for
1144 additional information.

1145 d. The number of license applications that were not
1146 completed by the applicant.

1147 e. The number of license applications for which the agency
1148 requested that the applicant grant an extension of time for the
1149 agency to issue a request for additional information, determine
1150 that an application is complete, or issue a decision to approve
1151 or deny an application.

1152 f. The number of license applications for which an
1153 extension was requested by the applicant and for which an
1154 extension was required by the state agency or judicial branch.

1155 g. The number of license applications that were not
1156 approved or denied within the statutory timeframe.

1157 h. The average and median number of days it takes the
1158 agency to approve or deny an application after receipt of a

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1159 completed application.

1160 i. The number of license applications for which final
1161 agency action was appealed and the number of informal and formal
1162 hearings requested.

1163 j. The number of employees dedicated to processing license
1164 applications, if available.

1165 2. No later than December 31 of each year, the committee
1166 must submit a consolidated annual agency licensing performance
1167 report that provides all of the information required by
1168 subparagraph 1. The Department of State must publish a hyperlink
1169 to these reports in the first available issue of the Florida
1170 Administrative Register.

1171 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
1172 ~~year, each agency shall publish a notice of rule development~~
1173 ~~under s. 120.54(2) for each law identified in the agency's~~
1174 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
1175 ~~rulemaking is necessary to implement but for which the agency~~
1176 ~~did not report the publication of a notice of rule development~~
1177 ~~under subparagraph (1)(a)2.~~

1178 ~~(4)(5) CORRECTING THE REGULATORY PLAN. DEADLINE TO PUBLISH~~
1179 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
1180 ~~necessary as identified in the agency's plan pursuant to~~
1181 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
1182 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
1183 ~~April 1 of the year following the deadline for the regulatory~~

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~~plan. This deadline may be extended if the agency publishes a notice of extension in the Florida Administrative Register identifying each rulemaking proceeding for which an extension is being noticed by citation to the applicable notice of rule development as published in the Florida Administrative Register. The agency shall include a concise statement in the notice of extension identifying any issues that are causing the delay in rulemaking. An extension shall expire on October 1 after the April 1 deadline, provided that the regulatory plan due on October 1 may further extend the rulemaking proceeding by identification pursuant to subparagraph (1)(c)1. or conclude the rulemaking proceeding by identification pursuant to subparagraph (1)(c)2. A published regulatory plan may be corrected at any time to accomplish the purpose of extending or concluding an affected rulemaking proceeding by identifying the applicable rule pursuant to subparagraph (1)(c)2. The regulatory plan and~~
is deemed corrected as of the October 1 due date. Upon publication of a correction, the agency shall publish in the Florida Administrative Register a notice of the date of the correction identifying the affected rulemaking proceeding by applicable citation to the Florida Administrative Register.

~~(6) CERTIFICATIONS. Each agency shall file a certification with the committee upon compliance with subsection (4) and upon filing a notice under subsection (5) of either a deadline extension or a regulatory plan correction. A certification may~~

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~~relate to more than one notice or contemporaneous act. The date or dates of compliance shall be noted in each certification.~~

(5)-(7) SUPPLEMENTING THE REGULATORY PLAN.—After publication of the regulatory plan, the agency shall supplement the plan within 30 days after a bill becomes a law if the law is enacted before the next regular session of the Legislature and the law substantively modifies the agency's specifically delegated legal duties, unless the law affects all or most state agencies as identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1)(a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development no later than 30 ~~by the later of the date provided in subsection (4) or 60~~ days after the effective date of the act that requires rulemaking and provides a grant of rulemaking authority ~~bill becomes a law~~, and a notice of proposed rule shall be published no later than 180 days after the publication of the applicable notice of rule development ~~by the later of the date provided in subsection (5) or 120 days after the bill~~

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1234 ~~becomes a law. The proposed rule deadline may be extended to the~~
1235 ~~following October 1 by notice as provided in subsection (5).~~ If
1236 such proposed rule has not been filed by October 1, a law
1237 included in a supplement shall also be included in the next
1238 annual plan pursuant to subsection (1).

1239 ~~(6)(8)~~ FAILURE TO COMPLY.—If an agency fails to comply
1240 with a requirement of paragraph (2)(a) ~~or subsection (5)~~, within
1241 15 days after written demand from the committee or from the
1242 chair of any other legislative committee, the agency shall
1243 deliver a written explanation of the reasons for noncompliance
1244 to the committee, the President of the Senate, the Speaker of
1245 the House of Representatives, and the chair of any legislative
1246 committee requesting the explanation of the reasons for
1247 noncompliance.

