

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 433 (2025)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

Committee/Subcommittee hearing bill: State Affairs Committee  
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 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 or a statement of estimated regulatory cost.

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

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120.536 Rulemaking authority; repeal; challenge.—

(5) Unless otherwise expressly authorized by statute, a rule may not include a provision whereby the entire rule, or a provision thereof, automatically expires or is repealed on a specific date or at the end of a specified period.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 3. 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 publish a notice of rule development ~~such rules shall be drafted and formally proposed~~ as provided in this section within 30 days after the effective date of the act that requires rulemaking and provides a grant of 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.

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

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

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

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

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

83        6.5- Notwithstanding any contrary provision in this  
84 section, when an adopted rule of the Department of Environmental  
85 Protection or a water management district is incorporated by  
86 reference in the other agency's rule to implement a provision of  
87 part IV of chapter 373, subsequent amendments to the rule are  
88 not effective as to the incorporating rule unless the agency  
89 incorporating by reference notifies the committee and the  
90 Department of State of its intent to adopt the subsequent  
91 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 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. The Department of State may adopt by rule requirements for incorporating materials pursuant to this paragraph.

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

(a) 1. 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 at least 7 days before providing notice of a proposed rule as required by paragraph

(3)(a). The notice of rule development must ~~shall~~:

a. Indicate the subject area to be addressed by rule development. 7

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

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

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

2. A notice of a proposed rule must be published in the Florida Administrative Register within 6 months after the most recent notice of rule development, unless the Legislature expressly provides a different date.

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

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142 the statement of estimated regulatory costs. An agency must hold  
143 public workshops, including workshops in various regions of the  
144 state or the agency's service area, for purposes of rule  
145 development if requested in writing by any affected person,  
146 unless the agency head explains in writing why a workshop is  
147 unnecessary. The explanation is not final agency action subject  
148 to review pursuant to ss. 120.569 and 120.57. The failure to  
149 provide the explanation when required may be a material error in  
150 procedure pursuant to s. 120.56(1)(c). When a workshop or public  
151 hearing is held, the agency must ensure that the persons  
152 responsible for preparing the proposed rule and the statement of  
153 estimated regulatory costs, if applicable, are available to  
154 explain the agency's proposal and to respond to questions or  
155 comments regarding the rule being developed. The workshop may be  
156 facilitated or mediated by a neutral third person, or the agency  
157 may employ other types of dispute resolution alternatives for  
158 the workshop that are appropriate for rule development. Notice  
159 of a workshop for rule development or for information gathering  
160 for the preparation of a statement of estimated regulatory costs  
161 must ~~workshop shall~~ be by publication in the Florida  
162 Administrative Register not less than 14 days before ~~prior to~~  
163 the date on which the workshop is scheduled to be held and must  
164 ~~shall~~ indicate the subject area that ~~which~~ will be addressed;  
165 the agency contact person; and the place, date, and time of the  
166 workshop.

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

179 2. An agency that chooses to use the negotiated rulemaking  
180 process described in this paragraph shall publish in the Florida  
181 Administrative Register a notice of negotiated rulemaking that  
182 includes a listing of the representative groups that will be  
183 invited to participate in the negotiated rulemaking process. Any  
184 person who believes that his or her interest is not adequately  
185 represented may apply to participate within 30 days after  
186 publication of the notice. All meetings of the negotiating  
187 committee must ~~shall~~ be noticed and open to the public pursuant  
188 to ~~the provisions of~~ this chapter. The negotiating committee  
189 shall be chaired by a neutral facilitator or mediator.

190 3. The agency's decision to use negotiated rulemaking, its  
191 selection of the representative groups, and approval or denial

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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, setting forth a short, plain explanation of the purpose and effect of the proposed action; the proposed 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 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; an agency website address where the statement of estimated regulatory costs can be viewed in its entirety, if one has been prepared; a statement that any

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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 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 must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

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242           3. The notice must ~~shall~~ be mailed or delivered  
243 electronically to all persons named in the proposed rule and  
244 mailed or delivered electronically to all persons who, at least  
245 14 days before publication of the notice ~~prior to such mailing,~~  
246 have made requests of the agency for advance notice of its  
247 proceedings. The agency shall also give such notice as is  
248 prescribed by rule to those particular classes of persons to  
249 whom the intended action is directed.

