

By the Committee on Rules; and Senators Grall, Burgess, and Avila

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A bill to be entitled

An act relating to administrative procedures; amending s. 120.52, F.S.; defining the term "technical change"; amending s. 120.54, F.S.; requiring agencies to publish a certain notice of intended agency action within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; prohibiting materials from being incorporated by reference for certain rules reviewed after a specified date unless certain conditions are met; prohibiting rules proposed after a specified date from having materials incorporated by reference unless certain conditions are met; requiring agencies to use specific coding if they are updating or making changes to certain documents incorporated by reference; requiring that certain notices of rule development include incorporated documents; revising the notices required to be issued by agencies before the adoption, amendment, or repeal of certain rules; requiring that such notices be published in the Florida Administrative Register within a specified timeframe; requiring that specified information be available for public inspection; requiring that materials incorporated by reference be made available in a specified manner; requiring that certain notices be delivered electronically to all persons who made requests for such notice; requiring agencies to publish a notice of correction for certain changes

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within a specified timeframe; providing that notices of correction do not affect certain timeframes; requiring that technical changes be published as notices of correction; requiring agencies to provide copies of any offered regulatory alternatives to the Administrative Procedures Committee before the agency files a rule for adoption; requiring that certain materials incorporated by reference be made available in a specified manner; requiring that certain rules be withdrawn if not ratified within the legislative session immediately following the filing for adoption; providing that agencies are authorized to initiate rulemaking, or required to initiate rulemaking under a specified circumstance, within a specified timeframe of the adjournment of such legislative session; reducing the number of certified copies of a proposed rule that must be electronically filed with the Department of State; authorizing agencies to adopt emergency rules under specified conditions; requiring that specified information be published in the first available issue of the Florida Administrative Register and provided to the Administrative Procedures Committee; providing that if a proposed rule is not ratified within a specified timeframe, the emergency rule expires; requiring that the proposed rule be withdrawn in accordance with a specified provision; requiring that notices of renewal for emergency rules be published in the Florida Administrative Register before expiration of the existing emergency rule;

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59 requiring that such notices contain specified
60 information; requiring that a note be added to a
61 certain history note for certain emergency rules;
62 requiring that emergency rules be published in the
63 Florida Administrative Code; authorizing agencies to
64 adopt emergency rules that supersede other emergency
65 rules; requiring that the reason for such superseding
66 rules be stated in accordance with specified
67 provisions; authorizing agencies to make technical
68 changes to emergency rules within a specified
69 timeframe; requiring that such changes be published in
70 the Florida Administrative Register as a notice of
71 correction; authorizing agencies to repeal emergency
72 rules by providing a certain notice in the Florida
73 Administrative Register; requiring agencies to provide
74 specified petitions to the committee within a
75 specified timeframe after receipt; requiring agencies
76 to provide a certain notification to the committee
77 within a specified timeframe; reenacting and amending
78 s. 120.541, F.S.; providing that a proposal for a
79 lower cost regulatory alternative submitted after a
80 notice of change is made in good faith only if the
81 proposal contains certain statements; requiring
82 agencies to provide a copy of such proposals and
83 responses thereto to the committee within specified
84 timeframes; prohibiting agencies from filing a rule
85 for adoption unless such documents are provided to the
86 committee; requiring agencies to notify the committee
87 within a specified timeframe that a rule has been

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submitted for legislative ratification; providing that if a proposed rule is not ratified within a specified timeframe, the agency must withdraw such rule and the agency may initiate rulemaking again, or must initiate rulemaking again under a specified condition; creating s. 120.5435, F.S.; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; defining the term "rule"; requiring agencies to include a list of existing rules and a schedule of rules they plan to review each year in a certain regulatory plan; authorizing agencies to amend such schedules under specified circumstances but requiring that at least a specified percentage of an agency's rules be reviewed each year until completion of all reviews; requiring agencies to make specified determinations during rule review; providing that certain determinations are not subject to challenge as a proposed rule; requiring agencies to submit a certain report to the Legislature annually by a specified date; requiring agencies to take one of certain specified actions during rule reviews by a specified date; providing requirements for the agencies in connection with each of the specified actions; requiring the committee to examine agencies' rule review submissions; authorizing the committee to request certain information from such agencies; requiring that such review occur within a specified timeframe under specified conditions; requiring the

