

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WITHDRAWN	_____	(Y/N)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		

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Overdorf offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

12 120.52 Definitions.—As used in this act:

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

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17 ~~(17)-(16)~~ "Rule" means each agency statement of general
18 applicability that implements, interprets, or prescribes law or
19 policy or describes the procedure or practice requirements of an
20 agency and includes any form or guidance document which imposes
21 any requirement or solicits any information not specifically
22 required by statute or by an existing rule. The term also
23 includes the amendment or repeal of a rule. The term does not
24 include:

25 (a) Internal management memoranda which do not affect
26 either the private interests of any person or any plan or
27 procedure important to the public and which have no application
28 outside the agency issuing the memorandum.

29 (b) Legal memoranda or opinions issued to an agency by the
30 Attorney General or agency legal opinions prior to their use in
31 connection with an agency action.

32 (c) The preparation or modification of:

33 1. Agency budgets.

34 2. Statements, memoranda, or instructions to state
35 agencies issued by the Chief Financial Officer or Comptroller as
36 chief fiscal officer of the state and relating or pertaining to
37 claims for payment submitted by state agencies to the Chief
38 Financial Officer or Comptroller.

39 3. Contractual provisions reached as a result of
40 collective bargaining.

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41 4. Memoranda issued by the Executive Office of the
42 Governor relating to information resources management

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

46 **Section 2. Paragraph (i) of subsection (1), subsections**
47 **(2) and (3), paragraphs (a) and (c) of subsection (4), and**
48 **paragraph (a) of subsection (7) of section 120.54, Florida**
49 **Statutes, are amended, and paragraphs (e) through (j) are added**
50 **to subsection (4) of that section, to read:**

51 120.54 Rulemaking.—

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

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

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

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65 3. In rules adopted after December 31, 2010, and rules
66 amended or repromulgated on or after July 1, 2025, material may
67 not be incorporated by reference unless:

68 a. The material has been submitted in the prescribed
69 electronic format to the Department of State and the full text
70 of the material can be made available for free public access
71 through an electronic hyperlink from the rule making the
72 reference in the Florida Administrative Code; 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 address of
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 4. 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 5. Notwithstanding any contrary provision in this section,
84 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

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90 Department of State of its intent to adopt the subsequent
91 amendment, publishes notice of such intent in the Florida
92 Administrative Register, and files with the Department of State
93 a copy of the amended rule incorporated by reference. Changes in
94 the rule incorporated by reference are effective as to the other
95 agency 20 days after the date of the published notice and filing
96 with the Department of State. The Department of State shall
97 amend the history note of the incorporating rule to show the
98 effective date of such change. Any substantially affected person
99 may, within 14 days after the date of publication of the notice
100 of intent in the Florida Administrative Register, file an
101 objection to rulemaking with the agency. The objection must
102 ~~shall~~ specify the portions of the rule incorporated by reference
103 to which the person objects and the reasons for the objection.
104 The agency does ~~shall~~ not have the authority under this
105 subparagraph to adopt those portions of the rule specified in
106 such objection. The agency shall publish notice of the objection
107 and of its action in response in the next available issue of the
108 Florida Administrative Register.

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

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

112 (a)1. Except when the intended action is the repeal of a
113 rule, agencies shall provide notice of the development of
114 proposed rules by publication of a notice of rule development in

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115 the Florida Administrative Register at least 7 days before
116 providing notice of a proposed rule as required by paragraph
117 (3) (a). The notice of rule development must ~~shall~~ indicate the
118 subject area to be addressed by rule development, provide a
119 short, plain explanation of the purpose and effect of the
120 proposed rule, cite the grant of rulemaking authority for the
121 proposed rule and the law being implemented ~~specific legal~~
122 ~~authority for the proposed rule~~, and include the proposed rule
123 number and the preliminary text of the proposed rules, if
124 available, or a statement of how a person may promptly obtain,
125 without cost, a copy of any preliminary draft, when ~~if~~
126 available. The notice must also include a request for the
127 submission of any information that would be helpful to the
128 agency in preparing the statement of estimated regulatory costs
129 required pursuant to paragraph (3) (b) and a statement of how a
130 person may submit comments on the proposal and how a person may
131 provide information regarding the potential regulatory costs.

132 2. A notice of a proposed rule must be published in the
133 Florida Administrative Register within 12 months after the most
134 recent notice of rule development.

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

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

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139 2. ~~It~~ Avoids the use of unnecessary technical or
140 specialized language that is understood only by members of
141 particular trades or professions.

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

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164 that are appropriate for rule development and for preparation of
165 the statement of estimated regulatory costs. Notice of a
166 workshop for rule development and for preparation of the
167 statement of estimated regulatory costs must ~~workshop shall~~ be
168 by publication in the Florida Administrative Register not less
169 than 14 days before ~~prior to~~ the date on which the workshop is
170 scheduled to be held and must ~~shall~~ indicate the subject area
171 that ~~which~~ will be addressed; the agency contact person; and the
172 place, date, and time of the workshop.

173 (d)1. An agency may use negotiated rulemaking in
174 developing and adopting rules. The agency should consider the
175 use of negotiated rulemaking when complex rules are being
176 drafted or strong opposition to the rules is anticipated. The
177 agency should consider, but is not limited to considering,
178 whether a balanced committee of interested persons who will
179 negotiate in good faith can be assembled, whether the agency is
180 willing to support the work of the negotiating committee, and
181 whether the agency can use the group consensus as the basis for
182 its proposed rule. Negotiated rulemaking uses a committee of
183 designated representatives to draft a mutually acceptable
184 proposed rule and to develop information necessary to prepare a
185 statement of estimated regulatory costs, when applicable.

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

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

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

204 (3) ADOPTION PROCEDURES.—

205 (a) *Notices.*—

206 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
207 any rule other than an emergency rule, an agency, upon approval
208 of the agency head, shall give notice of its intended action,
209 setting forth a short, plain explanation of the purpose and
210 effect of the proposed action; the proposed rule number and full
211 text of the proposed rule or amendment and a summary thereof; a
212 reference to the grant of rulemaking authority pursuant to which
213 the rule is adopted; and a reference to the section or

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214 subsection of the Florida Statutes or the Laws of Florida being
215 implemented or interpreted. The notice must include a concise
216 summary of the agency's statement of the estimated regulatory
217 costs, ~~if one has been prepared,~~ based on the factors set forth
218 in s. 120.541(2) which describes the regulatory impact of the
219 rule in readable language; an agency website address where the
220 statement of estimated regulatory costs can be viewed in its
221 entirety; a statement that any person who wishes to provide the
222 agency with information regarding the statement of estimated
223 regulatory costs, or to provide a proposal for a lower cost
224 regulatory alternative as provided by s. 120.541(1), must do so
225 in writing within 21 days after publication of the notice; a
226 request for the submission of any information that could be
227 helpful to the agency regarding the statement of estimated
228 regulatory costs; and a statement as to whether, based on the
229 statement of the estimated regulatory costs ~~or other information~~
230 ~~expressly relied upon and described by the agency if no~~
231 ~~statement of regulatory costs is required,~~ the proposed rule is
232 expected to require legislative ratification pursuant to s.
233 120.541(3). The notice must state the procedure for requesting a
234 public hearing on the proposed rule. Except when the intended
235 action is the repeal of a rule, the notice must include a
236 reference both to the date on which and to the place where the
237 notice of rule development that is required by subsection (2)
238 appeared.

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239 2. The notice must ~~shall~~ be published in the Florida
240 Administrative Register at least ~~not less than~~ 28 days before
241 ~~prior to~~ the intended action. The proposed rule, including all
242 materials proposed to be incorporated by reference and the
243 statement of estimated regulatory costs, must ~~shall~~ be available
244 for inspection and copying by the public at the time of the
245 publication of notice. Material proposed to be incorporated by
246 reference in the notice must be made available in the manner
247 prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph
248 (1)(i)3.b.