1248 **Section 9.** This act shall take effect July 1, 2025.

1250 -----
1251 **T I T L E A M E N D M E N T**

1252 Remove everything before the enacting clause and insert:

1253 A bill to be entitled

1254 An act relating to administrative procedures; amending
1255 s. 120.52, F.S.; defining the term "technical change";
1256 amending s. 120.536, F.S.; prohibiting certain
1257 provisions in a rule; amending s. 120.54, F.S.;
1258 requiring agencies to publish a notice of rule

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1259 development within a specified timeframe; deleting a
1260 provision related to the timeframe within which rules
1261 are required to be drafted and formally proposed;
1262 prohibiting materials from being incorporated by
1263 reference for certain rules reviewed after a specified
1264 date unless certain conditions are met; prohibiting
1265 rules proposed after a specified date from having
1266 materials incorporated by reference unless certain
1267 conditions are met; requiring agencies to use specific
1268 coding if they are updating or making changes to
1269 certain documents incorporated by reference; requiring
1270 a certain number of days between a notice of rule
1271 development and notice of proposed rule; requiring
1272 that notices of rule development contain certain
1273 information as well as incorporated documents;
1274 requiring that a notice of rule development contain a
1275 proposed rule number and specified statements;
1276 requiring a notice of proposed rule to be published
1277 within a specified timeframe; requiring a specified
1278 statement if an agency must exceed such timeframe;
1279 requiring the agency to update such specified
1280 statement for a certain timeframe; revising the scope
1281 of public workshops to include information gathered
1282 for the preparation of statements of estimated
1283 regulatory costs; revising who may challenge a

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1284 proposed rule developed through negotiated rulemaking;
1285 revising the notices required to be issued by agencies
1286 before the adoption, amendment, or repeal of certain
1287 rules; requiring certain information be included in
1288 the notices; requiring a certain number of days
1289 between a notice of rule development and notice of
1290 proposed rule; requiring that specified information be
1291 available for public inspection; requiring that
1292 materials incorporated by reference be made available
1293 in a specified manner; requiring that certain notices
1294 be delivered electronically to all persons who made
1295 requests for such notice; requiring agencies to
1296 publish a notice of correction for certain changes
1297 within a specified timeframe; providing that notices
1298 of correction do not affect certain timeframes;
1299 requiring that technical changes be published as
1300 notices of correction; requiring agencies to provide
1301 copies of any offered regulatory alternatives to the
1302 Administrative Procedures Committee before the agency
1303 files a rule for adoption; requiring the agency to
1304 consider certain factors; removing the definition of
1305 the term "small business"; revising the requirements
1306 for the contents of a notice of change; requiring that
1307 certain materials incorporated by reference be made
1308 available in a specified manner; requiring the

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1309 department to publish a notice of withdrawal of the
1310 proposed rule under certain circumstances; requiring
1311 agencies to restart rulemaking following a notice of
1312 withdrawal in certain circumstances; requiring that
1313 certain rules be withdrawn if not ratified within the
1314 legislative session immediately following the filing
1315 for adoption; providing that agencies are authorized
1316 to initiate rulemaking, or required to initiate
1317 rulemaking under a specified circumstance, within a
1318 specified timeframe of the adjournment of such
1319 legislative session; requiring the committee to
1320 compile and post on its website certain information
1321 within a specified timeframe after each calendar
1322 quarter; reducing the number of certified copies of a
1323 proposed rule that must be electronically filed with
1324 the Department of State; authorizing agencies to adopt
1325 emergency rules under specified conditions; requiring
1326 that specified information be published in the first
1327 available issue of the Florida Administrative Register
1328 and provided to the Administrative Procedures
1329 Committee; providing that if a proposed rule is not
1330 ratified within a specified timeframe, the emergency
1331 rule expires; requiring that the proposed rule be
1332 withdrawn in accordance with a specified provision;
1333 requiring that notices of renewal for emergency rules

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be published in the Florida Administrative Register before expiration of the existing emergency rule; requiring that such notices contain specified information; requiring that a note be added to a certain history note for certain emergency rules; requiring that emergency rules be published in the Florida Administrative Code; authorizing agencies to adopt emergency rules that supersede other emergency rules; requiring that the reason for such superseding rules be stated in accordance with specified provisions; authorizing agencies to make technical changes to emergency rules within a specified timeframe; requiring that such changes be published in the Florida Administrative Register as a notice of correction; authorizing agencies to repeal emergency rules by providing a certain notice in the Florida Administrative Register; requiring agencies to provide specified petitions to the committee within a specified timeframe after receipt; requiring agencies to provide a certain notification to the committee within a specified timeframe; reenacting and amending s. 120.541, F.S.; providing that a proposal for a lower cost regulatory alternative submitted after a notice of change is made in good faith only if the proposal contains certain statements; requiring