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committee to issue a certain certification upon completion of examinations; specifying circumstances under which rule review is considered completed; requiring the department to publish a certain notice in the Florida Administrative Register; requiring the department to adopt rules before a specified date; providing for future review and repeal; amending s. 120.55, F.S.; revising the contents of the Florida Administrative Code to conform to changes made by the act; requiring, after a specified date, that any material incorporated by reference be filed in a specified electronic format with the department; requiring that the Florida Administrative Register contain a certain list; requiring that the department prescribe coding for certain documents incorporated by reference; amending s. 120.74, F.S.; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans; requiring agencies to take certain actions if the agencies have not completed reviewing a rule; requiring agencies to include information regarding the prior year's licensing practices in their regulatory plan; requiring Office of Program Policy Analysis and Government Accountability to submit a consolidated report of the agency licensing data; requiring the Department of State to publish a hyperlink to the licensing data reports; deleting provisions related to deadlines for rule development; deleting deadlines for publishing proposed rules;

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deleting provisions requiring agencies to file certain certifications with the committee; authorizing agencies to correct a regulatory plan to conclude affected rulemaking proceedings by identifying certain rules; revising the timeframes within which agencies must publish certain notices; conforming provisions to changes made by the act; providing an effective date.

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

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

120.52 Definitions.—As used in this act:

(20) "Technical change" means a change limited to correcting citations or grammatical, typographical, or similar errors that do not affect the substance of the rule.

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

120.54 Rulemaking.—

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

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, the agency must

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publish a notice of intended agency action ~~such rules shall be~~
~~drafted and formally proposed~~ as provided in this section within
90 days after the effective date of the act granting rulemaking
authority ~~within the times provided in s. 120.74(4) and (5).~~

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

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

3. In rules adopted after December 31, 2010, or reviewed
pursuant to s. 120.5435, 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 can be made available for free public access
through an electronic hyperlink from the rule making the
reference in the Florida Administrative Code; 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
~~address~~ of the locations at the Department of State and the
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. 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 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

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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 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 striking through deleted text.

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

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

(a) Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Register before providing notice of a

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proposed rule as required by paragraph (3)(a). The notice of rule development must ~~shall~~ indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include the preliminary text of the proposed rules and incorporated documents, if available, or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.

(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, setting forth a short, plain explanation of the purpose and effect of the proposed action; the rule number; the full text of the proposed rule or amendment and a summary thereof; a reference to the grant of rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented or interpreted; and the name, e-mail address, and telephone number of the agency employee who may be contacted regarding the intended action. The notice must include a 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); 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

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in writing within 21 days after publication of the notice; and 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 require legislative ratification pursuant to s. 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule. 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 required by this paragraph 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 to all persons who have made, at least 14 days before ~~prior to~~ such mailing or delivery, ~~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.

4. The adopting agency shall file with the committee, at

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least 21 days before ~~prior to~~ the proposed adoption date, a copy of each rule it proposes to adopt; a copy of any material incorporated by reference in the rule; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of any statement of estimated regulatory costs that has been prepared pursuant to s. 120.541; a statement of the extent to which the proposed rule relates to federal standards or rules on the same subject; and the notice required by subparagraph 1.

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

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

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

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349 increase regulatory costs in excess of \$200,000 in the aggregate
350 in this state within 1 year after the implementation of the
351 rule.

