

1 A bill to be entitled
2 An act relating to administrative procedures; amending
3 s. 120.52, F.S.; defining the terms "repromulgation"
4 and "technical change"; amending s. 120.54, F.S.;
5 applying certain provisions applicable to all rules
6 other than emergency rules to rules amended or
7 repromulgated after a specified date; requiring
8 agencies to publish a certain notice of rule
9 development in the Florida Administrative Register
10 within a specified timeframe before providing
11 specified notice of a proposed rule; requiring that a
12 notice of rule development cite the grant of
13 rulemaking authority; requiring that a notice of rule
14 development contain a proposed rule number and
15 specified statements; requiring that notice of a
16 proposed rule be published in the Florida
17 Administrative Register within a specified timeframe
18 after the most recent notice of rule development;
19 revising the scope of public workshops to include
20 information gathered for the preparation of statements
21 of estimated regulatory costs; requiring that a notice
22 of proposed rule include a website address where a
23 statement of regulatory costs can be viewed; requiring
24 that a notice of proposed rule include a request for
25 the submission of any helpful information regarding

26 | the statement of estimated regulatory costs; requiring
27 | that material proposed to be incorporated by reference
28 | and the statement of estimated regulatory costs be
29 | made available to the public; requiring that material
30 | proposed to be incorporated by reference be made
31 | available in a specified manner; authorizing
32 | electronic delivery of notices to persons who have
33 | requested advance notice of agency rulemaking
34 | proceedings; requiring an agency to prepare a
35 | statement of estimated regulatory costs before
36 | adopting or amending any rule other than an emergency
37 | rule; providing that an agency is not required to
38 | prepare a statement of estimated regulatory costs
39 | before repealing a rule; providing an exception;
40 | requiring that certain rule repeals be considered
41 | presumptively correct in a proceeding before the
42 | Division of Administrative Hearings or a court of
43 | competent jurisdiction; revising the criteria under
44 | which a proposed rule's adverse impact on small
45 | businesses is deemed to exist; requiring an agency to
46 | provide notice of a regulatory alternative to the
47 | Administrative Procedures Committee within a certain
48 | timeframe; requiring certain agency personnel to
49 | attend public hearings on proposed rules; requiring an
50 | agency to publish a notice of convening a separate

51 proceeding in certain circumstances; providing that
52 rulemaking timelines are tolled during such separate
53 proceedings; providing that such timelines resume the
54 day after the conclusion of such proceedings;
55 requiring that notice of conclusion of such
56 proceedings be provided to the committee; revising the
57 requirements for the contents of a notice of change;
58 requiring the committee to notify the Department of
59 State that the date for an agency to adopt a proposed
60 rule has expired under certain circumstances;
61 requiring the department to publish a notice of
62 withdrawal of the proposed rule under certain
63 circumstances; requiring the agency, upon approval of
64 the agency head, to electronically file with the
65 department a certified copy of the proposed rule;
66 requiring the committee to notify the department that
67 the agency has failed to withdraw a rule within a
68 specified timeframe; requiring the department to
69 publish a notice of withdrawal of the rule;
70 prohibiting an emergency rule from being effective for
71 longer than a specified timeframe; providing that such
72 rule is not renewable; providing an exception;
73 requiring that emergency rules be published in the
74 Florida Administrative Code; authorizing agencies to
75 supersede an emergency rule through adoption of

76 another emergency rule; providing the requirements for
77 adopting the new rule; authorizing an agency to make
78 technical changes to an emergency rule during a
79 specified timeframe; requiring that notice of renewal
80 of an emergency rule be published in the Florida
81 Administrative Register before the expiration of the
82 existing rule; requiring that the notice state
83 specified facts and reasons; requiring that emergency
84 rules be published in a certain section of the Florida
85 Administrative Code; requiring specified emergency
86 rules to contain a certain history note; providing
87 that certain emergency rules may be repealed at any
88 time while the emergency rule is in effect by
89 publishing a certain notice in the Florida
90 Administrative Register; requiring an agency to file a
91 copy of a certain petition with the committee; making
92 technical changes; amending s. 120.541, F.S.;
93 requiring an agency to provide a copy of a proposal
94 for a lower cost regulatory alternative to the
95 committee within a certain timeframe; specifying the
96 circumstances under which such proposal is deemed to
97 be made in good faith; revising requirements for an
98 agency's consideration of a lower cost regulatory
99 alternative; providing for an agency's revision and
100 publication of a revised statement of estimated