249 3. The notice must ~~shall~~ be mailed or delivered
250 electronically to all persons named in the proposed rule and
251 mailed or delivered electronically to all persons who, at least
252 14 days before publication of the notice ~~prior to such mailing,~~
253 have made requests of the agency for advance notice of its
254 proceedings. The agency shall also give such notice as is
255 prescribed by rule to those particular classes of persons to
256 whom the intended action is directed.

257 4. The adopting agency shall file with the committee, at
258 least 21 days before ~~prior to~~ the proposed adoption date, a copy
259 of each rule it proposes to adopt; a copy of any material
260 incorporated by reference in the rule; a detailed written
261 statement of the facts and circumstances justifying the proposed
262 rule; a copy of the ~~any~~ statement of estimated regulatory costs
263 ~~that has been~~ prepared pursuant to s. 120.541; a statement of

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264 the extent to which the proposed rule relates to federal
265 standards or rules on the same subject; and the notice required
266 by subparagraph 1.

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

268 1. Statement of estimated regulatory costs.—Before the
269 adoption ~~or~~ amendment, ~~or repeal~~ of any rule, other than an
270 emergency rule, an agency must ~~is encouraged to~~ prepare a
271 statement of estimated regulatory costs of the proposed rule, as
272 provided by s. 120.541. The statement must include a cost-
273 benefit analysis that evaluates whether the projected benefits
274 of the existing rule or proposed rule exceed its projected
275 costs. However, an agency is not required to prepare a statement
276 of estimated regulatory costs for a proposed rule repeal unless
277 such repeal would impose a regulatory cost. In any challenge to
278 a proposed rule repeal, a proposed rule repeal that only reduces
279 or eliminates regulations on those individuals or entities
280 regulated by the existing rule must be considered presumptively
281 correct in any proceeding before the division or in any
282 proceeding before a court of competent jurisdiction ~~However, an~~
283 ~~agency must prepare a statement of estimated regulatory costs of~~
284 ~~the proposed rule, as provided by s. 120.541, if:~~

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

287 b. ~~The proposed rule is likely to directly or indirectly~~
288 ~~increase regulatory costs in excess of \$200,000 in the aggregate~~

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289 ~~in this state within 1 year after the implementation of the~~
290 ~~rule.~~

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

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

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

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

301 (III) Prices charged for goods and services are restricted
302 or are likely to increase because of the rule;

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

305 (V) Operating costs are expected to increase by at least
306 \$1,000 annually because of the rule; or

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

309 b. Each agency, before the adoption, amendment, or repeal
310 of a rule, shall consider the impact of the rule on small
311 businesses as defined in ~~by~~ s. 288.703 and the impact of the
312 rule on small counties or small cities as defined in ~~by~~ s.
313 120.52. Whenever practicable, an agency shall tier its rules to

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314 reduce disproportionate impacts on small businesses, small
315 counties, or small cities to avoid regulating small businesses,
316 small counties, or small cities that do not contribute
317 significantly to the problem the rule is designed to address. ~~An~~
318 ~~agency may define "small business" to include businesses~~
319 ~~employing more than 200 persons, may define "small county" to~~
320 ~~include those with populations of more than 75,000, and may~~
321 ~~define "small city" to include those with populations of more~~
322 ~~than 10,000, if it finds that such a definition is necessary to~~
323 ~~adapt a rule to the needs and problems of small businesses,~~
324 ~~small counties, or small cities.~~ The agency shall consider each
325 of the following methods for reducing the impact of the proposed
326 rule on small businesses, small counties, and small cities, or
327 any combination of these entities:

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

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

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

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

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

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339 c.(I)~~b.(I)~~ If the agency determines that the proposed
340 action will affect small businesses as defined by the agency as
341 provided in sub-subparagraph b. a., the agency must ~~shall~~ send
342 written notice of the rule to the rules ombudsman in the
343 Executive Office of the Governor at least 28 days before the
344 intended action.

345 (II) Each agency shall adopt those regulatory alternatives
346 offered by the rules ombudsman in the Executive Office of the
347 Governor and provided to the agency no later than 21 days after
348 the rules ombudsman's receipt of the written notice of the rule
349 which it finds are feasible and consistent with the stated
350 objectives of the proposed rule and which would reduce the
351 impact on small businesses. When regulatory alternatives are
352 offered by the rules ombudsman in the Executive Office of the
353 Governor, the 90-day period for filing the rule in subparagraph
354 (e)2. is extended for a period of 21 days. The agency shall
355 provide notice to the committee of any regulatory alternative
356 offered to the agency pursuant to this sub-subparagraph at least
357 21 days before filing the proposed rule for adoption.

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

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

366 (c) *Hearings.*—

367 1. If the intended action concerns any rule other than one
368 relating exclusively to procedure or practice, the agency must
369 ~~shall~~, on the request of any affected person received within 21
370 days after the date of publication of the notice of intended
371 agency action, give affected persons an opportunity to present
372 evidence and argument on all issues under consideration. The
373 agency may schedule a public hearing on the proposed rule and,
374 if requested by any affected person, must ~~shall~~ schedule a
375 public hearing on the proposed rule. When a public hearing is
376 held, the agency must ensure that the persons responsible for
377 preparing the proposed rule and the statement of estimated
378 regulatory costs ~~staff~~ are in attendance available to explain
379 the agency's proposal and to respond to questions or comments
380 regarding the proposed rule, the statement of estimated
381 regulatory costs, and the agency's decision on whether to adopt
382 a lower cost regulatory alternative submitted pursuant to s.
383 120.541(1)(a). If the agency head is a board or other collegial
384 body created under s. 20.165(4) or s. 20.43(3)(g), and one or
385 more requested public hearings is scheduled, the board or other
386 collegial body must ~~shall~~ conduct at least one of the public
387 hearings itself and may not delegate this responsibility without
388 the consent of those persons requesting the public hearing. Any

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389 material pertinent to the issues under consideration submitted
390 to the agency within 21 days after the date of publication of
391 the notice or submitted to the agency between the date of
392 publication of the notice and the end of the final public
393 hearing must ~~shall~~ be considered by the agency and made a part
394 of the record of the rulemaking proceeding.

395 2. Rulemaking proceedings are ~~shall~~ be governed solely by
396 ~~the provisions of~~ this section unless a person timely asserts
397 that the person's substantial interests will be affected in the
398 proceeding and affirmatively demonstrates to the agency that the
399 proceeding does not provide adequate opportunity to protect
400 those interests. If the agency determines that the rulemaking
401 proceeding is not adequate to protect the person's interests, it
402 must ~~shall~~ suspend the rulemaking proceeding and convene a
403 separate proceeding under ~~the provisions of~~ ss. 120.569 and
404 120.57. The agency shall publish in the Florida Administrative
405 Register a notice of convening a separate proceeding. Similarly
406 situated persons may be requested to join and participate in the
407 separate proceeding. Upon conclusion of the separate proceeding,
408 the rulemaking proceeding shall be resumed. All timelines in
409 this section are tolled during any suspension of the rulemaking
410 proceeding under this subparagraph, beginning on the date the
411 notice of convening a separate proceeding is published, and the
412 timelines shall resume the day after conclusion of the separate
413 proceedings, notice of which must be provided to the committee.

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

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

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439 the change, and provide the notice of change to persons
440 requesting it, at least 21 days before ~~prior to~~ filing the
441 proposed rule for adoption. The notice of change must ~~shall~~ be
442 published in the Florida Administrative Register at least 21
443 days before ~~prior to~~ filing the proposed rule for adoption. The
444 notice of change must include a summary of any revision of the
445 statement of estimated regulatory costs required by s.
446 120.541(1)(c). This subparagraph does not apply to emergency
447 rules adopted pursuant to subsection (4). Material proposed to
448 be incorporated by reference in the notice required by this
449 subparagraph must be made available in the manner prescribed by
450 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and
451 include a summary of substantive revisions to any material
452 proposed to be incorporated by reference in the proposed rule.

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

456 3. After the notice required by paragraph (a), the agency
457 must withdraw the proposed rule if the agency has failed to
458 adopt it within the prescribed timeframes in this chapter. If
459 the agency, 30 days after notice by the committee that the
460 agency has failed to adopt the proposed rule within the
461 prescribed timeframes in this chapter, has not given notice of
462 the withdrawal of the proposed rule, the committee must notify
463 the Department of State that the date for adoption of the rule

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464 has expired, and the Department of State must publish a notice
465 of withdrawal of the proposed rule.