250           4. The adopting agency shall file with the committee, at  
251 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
252 of each rule it proposes to adopt; a copy of any material  
253 incorporated by reference in the rule; a detailed written  
254 statement of the facts and circumstances justifying the proposed  
255 rule; a copy of any statement of estimated regulatory costs that  
256 has been prepared pursuant to s. 120.541; a statement of the  
257 extent to which the proposed rule relates to federal standards  
258 or rules on the same subject; and the notice required by  
259 subparagraph 1.

260           5. If any of the information, other than substantive  
261 changes to the rule text, which is required to be included in  
262 the notice under subparagraph 1. is omitted or is incorrect, the  
263 agency must publish a notice of correction in the Florida  
264 Administrative Register at least 7 days before the intended  
265 agency action. The publication of a notice of correction does  
266 not affect the timeframes for filing the rule for adoption as

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267 set forth in paragraph (e). Technical changes must be published  
268 as a notice of correction.

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

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

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

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

283  
284 The agency must make available any information created or used  
285 by the agency in determining whether a proposed rule meets the  
286 factors listed in sub-subparagraphs a. and b. and such  
287 information shall be a part of the rulemaking record.

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

289 a. Each agency, before the adoption, amendment, or repeal  
290 of a rule, shall consider the impact of the rule on small  
291 businesses as defined by s. 288.703 and the impact of the rule

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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 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.

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(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 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

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342 adoption or amendment and pursuant to subparagraph (d)1., file a  
343 detailed written statement with the committee explaining the  
344 reasons for failure to adopt such alternatives. Within 3 working  
345 days after the filing of such notice, the agency shall send a  
346 copy of such notice to the rules ombudsman in the Executive  
347 Office of the Governor.

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

349 1. After the final public hearing on the proposed rule, or  
350 after the time for requesting a hearing has expired, if the  
351 proposed rule has not been changed from the rule as previously  
352 filed with the committee, or contains only technical changes,  
353 the adopting agency must ~~shall~~ file a notice to that effect with  
354 the committee at least 7 days before ~~prior to~~ filing the  
355 proposed rule for adoption. Any change, other than a technical  
356 change ~~that does not affect the substance of the rule~~, must be  
357 supported by the record of public hearings held on the proposed  
358 rule, must be in response to written material submitted to the  
359 agency within 21 days after the date of publication of the  
360 notice of intended agency action or submitted to the agency  
361 between the date of publication of the notice and the end of the  
362 final public hearing, or must be in response to a proposed  
363 objection by the committee. Any change, other than a technical  
364 change, to a statement of estimated regulatory costs requires a  
365 notice of change. In addition, ~~when~~ any change, other than a  
366 technical change, to is made in a proposed rule text or any

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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 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 failed to



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392 adopt it within the prescribed timeframes in this chapter. If  
393 the agency, 30 days after notice by the committee that the  
394 agency has failed to adopt the proposed rule within the  
395 prescribed timeframes in this chapter, has not given notice of  
396 the withdrawal of the proposed rule, the committee must notify  
397 the Department of State that the date for adoption of the rule  
398 has expired, and the Department of State must publish a notice  
399 of withdrawal of the proposed rule. Within 30 days after the  
400 withdrawal, the agency must initiate rulemaking again by  
401 publishing the notice required by s. 120.54(3)(a), if the  
402 mandatory grant of rulemaking authority the agency relied upon  
403 as authority to pursue the original rule action is still in  
404 effect at the time of the original rule's withdrawal.

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

408 a. When the committee objects to the rule;  
409 b. When a final order, which is not subject to further  
410 appeal, is entered in a rule challenge brought pursuant to s.  
411 120.56 after the date of adoption but before the rule becomes  
412 effective pursuant to subparagraph (e)6.;

413 c. If the rule requires ratification, when ~~more than 90~~  
414 ~~days have passed since the rule was filed for adoption without~~  
415 ~~the Legislature~~ does not ratify ~~ratifying~~ the rule by the  
416 adjournment sine die of the regular session immediately

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417 following the timely filing for adoption of the rule, in which  
418 case the rule ~~must~~ ~~may~~ be withdrawn, and within 90 days after  
419 adjournment sine die, the agency:

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

422 (II) Must initiate rulemaking again by publishing the  
423 notice required by s. 120.54(3)(a), if the mandatory grant of  
424 rulemaking authority the agency relied upon as authority to  
425 pursue the original rule action is still in effect at the time  
426 of the original rule's withdrawal ~~but may not be modified~~; or

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

431 5.4- The agency shall give notice of its decision to  
432 withdraw or modify a rule in the first available issue of the  
433 publication in which the original notice of rulemaking was  
434 published, shall notify those persons described in subparagraph  
435 (a)3. in accordance with the requirements of that subparagraph,  
436 and must ~~shall~~ notify the Department of State if the rule is  
437 required to be filed with the Department of State.