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

353 a. Each agency, before the adoption, amendment, or repeal
354 of a rule, shall consider the impact of the rule on small
355 businesses as defined by s. 288.703 and the impact of the rule
356 on small counties or small cities as defined by s. 120.52.
357 Whenever practicable, an agency shall tier its rules to reduce
358 disproportionate impacts on small businesses, small counties, or
359 small cities to avoid regulating small businesses, small
360 counties, or small cities that do not contribute significantly
361 to the problem the rule is designed to address. An agency may
362 define "small business" to include businesses employing more
363 than 200 persons, may define "small county" to include those
364 with populations of more than 75,000, and may define "small
365 city" to include those with populations of more than 10,000, if
366 it finds that such a definition is necessary to adapt a rule to
367 the needs and problems of small businesses, small counties, or
368 small cities. The agency shall consider each of the following
369 methods for reducing the impact of the proposed rule on small
370 businesses, small counties, and small cities, or any combination
371 of these entities:

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

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

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

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

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

(III) If an agency does not adopt all alternatives offered pursuant to this sub-subparagraph, it must ~~shall~~, before rule adoption or amendment and pursuant to subparagraph (d)1., file a

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407 detailed written statement with the committee explaining the
408 reasons for failure to adopt such alternatives. Within 3 working
409 days after the filing of such notice, the agency shall send a
410 copy of such notice to the rules ombudsman in the Executive
411 Office of the Governor.

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

413 1. After the final public hearing on the proposed rule, or
414 after the time for requesting a hearing has expired, if the rule
415 has not been changed from the rule as previously filed with the
416 committee, or contains only technical changes, the adopting
417 agency must ~~shall~~ file a notice to that effect with the
418 committee at least 7 days before ~~prior to~~ filing the rule for
419 adoption. Any change, other than a technical change that does
420 not affect the substance of the rule, must be supported by the
421 record of public hearings held on the rule, must be in response
422 to written material submitted to the agency within 21 days after
423 the date of publication of the notice of intended agency action
424 or submitted to the agency between the date of publication of
425 the notice and the end of the final public hearing, or must be
426 in response to a proposed objection by the committee. In
427 addition, when any change is made in a proposed rule, other than
428 a technical change, the adopting agency shall provide a copy of
429 a notice of change by certified mail or actual delivery to any
430 person who requests it in writing no later than 21 days after
431 the notice required in paragraph (a). The agency shall file the
432 notice of change with the committee, along with the reasons for
433 the change, and provide the notice of change to persons
434 requesting it, at least 21 days before ~~prior to~~ filing the rule
435 for adoption. The notice of change must ~~shall~~ be published in

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the Florida Administrative Register at least 21 days before
~~prior to~~ filing the rule for adoption. This subparagraph does
not apply to emergency rules adopted pursuant to subsection (4).
Material proposed to be incorporated by reference in the notice
required by this subparagraph must be made available in the
manner prescribed by sub-subparagraph (1)(i)3.a. or sub-
subparagraph (1)(i)3.b.

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

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

a. When the committee objects to the rule;

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

c. If the rule requires ratification, when ~~more than 90~~
~~days have passed since the rule was filed for adoption without~~
the Legislature does not ratify ~~ratifying~~ the rule by the
adjournment sine die of the regular session immediately
following the filing for adoption of the rule, in which case the
rule must ~~may~~ be withdrawn, and within 90 days after adjournment
sine die, the agency:

(I) May initiate rulemaking again by publishing the notice
required by s. 120.54(3)(a); or

(II) Must initiate rulemaking again by publishing the
notice required by s. 120.54(3)(a), if the mandatory grant of

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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.

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.

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

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

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

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494 must ~~shall~~ be open to the public.