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

469 a. When the committee objects to the rule;

470 b. When a final order, which is not subject to further
471 appeal, is entered in a rule challenge brought pursuant to s.
472 120.56 after the date of adoption but before the rule becomes
473 effective pursuant to subparagraph (e)6.;

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

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

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

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

492 ~~5.4.~~ The agency shall give notice of its decision to
493 withdraw or modify a rule in the first available issue of the
494 publication in which the original notice of rulemaking was
495 published, shall notify those persons described in subparagraph
496 (a)3. in accordance with the requirements of that subparagraph,
497 and shall notify the Department of State if the rule is required
498 to be filed with the Department of State.

499 ~~6.5.~~ After a rule has become effective, it may be repealed
500 or amended only through the rulemaking procedures specified in
501 this chapter.

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

503 1. If the adopting agency is required to publish its rules
504 in the Florida Administrative Code, the agency, upon approval of
505 the agency head, must electronically ~~shall~~ file with the
506 Department of State a three certified copy ~~copies~~ of the rule it
507 proposes to adopt; one copy of any material incorporated by
508 reference in the rule, certified by the agency; a summary of the
509 rule; a summary of any hearings held on the rule; and a detailed
510 written statement of the facts and circumstances justifying the
511 rule. Agencies not required to publish their rules in the
512 Florida Administrative Code shall file one certified copy of the

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513 proposed rule, and the other material required by this
514 subparagraph, in the office of the agency head, and such rules
515 must ~~shall~~ be open to the public.

516 2. A rule may not be filed for adoption less than 28 days
517 or more than 90 days after the notice required by paragraph (a),
518 until 21 days after the notice of change required by paragraph
519 (d), until 14 days after the final public hearing, until 21 days
520 after a statement of estimated regulatory costs required under
521 s. 120.541 has been provided to all persons who submitted a
522 lower cost regulatory alternative and made available to the
523 public at a readily accessible page on the agency's website, or
524 until the administrative law judge has rendered a decision under
525 s. 120.56(2), whichever applies. When a required notice of
526 change is published before ~~prior to~~ the expiration of the time
527 to file the rule for adoption, the period during which a rule
528 must be filed for adoption is extended to 45 days after the date
529 of publication. If notice of a public hearing is published
530 before ~~prior to~~ the expiration of the time to file the rule for
531 adoption, the period during which a rule must be filed for
532 adoption is extended to 45 days after adjournment of the final
533 hearing on the rule, 21 days after receipt of all material
534 authorized to be submitted at the hearing, or 21 days after
535 receipt of the transcript, if one is made, whichever is latest.
536 The term "public hearing" includes any public meeting held by
537 any agency at which the rule is considered. If a petition for an

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538 administrative determination under s. 120.56(2) is filed, the
539 period during which a rule must be filed for adoption is
540 extended to 60 days after the administrative law judge files the
541 final order with the clerk or until 60 days after subsequent
542 judicial review is complete.

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

548 4. At the time a rule is filed, the committee shall
549 certify whether the agency has responded in writing to all
550 material and timely written comments or written inquiries made
551 on behalf of the committee. The Department of State shall reject
552 any rule that is not filed within the prescribed time limits;
553 that does not comply with all statutory rulemaking requirements
554 and rules of the Department of State; upon which an agency has
555 not responded in writing to all material and timely written
556 inquiries or written comments; upon which an administrative
557 determination is pending; or which does not include a statement
558 of estimated regulatory costs, if required.

559 5. If a rule has not been adopted within the time limits
560 imposed by this paragraph or has not been adopted in compliance
561 with all statutory rulemaking requirements, the agency proposing
562 the rule must ~~shall~~ withdraw the proposed rule and give notice

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563 of its action in the next available issue of the Florida
564 Administrative Register. If the agency has not published notice
565 of withdrawal of the rule during the 30 days after receiving
566 notice from the committee that the agency has failed to withdraw
567 the rule, the committee must notify the Department of State that
568 the date for adoption of the rule has expired, and the
569 Department of State must publish a notice of withdrawal of the
570 rule.

571 6. The proposed rule shall be adopted on being filed with
572 the Department of State and becomes ~~become~~ effective 20 days
573 after being filed, on a later date specified in the notice
574 required by subparagraph (a)1., on a date required by statute,
575 or upon ratification by the Legislature pursuant to s.
576 120.541(3). Rules not required to be filed with the Department
577 of State ~~shall~~ become effective when adopted by the agency head,
578 on a later date specified by rule or statute, or upon
579 ratification by the Legislature pursuant to s. 120.541(3). If
580 the committee notifies an agency that an objection to a rule is
581 being considered, the agency may postpone the adoption of the
582 rule to accommodate review of the rule by the committee. When an
583 agency postpones adoption of a rule to accommodate review by the
584 committee, the 90-day period for filing the rule is tolled until
585 the committee notifies the agency that it has completed its
586 review of the rule.

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588 For the purposes of this paragraph, the term "administrative
589 determination" does not include subsequent judicial review.

590 (4) EMERGENCY RULES.—

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

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

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

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

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

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

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

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

633

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

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637 (e) Emergency rules must be published in the Florida
638 Administrative Code.

639 (f) An agency may supersede an emergency rule currently in
640 effect through adoption of another emergency rule. The agency
641 must state the reason for adopting the new rule, in accordance
642 with the procedures set forth in paragraph (a), and the new rule
643 must be in effect for the duration of the effective period of
644 the superseded rule. Technical changes to an emergency rule may
645 be made within the first 7 days after adoption of the rule.

646 (g) Any notice of the renewal of an emergency rule must be
647 published in the Florida Administrative Register before the
648 expiration of the existing emergency rule. The notice of renewal
649 must state the specific facts and reasons for the renewal
650 pursuant to paragraph (c).

651 (h) All emergency rules must be published in the Florida
652 Administrative Code in the section of the code dealing with the
653 agency.

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

660 (j) An emergency rule adopted under this subsection may be
661 repealed by the adopting agency at any time while the rule is in

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662 effect by publishing a notice in the Florida Administrative
663 Register citing the reason for the repeal and the effective date
664 of the repeal.

665 (7) PETITION TO INITIATE RULEMAKING.—

666 (a) Any person regulated by an agency or having
667 substantial interest in an agency rule may petition an agency to
668 adopt, amend, or repeal a rule or to provide the minimum public
669 information required by this chapter. The petition must ~~shall~~
670 specify the proposed rule and action requested. The agency shall
671 file a copy of the petition with the committee. No ~~Not~~ later
672 than 30 calendar days after ~~following the date of~~ filing a
673 petition, the agency shall initiate rulemaking proceedings under
674 this chapter, otherwise comply with the requested action, or
675 deny the petition with a written statement of its reasons for
676 the denial.

677 **Section 3. Section 120.541, Florida Statutes, is amended**
678 **to read:**

679 120.541 Statement of estimated regulatory costs.—

680 (1)(a) Within 21 days after publication of the notice of a
681 proposed rule or notice of change ~~required under s.~~
682 ~~120.54(3)(a)~~, a substantially affected person may submit to an
683 agency a good faith written proposal for a lower cost regulatory
684 alternative to a proposed rule which substantially accomplishes
685 the objectives of the law being implemented. The agency shall
686 provide a copy of any proposal for a lower cost regulatory

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687 alternative to the committee at least 21 days before filing the
688 proposed rule for adoption. The proposal may include the
689 alternative of not adopting any rule if the proposal explains
690 how the lower costs and objectives of the law will be achieved
691 by not adopting any rule. If submitted after a notice of change,
692 a proposal for a lower cost regulatory alternative is deemed to
693 be made in good faith only if the person reasonably believes,
694 and the proposal states the person's reasons for believing, that
695 the proposed rule as changed by the notice of change increases
696 the regulatory costs or creates an adverse impact on small
697 businesses which was not created by the previous proposed rule.
698 If such a proposal is submitted, the 90-day period for filing
699 the rule is extended 21 days. Upon the submission of the lower
700 cost regulatory alternative, the agency shall ~~prepare a~~
701 ~~statement of estimated regulatory costs as provided in~~
702 ~~subsection (2), or shall~~ revise its prior statement of estimated
703 regulatory costs, and either adopt the alternative proposal,
704 reject the alternative proposal, or modify the proposed rule to
705 reduce the regulatory costs. If the agency rejects the
706 alternative proposal or modifies the proposed rule, the agency
707 must ~~or~~ provide a statement of the reasons for rejecting the
708 alternative in favor of the proposed rule.