438 6.5- After a rule has become effective, it may be repealed  
439 or amended only through the rulemaking procedures specified in  
440 this chapter.

441 (e) Filing for final adoption; effective date.-

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

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

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

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

4. At the time a rule is filed, the committee shall certify whether the agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee. The department shall reject any rule that is not filed within the prescribed time limits; that does not comply with all statutory rulemaking requirements and rules

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of the department; upon which an agency has not responded in writing to all material and timely written inquiries or written comments; upon which an administrative determination is pending; or which does not include a statement of estimated regulatory 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

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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 the circumstances. In any event, notice of emergency rules,

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542 other than those of educational units or units of government  
543 with jurisdiction in only one or a part of one county, including  
544 the full text of the rules and the agency's findings of  
545 immediate danger, necessity, and procedural fairness or a  
546 citation to the grant of emergency rulemaking authority, must,  
547 ~~shall~~ be published in the first available issue of the Florida  
548 Administrative Register and provided to the committee along with  
549 any material incorporated by reference in the rules. The  
550 agency's findings of immediate danger, necessity, and procedural  
551 fairness are ~~shall~~ be judicially reviewable.

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

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

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

564 b.2. The proposed rules are awaiting ratification by the  
565 Legislature pursuant to s. 120.541(3). If the proposed rule is  
566 not ratified during the next regular legislative session, the

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567 emergency rule shall expire at adjournment sine die of that  
568 regular legislative session. The proposed rule must be withdrawn  
569 from ratification in accordance with s. 120.54(3)(d).

570 2. ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~  
571 the agency from adopting a rule or rules identical to the  
572 emergency rule through the rulemaking procedures specified in  
573 subsection (3).

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

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

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

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

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592 rule.

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

597 (i) Subject to applicable constitutional and statutory  
598 provisions, an emergency rule becomes effective immediately on  
599 filing, or on a date less than 20 days thereafter if specified  
600 in the rule, if the adopting agency finds that such effective  
601 date is necessary because of immediate danger to the public  
602 health, safety, or welfare.

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

610 (7) PETITION TO INITIATE RULEMAKING.—

611 (a) Any person regulated by an agency or having  
612 substantial interest in an agency rule may petition an agency to  
613 adopt, amend, or repeal a rule or to provide the minimum public  
614 information required by this chapter. The petition must ~~shall~~  
615 specify the proposed rule and action requested. The agency shall  
616 provide to the committee a copy of the petition within 7 days

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617 after its receipt. No ~~Not~~ later than 30 calendar days following  
618 the date of filing a petition, the agency shall initiate  
619 rulemaking proceedings under this chapter, otherwise comply with  
620 the requested action, or deny the petition with a written  
621 statement of its reasons for the denial. The agency shall notify  
622 the committee of its intended action or response within 7 days.

623 **Section 4. Section 120.541, Florida Statutes, is amended**  
624 **to read:**

625 120.541 Statement of estimated regulatory costs.—

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

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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 Speaker of the House of Representatives no later than 30 days before ~~prior to~~ the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature. The agency shall notify the committee of its submission of the rule to the Legislature for ratification within 3 business days after submittal.

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

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

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

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

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

(6)(a) In evaluating the impacts described in paragraphs (2)(a) and (e), an agency shall include market impacts likely to result from compliance with the proposed rule, including:

1. Increased customer charges for goods or services.

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

3. Increased 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 required education, training, or testing.

5. Capital costs.

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

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

(c) In estimating compliance costs under paragraph (2)(d),

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the agency shall consider costs necessary to comply with the proposed rule which are readily ascertainable based upon standard business practices, including, but not limited to, costs related to:

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations and procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor based on relevant rates of wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.
14. Insurance and surety requirements.
15. A fair and reasonable allocation of administrative

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717 costs and other overhead.

718 16. Reduced sales or other revenues.

719 17. Other items suggested by the rules ombudsman in the  
720 Executive Office of the Governor or by any interested person,  
721 business organization, or business representative.