495 2. A rule may not be filed for adoption less than 28 days
496 or more than 90 days after the notice required by paragraph (a),
497 until 21 days after the notice of change required by paragraph
498 (d), until 14 days after the final public hearing, until 21 days
499 after a statement of estimated regulatory costs required under
500 s. 120.541 has been provided to all persons who submitted a
501 lower cost regulatory alternative and made available to the
502 public, or until the administrative law judge has rendered a
503 decision under s. 120.56(2), whichever applies. When a required
504 notice of change is published before ~~prior to~~ the expiration of
505 the time to file the rule for adoption, the period during which
506 a rule must be filed for adoption is extended to 45 days after
507 the date of publication. If notice of a public hearing is
508 published before ~~prior to~~ the expiration of the time to file the
509 rule for adoption, the period during which a rule must be filed
510 for adoption is extended to 45 days after adjournment of the
511 final hearing on the rule, 21 days after receipt of all material
512 authorized to be submitted at the hearing, or 21 days after
513 receipt of the transcript, if one is made, whichever is latest.
514 The term "public hearing" includes any public meeting held by
515 any agency at which the rule is considered. If a petition for an
516 administrative determination under s. 120.56(2) is filed, the
517 period during which a rule must be filed for adoption is
518 extended to 60 days after the administrative law judge files the
519 final order with the clerk or until 60 days after subsequent
520 judicial review is complete.

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

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523 complied with, that all statutory rulemaking requirements have
524 been met, and that there is no administrative determination
525 pending on the rule.

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

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

543 6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being
544 filed with the Department of State and becomes ~~become~~ effective
545 20 days after being filed, on a later date specified in the
546 notice required by subparagraph (a)1., on a date required by
547 statute, or upon ratification by the Legislature pursuant to s.
548 120.541(3). Rules not required to be filed with the Department
549 of State ~~shall~~ become effective when adopted by the agency head,
550 on a later date specified by rule or statute, or upon
551 ratification by the Legislature pursuant to s. 120.541(3). If

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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 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

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

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

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

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

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

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610 2. ~~Nothing in~~ This paragraph ~~does not prohibit~~ ~~prohibits~~
611 the agency from adopting a rule or rules identical to the
612 emergency rule through the rulemaking procedures specified in
613 subsection (3).

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

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

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

626 (g) An agency may supersede an emergency rule in effect
627 through adoption of another emergency rule before the superseded
628 rule expires. The reason for adopting the superseding rule must
629 be stated in accordance with the procedures set forth in
630 paragraph (a), and the superseding rule is in effect during the
631 effective period of the superseded rule.

632 (h) An agency may make technical changes to an emergency
633 rule within the first 7 days after the rule is adopted, and such
634 changes must be published in the Florida Administrative Register
635 as a notice of correction.

636 (i) Subject to applicable constitutional and statutory
637 provisions, an emergency rule becomes effective immediately on
638 filing, or on a date less than 20 days thereafter if specified

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in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

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

(7) PETITION TO INITIATE RULEMAKING.—

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days after its receipt. No ~~Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 3. Paragraph (a) of subsection (1) and subsection (3) of section 120.541, Florida Statutes, are amended, and subsection (4) of that section is reenacted, 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

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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 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.

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

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697 Speaker of the House of Representatives no later than 30 days
698 before ~~prior to~~ the next regular legislative session, and the
699 rule may not take effect until it is ratified by the
700 Legislature. The agency shall notify the committee of its
701 submission of the rule to the Legislature for ratification
702 within 3 business days after submittal. If the proposed rule is
703 not ratified during the next regular legislative session, the
704 agency must withdraw the rule, and within 90 days after
705 adjournment sine die of that legislative session:

706 (a) May initiate rulemaking again by publishing the notice
707 required by s. 120.54(3) (a); or

708 (b) Must initiate rulemaking by publishing the notice
709 required by s. 120.54(3) (a), if the mandatory grant of
710 rulemaking authority the agency relied on as authority to
711 initiate the original rulemaking is still in effect at the time
712 of the original rule's withdrawal.