709 (b) ~~If a proposed rule will have an adverse impact on~~
710 ~~small business or if the proposed rule is likely to directly or~~
711 ~~indirectly increase regulatory costs in excess of \$200,000 in~~

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712 ~~the aggregate within 1 year after the implementation of the~~
713 ~~rule, the agency shall prepare a statement of estimated~~
714 ~~regulatory costs as required by s. 120.54(3)(b).~~

715 ~~(e)~~ The agency must ~~shall~~ revise a statement of estimated
716 regulatory costs if any change to the rule made under s.
717 120.54(3)(d) increases the regulatory costs of the rule or if
718 the rule is modified in response to the submission of a lower
719 cost regulatory alternative. A summary of the revised statement
720 must be included with any subsequent notice published under s.
721 120.54(3).

722 ~~(c)(d)~~ At least 21 days before filing the proposed rule
723 for adoption, an agency that is required to revise a statement
724 of estimated regulatory costs shall provide the statement to the
725 person who submitted the lower cost regulatory alternative, to
726 the rules ombudsman in the Executive Office of the Governor, and
727 to the committee. The revised statement must be published and
728 made available in the same manner as the original statement of
729 estimated regulatory costs and shall provide notice on the
730 agency's website that it is available to the public.

731 ~~(d)(e)~~ Notwithstanding s. 120.56(1)(c), the failure of the
732 agency to prepare and publish a statement of estimated
733 regulatory costs or to respond to a written lower cost
734 regulatory alternative as provided in this subsection is a
735 material failure to follow the applicable rulemaking procedures
736 or requirements set forth in this chapter.

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737 ~~(e)-(f)~~ An agency's failure to prepare a statement of
738 estimated regulatory costs or to respond to a written lower cost
739 regulatory alternative may not be raised in a proceeding
740 challenging the validity of a rule pursuant to s. 120.52(8)(a)
741 unless:

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

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

746 ~~(f)-(g)~~ A rule that is challenged pursuant to s.
747 120.52(8)(f) may not be declared invalid unless:

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

750 2. The challenge is to the agency's rejection of a lower
751 cost regulatory alternative offered under paragraph (a) or s.
752 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

753 3. The substantial interests of the person challenging the
754 rule are materially affected by the rejection.

755 (2) A statement of estimated regulatory costs must ~~shall~~
756 include:

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

759 1. Is likely to have an adverse impact on economic growth,
760 private sector job creation or employment, or private sector

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761 investment in excess of \$1 million in the aggregate within 5
762 years after the implementation of the rule;

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

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

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

777 (c) A good faith estimate of the cost to the agency, and
778 to any other state and local government entities, of
779 implementing and enforcing the proposed rule, and any
780 anticipated effect on state or local revenues.

781 (d) A good faith estimate of the compliance ~~transactional~~
782 costs likely to be incurred by individuals and entities,
783 including local government entities, required to comply with the
784 requirements of the rule. ~~As used in this section,~~
785 ~~"transactional costs" are direct costs that are readily~~

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786 ~~ascertainable based upon standard business practices, and~~
787 ~~include filing fees, the cost of obtaining a license, the cost~~
788 ~~of equipment required to be installed or used or procedures~~
789 ~~required to be employed in complying with the rule, additional~~
790 ~~operating costs incurred, the cost of monitoring and reporting,~~
791 ~~and any other costs necessary to comply with the rule.~~

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

798 (f) Any additional information that the agency determines
799 may be useful.

800 (g) In the ~~statement or~~ revised statement, ~~whichever~~
801 ~~applies,~~ a description of any regulatory alternatives submitted
802 under paragraph (1) (a) and a statement adopting the alternative
803 or a statement of the reasons for rejecting the alternative in
804 favor of the proposed rule.

805 (3) If the adverse impact or regulatory costs of the rule
806 exceed any of the criteria established in paragraph (2) (a), the
807 rule must ~~shall~~ be submitted to the President of the Senate and
808 Speaker of the House of Representatives no later than 30 days
809 before ~~prior to~~ the next regular legislative session, and the

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810 rule may not take effect until it is ratified by the
811 Legislature.

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

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

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

816 (c) Triennial updates of and amendments to the Florida
817 Fire Prevention Code which are expressly authorized by s.
818 633.202.

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

820 (5) For purposes of subsections (2) and (3), adverse
821 impacts and regulatory costs likely to occur within 5 years
822 after implementation of the rule include adverse impacts and
823 regulatory costs estimated to occur within 5 years after the
824 effective date of the rule. However, if any provision of the
825 rule is not fully implemented upon the effective date of the
826 rule, the adverse impacts and regulatory costs associated with
827 such provision must be adjusted to include any additional
828 adverse impacts and regulatory costs estimated to occur within 5
829 years after implementation of such provision.

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

834 1. Increased customer charges for goods or services.

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

837 3. Increased costs resulting from the purchase of
838 substitute or alternative goods or services.

839 4. The reasonable value of time to be spent by owners,
840 officers, operators, and managers to understand and comply with
841 the proposed rule, including, but not limited to, time to be
842 spent completing required education, training, or testing.

843 5. Capital costs.

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

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

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

856 1. Filing fees.

857 2. Expenses to obtain a license.

858 3. Necessary equipment.

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- 859 4. Installation, utilities for, and maintenance of
860 necessary equipment.
- 861 5. Necessary operations and procedures.
- 862 6. Accounting, financial, information management, and
863 other administrative processes.
- 864 7. Other processes.
- 865 8. Labor based on relevant rates of wages, salaries, and
866 benefits.
- 867 9. Materials and supplies.
- 868 10. Capital expenditures, including financing costs.
- 869 11. Professional and technical services, including
870 contracted services necessary to implement and maintain
871 compliance.
- 872 12. Monitoring and reporting.
- 873 13. Qualifying and recurring education, training, and
874 testing.
- 875 14. Travel.
- 876 15. Insurance and surety requirements.
- 877 16. A fair and reasonable allocation of administrative
878 costs and other overhead.
- 879 17. Reduced sales or other revenues.
- 880 18. Other items suggested by the rules ombudsman in the
881 Executive Office of the Governor or by any interested person,
882 business organization, or business representative.

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883 (7) (a) The Department of State shall include on the
884 Florida Administrative Register website the agency website
885 addresses where statements of estimated regulatory costs can be
886 viewed in their entirety.

887 (b) An agency that prepares a statement of estimated
888 regulatory costs must provide, as part of the notice required
889 under s. 120.54(3) (a), the agency website address where the
890 statement of estimated regulatory costs can be read in its
891 entirety to the Department of State for publication in the
892 Florida Administrative Register.

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

898 **Section 4. Section 120.5435, Florida Statutes, is created**
899 **to read:**

900 120.5435 Repromulgation of rules.—

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

904 (2) For rules promulgated before July 1, 2025, each agency
905 shall include in its annual regulatory plan submitted pursuant
906 to s. 120.74, beginning with the plan due on October 1, 2025, a
907 schedule of the rules it will review each year during the 5-year

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908 rule review period ending on December 31, 2030. The agency may
909 amend its yearly schedule in subsequent regulatory plans but
910 must provide for the completed review of at least 20 percent of
911 the agency's rules per year, until all of its rules have been
912 reviewed. Any variation from the schedule must be reflected in
913 the annual regulatory plan. This subsection shall stand repealed
914 on January 31, 2031.