722 (7)(a) The Department of State shall include on the  
723 Florida Administrative Register website the agency website  
724 addresses where statements of estimated regulatory costs can be  
725 viewed in their entirety.

726 (b) An agency that prepares a statement of estimated  
727 regulatory costs must provide, as part of the notice required  
728 under s. 120.54(3)(a), the agency website address where the  
729 statement of estimated regulatory costs can be read in its  
730 entirety to the Department of State for publication in the  
731 Florida Administrative Register.

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

737 **Section 5. Section 120.5435, Florida Statutes, is created**  
738 **to read:**

739 120.5435 Agency review of rules.—

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

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

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

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

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

758 (4) The agency rule review must determine whether each  
759 rule:

760 (a) Is a valid exercise of delegated legislative  
761 authority;

762 (b) Has current statutory authority;

763 (c) Reiterates or paraphrases statutory material;

764 (d) Is in proper form;

765 (e) Is consistent with expressed legislative intent  
766 pertaining to the specific provisions of law which the rule

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767 implements;

768 (f) Requires a technical or substantive update to reflect  
769 current use; and

770 (g) Requires updated references to statutory citations and  
771 incorporated materials.

772 (5) By January 1 of each year, the agency shall submit a  
773 report to the President of the Senate, the Speaker of the House  
774 of Representatives, and the committee that summarizes the  
775 agency's intended action on each rule under review during the  
776 current fiscal year.

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

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

785 (b) Make a technical change to the rule. If the agency  
786 determines that one or more technical changes are necessary, the  
787 agency must submit with the committee by April 1 a copy of the  
788 reviewed rule and the recommended technical change or changes  
789 coded by underlining new text and striking through deleted text,  
790 a written statement of its intended action, its assessment of  
791 the factors specified in subsection (4), and the facts and

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792 circumstances justifying the technical change or changes to the  
793 reviewed rule. This determination is not subject to a challenge  
794 as a proposed rule pursuant to s. 120.56(2).

795 (c) Make a substantive change to the rule. If the agency  
796 determines that the rule requires a substantive change, the  
797 agency must make all changes, including any technical change, to  
798 the rule in accordance with this chapter. The agency shall  
799 publish a notice of rule development in the Florida  
800 Administrative Register by April 1. The agency shall also submit  
801 with the committee by April 1 a copy of the reviewed rule and  
802 the recommended change or changes coded by underlining new text  
803 and striking through deleted text, a written statement of its  
804 intended action, and its assessment of factors specified in  
805 subsection (4). This submission to the committee does not  
806 constitute a notice of rule development as contemplated by s.  
807 120.54(2)(a) and is not required to be in the same form as the  
808 rule that will be proposed by the agency.

809 (d) Repeal the rule. If an agency determines that the rule  
810 should be repealed, the agency must repeal the rule in  
811 accordance with this chapter and published the required notice  
812 in the Florida Administrative Register by April 1. The agency  
813 shall also submit with the committee by April 1 a written  
814 statement of its intended action and its assessment of factors  
815 specified in subsection (4). This submission to the committee  
816 does not constitute a notice of proposed rule as contemplated by

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817 s. 120.54(3)(a).

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

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

826 (8) The rule review is completed upon either:

827 (a) The agency, upon approval of the agency head or his or  
828 her designee, electronically filing a certified copy of the  
829 reviewed rule to which no changes or only technical changes were  
830 made, and the committee's certification granted pursuant to  
831 subsection (7), with the Department of State.

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

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

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

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842 120.545 Committee review of agency rules.—

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

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

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

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

856 (d) The rule is in proper form.

857 (e) The notice given before ~~prior to~~ its adoption was  
858 sufficient to give adequate notice of the purpose and effect of  
859 the rule.

860 (f) The rule is consistent with expressed legislative  
861 intent pertaining to the specific provisions of law which the  
862 rule implements.

863 (g) The rule is necessary to accomplish the apparent or  
864 expressed objectives of the specific provision of law which the  
865 rule implements.

866 (h) The rule is a reasonable implementation of the law as

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it affects the convenience of the general public or persons particularly affected by the rule.

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

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

(k) The rule will require additional appropriations.

(l) 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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 433 (2025)

Amendment No.