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1359 agencies to provide a copy of such proposals and
1360 responses thereto to the committee within specified
1361 timeframes; prohibiting agencies from filing a rule
1362 for adoption unless such documents are provided to the
1363 committee; revising the definition of the term
1364 "transactional costs"; requiring an agency to include
1365 specified market impacts that may result from
1366 compliance with a proposed rule; requiring agencies to
1367 notify the committee within a specified timeframe that
1368 a rule has been submitted for legislative
1369 ratification; providing an exemption from legislative
1370 ratification for emergency rules; providing
1371 requirements for the calculation of estimated
1372 regulatory costs; requiring the department to include
1373 the agency website on which statements of estimated
1374 regulatory costs can be viewed; requiring an agency to
1375 take specified actions relating to statements of
1376 estimated regulatory costs; requiring the rules
1377 ombudsman of the Executive Office of the Governor to
1378 prescribe and post on a publicly accessible website a
1379 specified form; requiring agencies to use such form;
1380 creating s. 120.5435, F.S.; defining the term "rule";
1381 requiring agencies, by a specified date and in
1382 coordination with the committee, to review specified
1383 rules adopted before a specified date; providing for

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1384 future review and repeal; requiring rules promulgated
1385 after a certain date to be reviewed; requiring
1386 agencies to include a list of existing rules and a
1387 schedule of rules they plan to review each year in a
1388 certain regulatory plan; authorizing agencies to amend
1389 such schedules under specified circumstances but
1390 requiring that at least a specified percentage of an
1391 agency's rules be reviewed each year until completion
1392 of all reviews; requiring agencies to make specified
1393 determinations during rule review; providing that
1394 certain determinations are not subject to challenge as
1395 a proposed rule; requiring agencies to submit a
1396 certain report to the Legislature annually by a
1397 specified date; requiring agencies to take one of
1398 certain specified actions during rule reviews by a
1399 specified date; providing requirements for the
1400 agencies in connection with each of the specified
1401 actions; requiring the committee to examine agencies'
1402 rule review submissions; authorizing the committee to
1403 request certain information from such agencies;
1404 requiring that such review occur within a specified
1405 timeframe under specified conditions; requiring the
1406 committee to issue a certain certification upon
1407 completion of examinations; specifying circumstances
1408 under which rule review is considered completed;

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1409 requiring the department to publish a certain notice
1410 in the Florida Administrative Register; amending s.
1411 120.545, F.S.; requiring the Joint Administrative
1412 Procedures Committee to review each rule being
1413 reviewed; permitting the committee to review certain
1414 material and documents; providing that the committee
1415 may examine rules to determine if certain unauthorized
1416 provisions are included; amending s. 120.55, F.S.;
1417 revising the contents of the Florida Administrative
1418 Code to conform to changes made by the act; requiring,
1419 after a specified date, that any material incorporated
1420 by reference be filed in a specified electronic format
1421 with the department; requiring that the Florida
1422 Administrative Register contain a certain list;
1423 requiring that the full text of emergency rules be
1424 published; requiring that the department prescribe
1425 coding for certain documents incorporated by
1426 reference; amending s. 120.74, F.S.; requiring that
1427 regulatory plans submitted by agencies include certain
1428 schedules for rule review and certain desired updates
1429 to such plans; requiring agencies to take certain
1430 actions if the agencies have not completed reviewing a
1431 rule; requiring agencies to include information
1432 regarding the prior year's licensing practices in
1433 their regulatory plan; requiring the committee to

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1434 submit a consolidated report of the agency licensing
1435 data; requiring the Department of State to publish a
1436 hyperlink to the licensing data reports; deleting
1437 provisions related to deadlines for rule development;
1438 deleting deadlines for publishing proposed rules;
1439 deleting provisions requiring agencies to file certain
1440 certifications with the committee; authorizing
1441 agencies to correct a regulatory plan to conclude
1442 affected rulemaking proceedings by identifying certain
1443 rules; revising the timeframes within which agencies
1444 must publish certain notices; conforming provisions to
1445 changes made by the act; providing an effective date.

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