915 (3) If an agency determines after review that substantive
916 changes to update a rule are not required, such agency must
917 repromulgate the rule to reflect the date of the review. All
918 rules adopted, amended, or repromulgated on or after July 1,
919 2025, must be reviewed within 5 years after their effective
920 dates and every 5 years thereafter. Each agency shall review all
921 existing rules pursuant to this section no later than December
922 31, 2030. No later than July 31, 2025, the committee shall
923 provide each agency with a list of existing rules and their
924 effective dates. Failure of an agency to adhere to the deadlines
925 imposed in this section constitutes a material failure to follow
926 the applicable rulemaking procedures or requirements of this
927 chapter and shall be the basis of an objection under s. 120.545.

928 (4) Before repromulgation of a rule, the agency must, upon
929 approval by the agency head or his or her designee:

930 (a) Publish a notice of repromulgation in the Florida
931 Administrative Register. A notice of repromulgation is not
932 required to include the text of the rule being repromulgated.

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933 (b) File the rule for repromulgation with the Department
934 of State. A rule may not be filed for repromulgation less than
935 28 days, or more than 90 days, after the date of publication of
936 the notice required by paragraph (a).

937 (5) The agency must file a notice of repromulgation with
938 the committee at least 14 days before filing the rule for
939 repromulgation. At the time the rule is filed for
940 repromulgation, the committee shall certify whether the agency
941 has responded in writing to all material and timely written
942 comments or written inquiries made on behalf of the committee.

943 (6) A repromulgated rule is not subject to challenge as a
944 proposed rule pursuant to s. 120.56(2).

945 (7) The hearing requirements of s. 120.54 do not apply to
946 repromulgation of a rule.

947 (8)(a) The agency, upon approval of the agency head or his
948 or her designee, shall electronically file with the Department
949 of State a certified copy of the repromulgated rule it proposes
950 to adopt and one certified copy of any material incorporated by
951 reference in the rule.

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

954 (c) The Department of State shall update the history note
955 of the rule in the Florida Administrative Code to reflect the
956 filing date of the repromulgated rule.

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957 (9) At least 90 days before each legislative session, the
958 committee shall submit to the President of the Senate and the
959 Speaker of the House of Representatives a list of all rules that
960 have not been repromulgated in accordance with this section and
961 identify whether the statutory rulemaking authority for each
962 rule remains in effect. If no action is taken by the Legislature
963 with regard to a rule during the next regular legislative
964 session, each agency, within 14 days after the close of the
965 session, must initiate rulemaking proceedings under chapter 120
966 to repeal the rule.

967 (10) The Department of State shall adopt rules to
968 implement this section by December 31, 2025.

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

971 120.545 Committee review of agency rules.—

972 (1) As a legislative check on legislatively created
973 authority, the committee shall examine each existing rule and
974 proposed rule, except for those proposed rules exempted by s.
975 120.81(1)(e) and (2), and its accompanying material, and each
976 emergency rule, and may examine any existing rule, for the
977 purpose of determining whether:

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

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

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

983 (d) The rule is in proper form.

984 (e) The notice given before ~~prior to~~ its adoption was
985 sufficient to give adequate notice of the purpose and effect of
986 the rule.

987 (f) The rule is consistent with expressed legislative
988 intent pertaining to the specific provisions of law which the
989 rule implements.

990 (g) The rule is necessary to accomplish the apparent or
991 expressed objectives of the specific provision of law which the
992 rule implements.

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

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

998 (j) The rule's statement of estimated regulatory costs
999 complies with the requirements of s. 120.541 and whether the
1000 rule does not impose regulatory costs on the regulated person,
1001 county, or city which could be reduced by the adoption of less
1002 costly alternatives that substantially accomplish the statutory
1003 objectives.

1004 (k) The rule will require additional appropriations.

1005 (l) If the rule is an emergency rule, there exists an
1006 emergency justifying the adoption of such rule, the agency is

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1007 within its statutory authority, and the rule was adopted in
1008 compliance with the requirements and limitations of s.
1009 120.54(4).

1010 **Section 7. Paragraphs (a), (b), and (c) of subsection (1)**
1011 **of section 120.55, Florida Statutes, are amended to read:**

1012 120.55 Publication.—

1013 (1) The Department of State shall:

1014 (a)1. Through a continuous revision and publication
1015 system, compile and publish electronically, on a website managed
1016 by the department, the "Florida Administrative Code." The
1017 Florida Administrative Code must ~~shall~~ contain all rules adopted
1018 by each agency, citing the grant of rulemaking authority and the
1019 specific law implemented pursuant to which each rule was
1020 adopted, all history notes as authorized in s. 120.545(7),
1021 complete indexes to all rules contained in the code, and any
1022 other material required or authorized by law or deemed useful by
1023 the department. The electronic code must ~~shall~~ display each rule
1024 chapter currently in effect in browse mode and allow full text
1025 search of the code and each rule chapter. The department may
1026 contract with a publishing firm for a printed publication;
1027 however, the department shall retain responsibility for the code
1028 as provided in this section. The electronic publication is ~~shall~~
1029 ~~be~~ the official compilation of the administrative rules of this
1030 state. The Florida Administrative Register must be published
1031 once each business day by 8 a.m., with the exception of state

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1032 holidays or emergency closures of state agencies. If a rule,
1033 proposed rule, or notice of rule development is corrected and
1034 replaced, the corrected rule or notice must be published in the
1035 next available Florida Administrative Register with a notation
1036 indicating that the rule, proposed rule, or notice has been
1037 corrected by the Department of State. Any timeframes for
1038 rulemaking set forth in this chapter must revert to the initial
1039 date of publication.

1040
1041 The Department of State retains ~~shall retain~~ the copyright over
1042 the Florida Administrative Code.

1043 2. Not publish rules in the Florida Administrative Code
1044 which are general in form but applicable to only one school
1045 district, community college district, or county, or a part
1046 thereof, or state university rules relating to internal
1047 personnel or business and finance ~~shall not be published in the~~
1048 ~~Florida Administrative Code~~. Exclusion from publication in the
1049 Florida Administrative Code does ~~shall~~ not affect the validity
1050 or effectiveness of such rules.

1051 3. At the beginning of the section of the code dealing
1052 with an agency that files copies of its rules with the
1053 department, the agency ~~department~~ shall publish the address and
1054 telephone number of the executive offices of each agency, the
1055 manner by which the agency indexes its rules, a listing of all

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1056 rules of that agency excluded from publication in the code, and
1057 a statement as to where those rules may be inspected.

1058 4. Not publish forms ~~shall not be published~~ in the Florida
1059 Administrative Code; but any form which an agency uses in its
1060 dealings with the public, along with any accompanying
1061 instructions, shall be filed with the committee before it is
1062 used. Any form or instruction which meets the definition of
1063 "rule" provided in s. 120.52 must ~~shall~~ be incorporated by
1064 reference into the appropriate rule. The reference must ~~shall~~
1065 specifically state that the form is being incorporated by
1066 reference and must ~~shall~~ include the number, title, and
1067 effective date of the form and an explanation of how the form
1068 may be obtained. Each form created by an agency which is
1069 incorporated by reference in a rule notice of which is given
1070 under s. 120.54(3)(a) after December 31, 2007, must clearly
1071 display the number, title, and effective date of the form and
1072 the number of the rule in which the form is incorporated.

1073 5. Require all materials incorporated by reference in any
1074 part of an adopted rule and in any part of a repromulgated rule
1075 ~~The department shall allow adopted rules and material~~
1076 ~~incorporated by reference to be filed in the manner prescribed~~
1077 ~~by s. 120.54(1)(i)3.a. or b. electronic form as prescribed by~~
1078 ~~department rule.~~ When a proposed rule is filed for adoption or
1079 repromulgation with incorporated material in electronic form,
1080 the department's publication of the Florida Administrative Code

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1081 on its website must contain a hyperlink from the incorporating
1082 reference in the rule directly to that material. The department
1083 may not allow hyperlinks from rules in the Florida
1084 Administrative Code to any material other than that filed with
1085 and maintained by the department, but may allow hyperlinks to
1086 incorporated material maintained by the department from the
1087 adopting agency's website or other sites.