101 regulatory costs in response to such alternatives;
102 requiring that the revised statement of estimated
103 regulatory costs be made available in the same manner
104 as the original; deleting the definition of the term
105 "transactional costs"; revising the applicability of
106 specified provisions; providing additional
107 requirements for the calculation of estimated
108 regulatory costs; making technical changes; conforming
109 provisions to changes made by the act; conforming a
110 cross-reference; creating s. 120.5435, F.S.; providing
111 legislative intent; requiring agency review of rules
112 and repromulgation of rules that do not require
113 substantive changes within a specified timeframe;
114 requiring that such rules be reviewed periodically;
115 requiring the agency to publish any variation from
116 this schedule in the agency's regulatory plan;
117 requiring the committee to provide each agency with a
118 specified list; providing that the failure of an
119 agency to adhere to specified deadlines constitutes a
120 material failure and is the basis for a specified
121 objection; requiring an agency to publish a notice of
122 repromulgation in the Florida Administrative Register
123 and file a rule for repromulgation with the department
124 within a specified timeframe; requiring an agency to
125 file a notice of repromulgation with the committee

126 within a specified timeframe; requiring the committee
127 to certify if the agency has provided certain
128 responses to the committee; providing that a
129 repromulgated rule is not subject to challenge as a
130 proposed rule and that certain hearing requirements do
131 not apply; requiring an agency to electronically file
132 a certified copy of a proposed repromulgated rule and
133 any material incorporated by reference; providing that
134 a rule is considered repromulgated upon filing with
135 the department; requiring the department to update
136 certain information in the Florida Administrative
137 Code; requiring the committee to submit a specified
138 list to the Legislature within a specified timeframe;
139 requiring each agency to initiate rulemaking
140 proceedings to repeal certain rules within a specified
141 timeframe if certain conditions exist; requiring the
142 department to adopt rules by a certain date; creating
143 s. 120.5436, F.S.; providing legislative intent;
144 requiring the Department of Environmental Protection
145 and water management districts to conduct a holistic
146 review of certain permitting processes and programs;
147 providing the scope and purpose of the review;
148 providing the factors the department and districts
149 must consider when conducting the review; requiring
150 the department and districts to submit a specified

151 report to the Governor and Legislature by a specified
152 date; amending s. 120.545, F.S.; requiring the
153 committee to examine certain existing rules; amending
154 s. 120.55, F.S.; requiring the Department of State to
155 publish the Florida Administrative Register once each
156 business day by a specified time; providing
157 exceptions; requiring the department to indicate if a
158 rule, proposed rule, or notice of rule development was
159 corrected or replaced by republishing the register and
160 noting the rule, proposed rule, or notice of rule
161 development was corrected; requiring that certain
162 rulemaking timeframes revert to the initial date of
163 publication; requiring the agency, rather than the
164 department, to publish specified information at the
165 beginning of specified sections of the Florida
166 Administrative Code; requiring that materials
167 incorporated by reference be filed in a specified
168 manner; requiring the department to include the date
169 of a technical rule change in the Florida
170 Administrative Code; providing that a technical change
171 does not affect the effective date of a rule; revising
172 the required contents of the Florida Administrative
173 Register; requiring the department to adopt specified
174 rules; amending s. 120.56, F.S.; conforming a cross-
175 reference; amending s. 120.74, F.S.; requiring an

176 agency to list each rule it plans to develop, adopt,
 177 or repeal during the forthcoming year in the agency's
 178 annual regulatory plan; requiring that an agency's
 179 annual regulatory plan identify any rules required to
 180 be repromulgated during the forthcoming year;
 181 requiring the agency to make certain declarations
 182 concerning the annual regulatory plan; amending ss.
 183 120.80, 120.81, 420.9072, 420.9075, and 443.091, F.S.;
 184 conforming cross-references; providing an effective
 185 date.

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

188
 189 **Section 1. Present subsections (16) through (19) and (20),**
 190 **(21), and (22) of section 120.52, Florida Statutes, are**
 191 **redesignated as subsections (17) through (20) and (22), (23),**
 192 **and (24), respectively, and new subsections (16) and (21) are**
 193 **added to that section, to read:**

194 120.52 Definitions.—As used in this act:

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

199 (21) "Technical change" means a change limited to
 200 correcting grammatical, typographical, and similar errors not

201 affecting the substance of a rule.