892 system, compile and publish electronically, on a website managed  
893 by the department, the "Florida Administrative Code." The  
894 Florida Administrative Code must ~~shall~~ contain all rules adopted  
895 by each agency, citing the grant of rulemaking authority and the  
896 specific law implemented pursuant to which each rule was  
897 adopted, all history notes as authorized in ss. 120.5435 and  
898 120.545(7) ~~s. 120.545(7)~~, complete indexes to all rules and any  
899 material incorporated by reference contained in the code, and  
900 any other material required or authorized by law or deemed  
901 useful by the department. The electronic code must ~~shall~~ display  
902 each rule chapter currently in effect in browse mode and allow  
903 full text search of the code and each rule chapter. The  
904 department may contract with a publishing firm for a printed  
905 publication; however, the department retains ~~shall retain~~  
906 responsibility for the code as provided in this section. The  
907 electronic publication is ~~shall be~~ the official compilation of  
908 the administrative rules of this state. The Department of State  
909 retains ~~shall retain~~ the copyright over the Florida  
910 Administrative Code.

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

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917 validity or effectiveness of such rules.

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

927 4. Forms may ~~shall~~ not be published in the Florida  
928 Administrative Code; but any form which an agency uses in its  
929 dealings with the public, along with any accompanying  
930 instructions, must ~~shall~~ be filed with the committee before it  
931 is used. Any form or instruction which meets the definition of  
932 the term "rule" provided in s. 120.52 must ~~shall~~ be incorporated  
933 by reference into the appropriate rule. The reference must ~~shall~~  
934 specifically state that the form is being incorporated by  
935 reference and ~~shall~~ include the number, title, and effective  
936 date of the form and an explanation of how the form may be  
937 obtained. Each form created by an agency which is incorporated  
938 by reference in a rule notice of which is given under s.  
939 120.54(3)(a) after December 31, 2007, must clearly display the  
940 number, title, and effective date of the form and the number of  
941 the rule in which the form is incorporated.

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942       5. After December 31, 2025, the department shall require  
943 any material incorporated by reference in ~~allow~~ adopted rules  
944 ~~and material incorporated by reference~~ to be filed in manner  
945 prescribed by s. 120.54(1)(i)3.a. or b. electronic form as  
946 ~~prescribed by department rule.~~ When a proposed rule is filed for  
947 adoption with incorporated material in electronic form, the  
948 department's publication of the Florida Administrative Code on  
949 its website must contain a hyperlink from the incorporating  
950 reference in the rule directly to that material. The department  
951 may not allow hyperlinks from rules in the Florida  
952 Administrative Code to any material other than that filed with  
953 and maintained by the department, but may allow hyperlinks to  
954 incorporated material maintained by the department from the  
955 adopting agency's website or other sites.

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

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

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

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 433 (2025)

Amendment No.

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.

~~6.5.~~ 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. The full text of each emergency rule in effect on the date of publication.

~~10.8.~~ 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

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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  
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 8. 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

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1017 requiring rulemaking to implement but a notice of proposed rule  
1018 has not been published:

1019 1. The agency shall identify and again list such law,  
1020 noting the applicable notice of rule development by citation to  
1021 the Florida Administrative Register; or

1022 2. If the agency has subsequently determined that  
1023 rulemaking is not necessary to implement the law, the agency  
1024 shall identify such law, reference the citation to the  
1025 applicable notice of rule development in the Florida  
1026 Administrative Register, and provide a concise written  
1027 explanation of the reason why the law may be implemented without  
1028 rulemaking.

1029 (e) The plan also includes all of the following:

1030 1. A list of the agency's existing rules scheduled for  
1031 review pursuant to s. 120.5435.

1032 2. A 5-year schedule for the review of all existing rules  
1033 as of July 1, 2025.

1034 3. A yearly schedule for the rules it will review each  
1035 year during the 5-year rule review. The agency may amend this  
1036 schedule, if necessary.

1037 (f) The plan must include any desired update to the prior  
1038 year's regulatory plan or supplement thereof, published pursuant  
1039 to subsection (5). If, in a prior year, the agency identified a  
1040 rule under this paragraph as one requiring review pursuant to s.  
1041 120.5435, but the agency has not yet completed an action

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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. 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

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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.