1088 6. Include the date of any technical changes to a rule in
1089 the history note of the rule in the Florida Administrative Code.
1090 A technical change does not affect the effective date of the
1091 rule.

1092 (b) Electronically publish on a website managed by the
1093 department a continuous revision and publication entitled the
1094 "Florida Administrative Register," which shall serve as the
1095 official publication and must contain:

1096 1. All notices required by s. 120.54(2) and (3)(a),
1097 showing the text of all rules proposed for consideration.

1098 2. All notices of public meetings, hearings, and workshops
1099 conducted in accordance with s. 120.525, including a statement
1100 of the manner in which a copy of the agenda may be obtained.

1101 3. A notice of each request for authorization to amend or
1102 repeal an existing uniform rule or for the adoption of new
1103 uniform rules.

1104 4. Notice of petitions for declaratory statements or
1105 administrative determinations.

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1106 5. A summary of each objection to any rule filed by the
1107 Administrative Procedures Committee.

1108 6. A list of rules filed for adoption in the previous 7
1109 days.

1110 7. A list of all rules filed for adoption pending
1111 legislative ratification under s. 120.541(3). A rule shall be
1112 removed from the list once notice of ratification or withdrawal
1113 of the rule is received.

1114 8. The full text of each emergency rule in effect on the
1115 date of publication.

1116 9. Any other material required or authorized by law or
1117 deemed useful by the department.

1118
1119 The department may contract with a publishing firm for a printed
1120 publication of the Florida Administrative Register and make
1121 copies available on an annual subscription basis.

1122 (c) Prescribe by rule the style and form required for
1123 rules, notices, and other materials submitted for filing,
1124 including a rule requiring documents created by an agency which
1125 are proposed to be incorporated by reference in notices
1126 published pursuant to s. 120.54(3)(a) and (d) to be coded in the
1127 same manner as notices published pursuant to s. 120.54(3)(a)1.

1128 **Section 8. Paragraph (a) of subsection (2) of section**
1129 **120.56, Florida Statutes, is amended to read:**

1130 120.56 Challenges to rules.—

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(2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

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

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

120.74 Agency annual rulemaking and regulatory plans; reports.—

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1155 (1) REGULATORY PLAN.—By October 1 of each year, each
1156 agency shall prepare a regulatory plan.

1157 (a) The plan must include a listing of each law enacted or
1158 amended during the previous 12 months which creates or modifies
1159 the duties or authority of the agency. If the Governor or the
1160 Attorney General provides a letter to the committee stating that
1161 a law affects all or most agencies, the agency may exclude the
1162 law from its plan. For each law listed by an agency under this
1163 paragraph, the plan must state:

1164 1. Whether the agency must adopt rules to implement the
1165 law.

1166 2. If rulemaking is necessary to implement the law:

1167 a. Whether a notice of rule development has been published
1168 and, if so, the citation to such notice in the Florida
1169 Administrative Register.

1170 b. The date by which the agency expects to publish the
1171 notice of proposed rule under s. 120.54(3)(a).

1172 3. If rulemaking is not necessary to implement the law, a
1173 concise written explanation of the reasons why the law may be
1174 implemented without rulemaking.

1175 (b) The plan must also identify and describe each rule,
1176 including each rule number or proposed rule number, which
1177 ~~include a listing of each law not otherwise listed pursuant to~~
1178 ~~paragraph (a) which~~ the agency expects to develop, adopt, or
1179 repeal for the 12-month period beginning on October 1 and ending

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1180 on September 30 ~~implement by rulemaking before the following~~
1181 ~~July 1, excluding emergency rules except emergency rulemaking.~~
1182 For each rule ~~law~~ listed under this paragraph, the plan must
1183 state whether the rulemaking is intended to simplify, clarify,
1184 increase efficiency, improve coordination with other agencies,
1185 reduce regulatory costs, or delete obsolete, unnecessary, or
1186 redundant rules.

1187 (c) The plan must include any desired update to the prior
1188 year's regulatory plan or supplement published pursuant to
1189 subsection (7). If, in a prior year, a law was identified under
1190 this paragraph or under subparagraph (a)1. as a law requiring
1191 rulemaking to implement but a notice of proposed rule has not
1192 been published:

1193 1. The agency must ~~shall~~ identify and again list such law,
1194 noting the applicable notice of rule development by citation to
1195 the Florida Administrative Register; or

1196 2. If the agency has subsequently determined that
1197 rulemaking is not necessary to implement the law, the agency
1198 must ~~shall~~ identify such law, reference the citation to the
1199 applicable notice of rule development in the Florida
1200 Administrative Register, and provide a concise written
1201 explanation of the reason why the law may be implemented without
1202 rulemaking.

1203 (d) The plan must provide a list of all rules that have
1204 been repromulgated pursuant to s. 120.5435 over the previous 12

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1205 months and identify any rules that are required to be
1206 repromulgated for the 12-month period beginning on October 1 and
1207 ending on September 30.

1208 (e) The plan must include a certification executed on
1209 behalf of the agency by both the agency head, or, if the agency
1210 head is a collegial body, the presiding officer; and the
1211 individual acting as principal legal advisor to the agency head.
1212 The certification must declare:

1213 1. ~~Verify~~ That the persons executing the certification
1214 have reviewed the plan.

1215 2. ~~Verify~~ That the agency regularly reviews all of its
1216 rules and identify the period during which all rules have most
1217 recently been reviewed to determine if the rules remain
1218 consistent with the agency's rulemaking authority and the laws
1219 implemented.

1220 3. That the agency understands that regulatory
1221 accountability is necessary to ensure public confidence in the
1222 integrity of state government and, to that end, the agency is
1223 diligently working toward lowering the total number of rules
1224 adopted.

1225 4. The total number of rules adopted and repealed during
1226 the previous 12 months.

1227 (e) Beginning October 1, 2025, each agency issuing
1228 licenses, as defined in s. 120.52(10), in accordance with s.
1229 120.60 shall track the agency's compliance with the licensing

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1230 timeframes established in s. 120.60, and beginning October 1,
1231 2026, must include in the regulatory plan required by subsection
1232 (1), the following information regarding its licensing
1233 activities of the prior fiscal year, categorized by type of
1234 license:

1235 1. The number of license applications submitted to the
1236 agency;

1237 2. The number of license applications which required one
1238 or more requests for additional information;

1239 3. The number of license applications for which the
1240 applicant was nonresponsive to one or more requests for
1241 additional information;

1242 4. The number of license applications which were not
1243 completed by the applicant;

1244 5. The number of license applications for which the agency
1245 requested that the applicant grant an extension of time for the
1246 agency to issue a request for additional information, determine
1247 that an application is complete, or issue a decision to approve
1248 or deny an application;

1249 6. The number of license applications for which an
1250 extension was requested by the applicant and for which an
1251 extension was required by the state agency or judicial branch;

1252 7. The number of license applications which were not
1253 approved or denied within the statutory timeframe;

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1254 8. The average and median number of days it takes the
1255 agency to approve or deny an application after receipt of a
1256 completed application; and

1257 9. The number of license applications for which final
1258 agency action was appealed and the number of informal and formal
1259 hearings requested.

1260 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1261 (a) By October 1 of each year, each agency shall:

1262 1. Publish its regulatory plan on its website or on
1263 another state website established for publication of
1264 administrative law records. A clearly labeled hyperlink to the
1265 current plan must be included on the agency's primary website
1266 homepage.

1267 2. Electronically deliver to the committee a copy of the
1268 certification required in paragraph (1)(e) ~~(1)(d)~~.

1269 3. Publish in the Florida Administrative Register a notice
1270 identifying the date of publication of the agency's regulatory
1271 plan. The notice must include a hyperlink or website address
1272 providing direct access to the published plan.

1273 **Section 10. Subsections (11) and (20) of section 120.80,**
1274 **Florida Statutes, are amended to read:**

1275 120.80 Exceptions and special requirements; agencies.—

1276 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
1277 ~~120.52(16)~~, the enlistment, organization, administration,
1278 equipment, maintenance, training, and discipline of the militia,

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1279 National Guard, organized militia, and unorganized militia, as
1280 provided by s. 2, Art. X of the State Constitution, are not
1281 rules as defined by this chapter.