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

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

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

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

719 Section 4. Section 120.5435, Florida Statutes, is created
720 to read:

721 120.5435 Agency review of rules.—

722 (1) By July 1, 2030, each agency, in coordination with the
723 committee, shall review all existing rules adopted by the agency
724 before July 1, 2025, in accordance with this section. For the
725 purposes of this section, the term "rule" means the rule number

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assigned by the Department of State.

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

(3) The agency rule review must determine whether each rule:

- (a) Is a valid exercise of delegated legislative authority;
- (b) Has current statutory authority;
- (c) Reiterates or paraphrases statutory material;
- (d) Is in proper form;
- (e) Is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements;
- (f) Requires a technical or substantive update to reflect current use; and
- (g) Requires updated references to statutory citations and incorporated materials.

(4) By January 1 of each year, the agency shall submit a report to the President of the Senate and the Speaker of the House of Representatives which summarizes the agency's intended action on each rule under review during the current fiscal year.

(5) The agency shall take one of the following actions during its rule review:

- (a) Make no change to the rule. If the agency determines

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755 that no change is necessary, the agency must file with the
756 committee by April 1 a copy of the reviewed rule, a written
757 statement of its intended action, and its assessment of factors
758 specified in subsection (3). This determination is not subject
759 to a challenge as a proposed rule pursuant to s. 120.56(2).

760 (b) Make a technical change to the rule. If the agency
761 determines that one or more technical changes are necessary, the
762 agency must file with the committee by April 1 a copy of the
763 reviewed rule and the recommended technical change or changes
764 coded by underlining new text and striking through deleted text,
765 a written statement of its intended action, its assessment of
766 the factors specified in subsection (3), and the facts and
767 circumstances justifying the technical change or changes to the
768 reviewed rule. This determination is not subject to a challenge
769 as a proposed rule pursuant to s. 120.56(2).

770 (c) Make a substantive change to the rule. If the agency
771 determines that the rule requires a substantive change, the
772 agency must make all changes, including any technical change, to
773 the rule in accordance with this chapter. The agency shall
774 publish a notice of rule development in the Florida
775 Administrative Register by April 1. The agency shall also file
776 with the committee by April 1 a copy of the reviewed rule and
777 the recommended change or changes coded by underlining new text
778 and striking through deleted text, a written statement of its
779 intended action, and its assessment of factors specified in
780 subsection (3). This submission to the committee does not
781 constitute a notice of rule development as contemplated by s.
782 120.54(3)(a) and is not required to be in the same form as the
783 rule that will be proposed by the agency.

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784 (d) Repeal the rule. If an agency determines that the rule
785 should be repealed, the agency must repeal the rule in
786 accordance with this chapter. The agency shall publish a notice
787 of proposed rule development in the Florida Administrative
788 Register by April 1. The agency shall also file with the
789 committee by April 1 a written statement of its intended action
790 and its assessment of factors specified in subsection (3). This
791 submission to the committee does not constitute a notice of rule
792 development as contemplated by s. 120.54(3)(a).

793 (6) The committee shall examine the agency's rule review
794 submission. The committee may request from an agency any
795 information that is reasonably necessary for examination of a
796 rule as required by subsection (1). If the agency recommends no
797 change or a technical change to a rule, the committee must
798 complete its examination within 90 calendar days after the
799 agency transmits the report required under subsection (4). Upon
800 completion of its examination, the committee must certify
801 whether the agency has responded in writing to all material and
802 timely written comments or inquiries made on behalf of the
803 committee.

804 (7) The rule review is completed upon either:

805 (a) The agency, upon approval of the agency head or his or
806 her designee, electronically filing a certified copy of the
807 reviewed rule to which no changes or only technical changes were
808 made, and the committee's certification granted pursuant to
809 subsection (6), with the Department of State.

810 (b) The agency, for a reviewed rule subject to substantive
811 change or repeal, timely filing a proposed rule pursuant to s.
812 120.54.

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(8) 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 the rule review's completion, if applicable.

(9) The hearing requirements of s. 120.54 do not apply to a rule reviewed pursuant to this section.