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

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

(4) ~~DEADLINE FOR RULE DEVELOPMENT. By November 1 of each year, each agency shall publish a notice of rule development~~

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~~under s. 120.54(2) for each law identified in the agency's regulatory plan pursuant to subparagraph (1)(a)1. for which rulemaking is necessary to implement but for which the agency did not report the publication of a notice of rule development under subparagraph (1)(a)2.~~

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

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1117 affected rulemaking proceeding by identifying the applicable  
1118 rule pursuant to subparagraph (1)(c)2. The regulatory plan and  
1119 is deemed corrected as of the October 1 due date. Upon  
1120 publication of a correction, the agency shall publish in the  
1121 Florida Administrative Register a notice of the date of the  
1122 correction identifying the affected rulemaking proceeding by  
1123 applicable citation to the Florida Administrative Register.

1124 ~~(6) CERTIFICATIONS. Each agency shall file a certification~~  
1125 ~~with the committee upon compliance with subsection (4) and upon~~  
1126 ~~filing a notice under subsection (5) of either a deadline~~  
1127 ~~extension or a regulatory plan correction. A certification may~~  
1128 ~~relate to more than one notice or contemporaneous act. The date~~  
1129 ~~or dates of compliance shall be noted in each certification.~~

1130 (5)(7) SUPPLEMENTING THE REGULATORY PLAN.—After  
1131 publication of the regulatory plan, the agency shall supplement  
1132 the plan within 30 days after a bill becomes a law if the law is  
1133 enacted before the next regular session of the Legislature and  
1134 the law substantively modifies the agency's specifically  
1135 delegated legal duties, unless the law affects all or most state  
1136 agencies as identified by letter to the committee from the  
1137 Governor or the Attorney General. The supplement must include  
1138 the information required in paragraph (1)(a) and shall be  
1139 published as required in subsection (2), but no certification or  
1140 delivery to the committee is required. The agency shall publish  
1141 in the Florida Administrative Register notice of publication of

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

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:  
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 notice of rule development 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 a certain amount of days between  
a notice of rule development and notice of proposed  
rule; requiring that notices of rule development  
contain certain information as well as incorporated  
documents; requiring that a notice of rule development  
contain a proposed rule number and specified  
statements; revising the scope of public workshops to  
include information gathered for the preparation of  
statements of estimated regulatory costs; revising who

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1192 may challenge a proposed rule developed through  
1193 negotiated rulemaking; revising the notices required  
1194 to be issued by agencies before the adoption,  
1195 amendment, or repeal of certain rules; requiring  
1196 certain information be included in the notices;  
1197 requiring a certain amount of days between a notice of  
1198 rule development and notice of proposed rule;  
1199 requiring that specified information be available for  
1200 public inspection; requiring that materials  
1201 incorporated by reference be made available in a  
1202 specified manner; requiring that certain notices be  
1203 delivered electronically to all persons who made  
1204 requests for such notice; requiring agencies to  
1205 publish a notice of correction for certain changes  
1206 within a specified timeframe; providing that notices  
1207 of correction do not affect certain timeframes;  
1208 requiring that technical changes be published as  
1209 notices of correction; requiring agencies to provide  
1210 copies of any offered regulatory alternatives to the  
1211 Administrative Procedures Committee before the agency  
1212 files a rule for adoption; revising the requirements  
1213 for the contents of a notice of change; requiring that  
1214 certain materials incorporated by reference be made  
1215 available in a specified manner; requiring the  
1216 department to publish a notice of withdrawal of the

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1217 proposed rule under certain circumstances; requiring  
1218 agencies to restart rulemaking following a notice of  
1219 withdrawal in certain circumstances; requiring that  
1220 certain rules be withdrawn if not ratified within the  
1221 legislative session immediately following the filing  
1222 for adoption; providing that agencies are authorized  
1223 to initiate rulemaking, or required to initiate  
1224 rulemaking under a specified circumstance, within a  
1225 specified timeframe of the adjournment of such  
1226 legislative session; reducing the number of certified  
1227 copies of a proposed rule that must be electronically  
1228 filed with the Department of State; authorizing  
1229 agencies to adopt emergency rules under specified  
1230 conditions; requiring that specified information be  
1231 published in the first available issue of the Florida  
1232 Administrative Register and provided to the  
1233 Administrative Procedures Committee; providing that if  
1234 a proposed rule is not ratified within a specified  
1235 timeframe, the emergency rule expires; requiring that  
1236 the proposed rule be withdrawn in accordance with a  
1237 specified provision; requiring that notices of renewal  
1238 for emergency rules be published in the Florida  
1239 Administrative Register before expiration of the  
1240 existing emergency rule; requiring that such notices  
1241 contain specified information; requiring that a note