1282 (20) FLORIDA STATE GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
1283 ~~120.52(16)~~, the enlistment, organization, administration,
1284 equipment, maintenance, training, and discipline of the Florida
1285 State Guard are not rules as defined by this chapter.

1286 **Section 11. Paragraph (c) of subsection (1) of section**
1287 **120.81, Florida Statutes, is amended to read:**

1288 120.81 Exceptions and special requirements; general
1289 areas.—

1290 (1) EDUCATIONAL UNITS.—

1291 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any
1292 tests, test scoring criteria, or testing procedures relating to
1293 student assessment which are developed or administered by the
1294 Department of Education pursuant to s. 1003.4282, s. 1008.22, or
1295 s. 1008.25, or any other statewide educational tests required by
1296 law, are not rules.

1297 **Section 12. Paragraph (a) of subsection (1) of section**
1298 **420.9072, Florida Statutes, is amended to read:**

1299 420.9072 State Housing Initiatives Partnership Program.—
1300 The State Housing Initiatives Partnership Program is created for
1301 the purpose of providing funds to counties and eligible
1302 municipalities as an incentive for the creation of local housing
1303 partnerships, to expand production of and preserve affordable

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1304 housing, to further the housing element of the local government
1305 comprehensive plan specific to affordable housing, and to
1306 increase housing-related employment.

1307 (1) (a) In addition to the legislative findings set forth
1308 in s. 420.6015, the Legislature finds that affordable housing is
1309 most effectively provided by combining available public and
1310 private resources to conserve and improve existing housing and
1311 provide new housing for very-low-income households, low-income
1312 households, and moderate-income households. The Legislature
1313 intends to encourage partnerships in order to secure the
1314 benefits of cooperation by the public and private sectors and to
1315 reduce the cost of housing for the target group by effectively
1316 combining all available resources and cost-saving measures. The
1317 Legislature further intends that local governments achieve this
1318 combination of resources by encouraging active partnerships
1319 between government, lenders, builders and developers, real
1320 estate professionals, advocates for low-income persons, and
1321 community groups to produce affordable housing and provide
1322 related services. Extending the partnership concept to encompass
1323 cooperative efforts among small counties as defined in s.
1324 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities
1325 is specifically encouraged. Local governments are also intended
1326 to establish an affordable housing advisory committee to
1327 recommend monetary and nonmonetary incentives for affordable
1328 housing as provided in s. 420.9076.

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1329 **Section 13. Subsection (7) of section 420.9075, Florida**
1330 **Statutes, is amended to read:**

1331 420.9075 Local housing assistance plans; partnerships.—

1332 (7) The moneys deposited in the local housing assistance
1333 trust fund shall be used to administer and implement the local
1334 housing assistance plan. The cost of administering the plan may
1335 not exceed 5 percent of the local housing distribution moneys
1336 and program income deposited into the trust fund. A county or an
1337 eligible municipality may not exceed the 5-percent limitation on
1338 administrative costs, unless its governing body finds, by
1339 resolution, that 5 percent of the local housing distribution
1340 plus 5 percent of program income is insufficient to adequately
1341 pay the necessary costs of administering the local housing
1342 assistance plan. The cost of administering the program may not
1343 exceed 10 percent of the local housing distribution plus 5
1344 percent of program income deposited into the trust fund, except
1345 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,
1346 and eligible municipalities receiving a local housing
1347 distribution of up to \$350,000 may use up to 10 percent of
1348 program income for administrative costs.

1349 **Section 14. Paragraph (d) of subsection (1) of section**
1350 **443.091, Florida Statutes, is amended to read:**

1351 443.091 Benefit eligibility conditions.—

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1352 (1) An unemployed individual is eligible to receive
1353 benefits for any week only if the Department of Commerce finds
1354 that:

1355 (d) She or he is able to work and is available for work.
1356 In order to assess eligibility for a claimed week of
1357 unemployment, the department shall develop criteria to determine
1358 a claimant's ability to work and availability for work. A
1359 claimant must be actively seeking work in order to be considered
1360 available for work. This means engaging in systematic and
1361 sustained efforts to find work, including contacting at least
1362 five prospective employers for each week of unemployment
1363 claimed. The department may require the claimant to provide
1364 proof of such efforts to the one-stop career center as part of
1365 reemployment services. A claimant's proof of work search efforts
1366 may not include the same prospective employer at the same
1367 location in 3 consecutive weeks, unless the employer has
1368 indicated since the time of the initial contact that the
1369 employer is hiring. The department shall conduct random reviews
1370 of work search information provided by claimants. As an
1371 alternative to contacting at least five prospective employers
1372 for any week of unemployment claimed, a claimant may, for that
1373 same week, report in person to a one-stop career center to meet
1374 with a representative of the center and access reemployment
1375 services of the center. The center shall keep a record of the
1376 services or information provided to the claimant and shall

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1377 provide the records to the department upon request by the
1378 department. However:

1379 1. Notwithstanding any other provision of this paragraph
1380 or paragraphs (b) and (e), an otherwise eligible individual may
1381 not be denied benefits for any week because she or he is in
1382 training with the approval of the department, or by reason of s.
1383 443.101(2) relating to failure to apply for, or refusal to
1384 accept, suitable work. Training may be approved by the
1385 department in accordance with criteria prescribed by rule. A
1386 claimant's eligibility during approved training is contingent
1387 upon satisfying eligibility conditions prescribed by rule.

1388 2. Notwithstanding any other provision of this chapter, an
1389 otherwise eligible individual who is in training approved under
1390 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
1391 determined ineligible or disqualified for benefits due to
1392 enrollment in such training or because of leaving work that is
1393 not suitable employment to enter such training. As used in this
1394 subparagraph, the term "suitable employment" means work of a
1395 substantially equal or higher skill level than the worker's past
1396 adversely affected employment, as defined for purposes of the
1397 Trade Act of 1974, as amended, the wages for which are at least
1398 80 percent of the worker's average weekly wage as determined for
1399 purposes of the Trade Act of 1974, as amended.

1400 3. Notwithstanding any other provision of this section, an
1401 otherwise eligible individual may not be denied benefits for any

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1402 week because she or he is before any state or federal court
1403 pursuant to a lawfully issued summons to appear for jury duty.

1404 4. Union members who customarily obtain employment through
1405 a union hiring hall may satisfy the work search requirements of
1406 this paragraph by reporting daily to their union hall.

1407 5. The work search requirements of this paragraph do not
1408 apply to persons who are unemployed as a result of a temporary
1409 layoff or who are claiming benefits under an approved short-time
1410 compensation plan as provided in s. 443.1116.

1411 6. In small counties as defined in s. 120.52(20) ~~s.~~
1412 ~~120.52(19)~~, a claimant engaging in systematic and sustained
1413 efforts to find work must contact at least three prospective
1414 employers for each week of unemployment claimed.

1415 7. The work search requirements of this paragraph do not
1416 apply to persons required to participate in reemployment
1417 services under paragraph (e).

1418 **Section 15.** This act shall take effect July 1, 2025.