(10) The Department of State shall adopt rules to implement this section no later than December 31, 2025.

(11) This section is repealed July 1, 2032, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 5. 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 full text search of the code and each rule chapter. The department may contract with a publishing firm for a printed

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publication; however, the department retains ~~shall retain~~ responsibility for the code as provided in this section. The electronic publication is ~~shall be~~ the official compilation of the administrative rules of this state. The Department of State retains ~~shall retain~~ the copyright over the Florida Administrative Code.

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

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

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

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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 electronic form as prescribed by department rule. When a 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 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

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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.

6. A summary of each objection to any rule filed by the Administrative Procedures Committee.

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

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

~~9.8.~~ Any other material required or authorized by law or deemed useful by the department.

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

(c) Prescribe by rule the style and form required for

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rules, notices, and other materials submitted for filing,
including any rule requiring that documents created by an agency
which are proposed to be incorporated by reference in notices
published pursuant to s. 120.54(3)(a) and (d) be coded as
required in s. 120.54(1)(i)7.

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

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

Section 6. Paragraph (c) of subsection (1) and subsections (4) through (8) of section 120.74, Florida Statutes, are amended, and paragraphs (e), (f), and (g) are added to subsection (1) of that section, to read:

120.74 Agency annual rulemaking and regulatory plans; reports.—

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

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

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

2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency

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shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.

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

a. The number of license applications submitted to the agency;

b. The number of license applications which required one or more requests for additional information;

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

d. The number of license applications which were not completed by the applicant;

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

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

g. The number of license applications which were not approved or denied within the statutory timeframe;

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

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

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1016 2. No later than December 31 of each year, the Office of
1017 Program Policy Analysis and Government Accountability must
1018 submit, pursuant to s. 286.001, a consolidated annual agency
1019 licensing performance report that provides all of the
1020 information required by subparagraph 1. The Department of State
1021 must publish a hyperlink to these reports in the first available
1022 issue of the Florida Administrative Register.

1023 ~~(4) DEADLINE FOR RULE DEVELOPMENT. By November 1 of each~~
1024 ~~year, each agency shall publish a notice of rule development~~
1025 ~~under s. 120.54(2) for each law identified in the agency's~~
1026 ~~regulatory plan pursuant to subparagraph (1)(a)1. for which~~
1027 ~~rulemaking is necessary to implement but for which the agency~~
1028 ~~did not report the publication of a notice of rule development~~
1029 ~~under subparagraph (1)(a)2.~~

1030 ~~(5) CORRECTING THE REGULATORY PLAN DEADLINE TO PUBLISH~~
1031 ~~PROPOSED RULE. For each law for which implementing rulemaking is~~
1032 ~~necessary as identified in the agency's plan pursuant to~~
1033 ~~subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall~~
1034 ~~publish a notice of proposed rule pursuant to s. 120.54(3)(a) by~~
1035 ~~April 1 of the year following the deadline for the regulatory~~
1036 ~~plan. This deadline may be extended if the agency publishes a~~
1037 ~~notice of extension in the Florida Administrative Register~~
1038 ~~identifying each rulemaking proceeding for which an extension is~~
1039 ~~being noticed by citation to the applicable notice of rule~~
1040 ~~development as published in the Florida Administrative Register.~~
1041 ~~The agency shall include a concise statement in the notice of~~
1042 ~~extension identifying any issues that are causing the delay in~~
1043 ~~rulemaking. An extension shall expire on October 1 after the~~
1044 ~~April 1 deadline, provided that the regulatory plan due on~~

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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 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

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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 ~~by the later of the date provided in subsection (4) or~~ 60 days after the bill becomes a law, and a notice of proposed rule shall be published ~~by the later of the date provided in subsection (5) or~~ 120 days after the bill becomes a law. ~~The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5).~~ If such proposed rule has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

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

Section 7. This act shall take effect July 1, 2025.