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1242 be added to a certain history note for certain  
1243 emergency rules; requiring that emergency rules be  
1244 published in the Florida Administrative Code;  
1245 authorizing agencies to adopt emergency rules that  
1246 supersede other emergency rules; requiring that the  
1247 reason for such superseding rules be stated in  
1248 accordance with specified provisions; authorizing  
1249 agencies to make technical changes to emergency rules  
1250 within a specified timeframe; requiring that such  
1251 changes be published in the Florida Administrative  
1252 Register as a notice of correction; authorizing  
1253 agencies to repeal emergency rules by providing a  
1254 certain notice in the Florida Administrative Register;  
1255 requiring agencies to provide specified petitions to  
1256 the committee within a specified timeframe after  
1257 receipt; requiring agencies to provide a certain  
1258 notification to the committee within a specified  
1259 timeframe; reenacting and amending s. 120.541, F.S.;  
1260 providing that a proposal for a lower cost regulatory  
1261 alternative submitted after a notice of change is made  
1262 in good faith only if the proposal contains certain  
1263 statements; requiring agencies to provide a copy of  
1264 such proposals and responses thereto to the committee  
1265 within specified timeframes; prohibiting agencies from  
1266 filing a rule for adoption unless such documents are

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provided to the committee; requiring agencies to notify the committee within a specified timeframe that a rule has been submitted for legislative ratification; providing an exemption from legislative ratification for emergency rules; providing requirements for the calculation of estimated regulatory costs; requiring the department to include the agency website on which statements of estimated regulatory costs can be viewed; requiring an agency to take specified actions relating to statements of estimated regulatory costs; creating s. 120.5435, F.S.; defining the term "rule"; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; providing for future review and repeal; requiring rules promulgated after a certain date to be reviewed; 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

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1292 subject to challenge as a proposed rule; requiring  
1293 agencies to submit a certain report to the Legislature  
1294 annually by a specified date; requiring agencies to  
1295 take one of certain specified actions during rule  
1296 reviews by a specified date; providing requirements  
1297 for the agencies in connection with each of the  
1298 specified actions; requiring the committee to examine  
1299 agencies' rule review submissions; authorizing the  
1300 committee to request certain information from such  
1301 agencies; requiring that such review occur within a  
1302 specified timeframe under specified conditions;  
1303 requiring the committee to issue a certain  
1304 certification upon completion of examinations;  
1305 specifying circumstances under which rule review is  
1306 considered completed; requiring the department to  
1307 publish a certain notice in the Florida Administrative  
1308 Register; amending s. 120.545, F.S.; requiring the  
1309 Joint Administrative Procedures Committee to review  
1310 each rule being reviewed; permitting the committee to  
1311 review certain material and documents; providing that  
1312 the committee may examine rules to determine if  
1313 certain unauthorized provisions are included;  
1314 amending s. 120.55, F.S.; revising the contents of the  
1315 Florida Administrative Code to conform to changes made  
1316 by the act; requiring, after a specified date, that

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1317 any material incorporated by reference be filed in a  
1318 specified electronic format with the department;  
1319 requiring that the Florida Administrative Register  
1320 contain a certain list; requiring that the full text  
1321 of emergency rules be published; requiring that the  
1322 department prescribe coding for certain documents  
1323 incorporated by reference; amending s. 120.74, F.S.;  
1324 requiring that regulatory plans submitted by agencies  
1325 include certain schedules for rule review and certain  
1326 desired updates to such plans; requiring agencies to  
1327 take certain actions if the agencies have not  
1328 completed reviewing a rule; requiring agencies to  
1329 include information regarding the prior year's  
1330 licensing practices in their regulatory plan;  
1331 requiring the Joint Administrative Procedures  
1332 Committee to submit a consolidated report of the  
1333 agency licensing data; requiring the Department of  
1334 State to publish a hyperlink to the licensing data  
1335 reports; deleting provisions related to deadlines for  
1336 rule development; deleting deadlines for publishing  
1337 proposed rules; deleting provisions requiring agencies  
1338 to file certain certifications with the committee;  
1339 authorizing agencies to correct a regulatory plan to  
1340 conclude affected rulemaking proceedings by  
1341 identifying certain rules; revising the timeframes

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1342 | within which agencies must publish certain notices;  
1343 | conforming provisions to changes made by the act;  
1344 | providing an effective date.