1419
1420 -----

1421 **T I T L E A M E N D M E N T**

1422 Remove everything before the enacting clause and insert:
1423 An act relating to administrative procedures; amending
1424 s. 120.52, F.S.; defining the terms "repromulgation"
1425 and "technical change"; revising the definition of the
1426 term "rule" to clarify that it includes guidance

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1427 documents if such documents interpret law or policy;
1428 amending s. 120.54, F.S.; applying certain provisions
1429 applicable to all rules other than emergency rules to
1430 rules amended or repromulgated after a specified date;
1431 requiring agencies to publish a certain notice of rule
1432 development in the Florida Administrative Register
1433 within a specified timeframe before providing
1434 specified notice of a proposed rule; requiring that a
1435 notice of rule development cite the grant of
1436 rulemaking authority; requiring that a notice of rule
1437 development contain a proposed rule number and
1438 specified statements; requiring that notice of a
1439 proposed rule be published in the Florida
1440 Administrative Register within a specified timeframe
1441 after the most recent notice of rule development;
1442 revising the scope of public workshops to include
1443 information gathered for the preparation of statements
1444 of estimated regulatory costs; requiring that a notice
1445 of proposed rule include a website address where a
1446 statement of regulatory costs can be viewed; requiring
1447 that a notice of proposed rule include a request for
1448 the submission of any helpful information regarding
1449 the statement of estimated regulatory costs; requiring
1450 that material proposed to be incorporated by reference
1451 and the statement of estimated regulatory costs be

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1452 made available to the public; requiring that material
1453 proposed to be incorporated by reference be made
1454 available in a specified manner; authorizing
1455 electronic delivery of notices to persons who have
1456 requested advance notice of agency rulemaking
1457 proceedings; requiring an agency to prepare a
1458 statement of estimated regulatory costs before
1459 adopting or amending any rule other than an emergency
1460 rule; providing that an agency is not required to
1461 prepare a statement of estimated regulatory costs
1462 before repealing a rule; providing an exception;
1463 requiring that certain rule repeals be considered
1464 presumptively correct in a proceeding before the
1465 Division of Administrative Hearings or a court of
1466 competent jurisdiction; revising the criteria under
1467 which a proposed rule's adverse impact on small
1468 businesses is deemed to exist; requiring an agency to
1469 provide notice of a regulatory alternative to the
1470 Administrative Procedures Committee within a certain
1471 timeframe; requiring certain agency personnel to
1472 attend public hearings on proposed rules; requiring an
1473 agency to publish a notice of convening a separate
1474 proceeding in certain circumstances; providing that
1475 rulemaking timelines are tolled during such separate
1476 proceedings; providing that such timelines resume the

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1477 day after the conclusion of such proceedings;
1478 requiring that notice of conclusion of such
1479 proceedings be provided to the committee; revising the
1480 requirements for the contents of a notice of change;
1481 requiring the committee to notify the Department of
1482 State that the date for an agency to adopt a proposed
1483 rule has expired under certain circumstances;
1484 requiring the department to publish a notice of
1485 withdrawal of the proposed rule under certain
1486 circumstances; requiring the agency, upon approval of
1487 the agency head, to electronically file with the
1488 department a certified copy of the proposed rule;
1489 requiring the committee to notify the department that
1490 the agency has failed to withdraw a rule within a
1491 specified timeframe; requiring the department to
1492 publish a notice of withdrawal of the rule;
1493 prohibiting an emergency rule from being effective for
1494 longer than a specified timeframe; providing that such
1495 rule is not renewable; providing an exception;
1496 requiring that emergency rules be published in the
1497 Florida Administrative Code; authorizing agencies to
1498 supersede an emergency rule through adoption of
1499 another emergency rule; providing the requirements for
1500 adopting the new rule; authorizing an agency to make
1501 technical changes to an emergency rule during a

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1502 specified timeframe; requiring that notice of renewal
1503 of an emergency rule be published in the Florida
1504 Administrative Register before the expiration of the
1505 existing rule; requiring that the notice state
1506 specified facts and reasons; requiring that emergency
1507 rules be published in a certain section of the Florida
1508 Administrative Code; requiring specified emergency
1509 rules to contain a certain history note; providing
1510 that certain emergency rules may be repealed at any
1511 time while the emergency rule is in effect by
1512 publishing a certain notice in the Florida
1513 Administrative Register; requiring an agency to file a
1514 copy of a certain petition with the committee; making
1515 technical changes; amending s. 120.541, F.S. ;
1516 requiring an agency to provide a copy of a proposal
1517 for a lower cost regulatory alternative to the
1518 committee within a certain timeframe; specifying the
1519 circumstances under which such proposal is deemed to
1520 be made in good faith; revising requirements for an
1521 agency's consideration of a lower cost regulatory
1522 alternative; providing for an agency's revision and
1523 publication of a revised statement of estimated
1524 regulatory costs in response to such alternatives;
1525 requiring that the revised statement of estimated
1526 regulatory costs be made available in the same manner

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1527 as the original; deleting the definition of the term
1528 "transactional costs"; revising the applicability of
1529 specified provisions; providing additional
1530 requirements for the calculation of estimated
1531 regulatory costs; making technical changes; conforming
1532 provisions to changes made by the act; providing that
1533 if a proposed rule is not ratified within a specified
1534 timeframe, the agency must withdraw such rule and the
1535 agency may initiate rulemaking again, or must initiate
1536 rulemaking again under a specified condition;
1537 conforming a cross-reference; creating s. 120.5435,
1538 F.S.; providing legislative intent; requiring agency
1539 review of rules and repromulgation of rules that do
1540 not require substantive changes within a specified
1541 timeframe; requiring that such rules be reviewed
1542 periodically; requiring the agency to publish any
1543 variation from this schedule in the agency's
1544 regulatory plan; requiring the committee to provide
1545 each agency with a specified list; requiring agencies
1546 to submit a schedule of rules they plan to review
1547 each year over the next five years in their annual
1548 regulatory plan; providing for repeal of requirement
1549 that the annual regulatory plan contain a schedule of
1550 rules; providing that the failure of an agency to
1551 adhere to specified deadlines constitutes a material

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1552 failure and is the basis for a specified objection;
1553 requiring an agency to publish a notice of
1554 repromulgation in the Florida Administrative Register
1555 and file a rule for repromulgation with the department
1556 within a specified timeframe; requiring an agency to
1557 file a notice of repromulgation with the committee
1558 within a specified timeframe; requiring the committee
1559 to certify if the agency has provided certain
1560 responses to the committee; providing that a
1561 repromulgated rule is not subject to challenge as a
1562 proposed rule and that certain hearing requirements do
1563 not apply; requiring an agency to electronically file
1564 a certified copy of a proposed repromulgated rule and
1565 any material incorporated by reference; providing that
1566 a rule is considered repromulgated upon filing with
1567 the department; requiring the department to update
1568 certain information in the Florida Administrative
1569 Code; requiring the committee to submit a specified
1570 list to the Legislature within a specified timeframe;
1571 requiring each agency to initiate rulemaking
1572 proceedings to repeal certain rules within a specified
1573 timeframe if certain conditions exist; requiring the
1574 department to adopt rules by a certain date; amending
1575 s. 120.545, F.S.; requiring the committee to examine
1576 certain existing rules; amending s. 120.55, F.S.;

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Amendment No.

1577 requiring the Department of State to publish the
1578 Florida Administrative Register once each business day
1579 by a specified time; providing exceptions; requiring
1580 the department to indicate if a rule, proposed rule,
1581 or notice of rule development was corrected or
1582 replaced by republishing the register and noting the
1583 rule, proposed rule, or notice of rule development was
1584 corrected; requiring that certain rulemaking
1585 timeframes revert to the initial date of publication;
1586 requiring the agency, rather than the department, to
1587 publish specified information at the beginning of
1588 specified sections of the Florida Administrative Code;
1589 requiring that materials incorporated by reference be
1590 filed in a specified manner; requiring the department
1591 to include the date of a technical rule change in the
1592 Florida Administrative Code; providing that a
1593 technical change does not affect the effective date of
1594 a rule; revising the required contents of the Florida
1595 Administrative Register; requiring the department to
1596 adopt specified rules; amending s. 120.56, F.S.;
1597 conforming a cross-reference; amending s. 120.74,
1598 F.S.; requiring an agency to list each rule it plans
1599 to develop, adopt, or repeal during the forthcoming
1600 year in the agency's annual regulatory plan; requiring
1601 that an agency's annual regulatory plan identify any

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Amendment No.

1602 rules repromulgated over the previous year and those
1603 that are required to be repromulgated during the
1604 forthcoming year; requiring the agency to make certain
1605 declarations concerning the annual regulatory plan;
1606 requiring agencies to include information regarding
1607 the prior year's licensing practices in their
1608 regulatory plan; amending ss. 120.80, 120.81,
1609 420.9072, 420.9075, and 443.091, F.S.; conforming
1610 cross-references; providing an effective date.