202 **Section 2. Paragraph (i) of subsection (1), subsections**
 203 **(2) and (3), paragraph (c) of subsection (4), and paragraph (a)**
 204 **of subsection (7) of section 120.54, Florida Statutes, are**
 205 **amended, and paragraphs (e) through (j) are added to subsection**
 206 **(4) of that section, to read:**

207 120.54 Rulemaking.—

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

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

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

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

224 a. The material has been submitted in the prescribed
 225 electronic format to the Department of State and the full text

226 of the material can be made available for free public access
227 through an electronic hyperlink from the rule making the
228 reference in the Florida Administrative Code; or

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

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

239 5. Notwithstanding any contrary provision in this section,
240 when an adopted rule of the Department of Environmental
241 Protection or a water management district is incorporated by
242 reference in the other agency's rule to implement a provision of
243 part IV of chapter 373, subsequent amendments to the rule are
244 not effective as to the incorporating rule unless the agency
245 incorporating by reference notifies the committee and the
246 Department of State of its intent to adopt the subsequent
247 amendment, publishes notice of such intent in the Florida
248 Administrative Register, and files with the Department of State
249 a copy of the amended rule incorporated by reference. Changes in
250 the rule incorporated by reference are effective as to the other

251 agency 20 days after the date of the published notice and filing
252 with the Department of State. The Department of State shall
253 amend the history note of the incorporating rule to show the
254 effective date of such change. Any substantially affected person
255 may, within 14 days after the date of publication of the notice
256 of intent in the Florida Administrative Register, file an
257 objection to rulemaking with the agency. The objection must
258 ~~shall~~ specify the portions of the rule incorporated by reference
259 to which the person objects and the reasons for the objection.
260 The agency does ~~shall~~ not have the authority under this
261 subparagraph to adopt those portions of the rule specified in
262 such objection. The agency shall publish notice of the objection
263 and of its action in response in the next available issue of the
264 Florida Administrative Register.

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

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

268 (a)1. Except when the intended action is the repeal of a
269 rule, agencies shall provide notice of the development of
270 proposed rules by publication of a notice of rule development in
271 the Florida Administrative Register at least 7 days before
272 providing notice of a proposed rule as required by paragraph

273 (3) (a). The notice of rule development must ~~shall~~ indicate the
274 subject area to be addressed by rule development, provide a
275 short, plain explanation of the purpose and effect of the

276 | proposed rule, cite the grant of rulemaking authority for the
277 | proposed rule and the law being implemented ~~specific legal~~
278 | ~~authority for the proposed rule,~~ and include the proposed rule
279 | number and the preliminary text of the proposed rules, if
280 | available, or a statement of how a person may promptly obtain,
281 | without cost, a copy of any preliminary draft, when ~~if~~
282 | available. The notice must also include a request for the
283 | submission of any information that would be helpful to the
284 | agency in preparing the statement of estimated regulatory costs
285 | required pursuant to paragraph (3) (b) and a statement of how a
286 | person may submit comments on the proposal and how a person may
287 | provide information regarding the potential regulatory costs.

288 | 2. A notice of a proposed rule must be published in the
289 | Florida Administrative Register within 12 months after the most
290 | recent notice of rule development.

291 | (b) All rules should be drafted in readable language. The
292 | language is readable if it:

293 | 1. ~~It~~ Avoids the use of obscure words and unnecessarily
294 | long or complicated constructions; and

295 | 2. ~~It~~ Avoids the use of unnecessary technical or
296 | specialized language that is understood only by members of
297 | particular trades or professions.

298 | (c) An agency may hold public workshops for purposes of
299 | rule development and information gathering for the preparation
300 | of the statement of estimated regulatory costs. If requested in

301 writing by any affected person, an agency must hold public
302 workshops, including workshops in various regions of this ~~the~~
303 state or the agency's service area, for purposes of rule
304 development and information gathering for the preparation of the
305 statement of estimated regulatory costs ~~if requested in writing~~
306 ~~by any affected person,~~ unless the agency head explains in
307 writing why a workshop is unnecessary. The explanation is not
308 final agency action subject to review pursuant to ss. 120.569
309 and 120.57. The failure to provide the explanation when required
310 may be a material error in procedure pursuant to s.
311 120.56(1)(c). When a workshop or public hearing is held, the
312 agency must ensure that the persons responsible for preparing
313 the proposed rule and the statement of estimated regulatory
314 costs are available to receive public input, to explain the
315 agency's proposal, and to respond to questions or comments
316 regarding the rule being developed and the statement of
317 estimated regulatory costs. The workshop may be facilitated or
318 mediated by a neutral third person, or the agency may employ
319 other types of dispute resolution alternatives for the workshop
320 that are appropriate for rule development and for preparation of
321 the statement of estimated regulatory costs. Notice of a
322 workshop for rule development and for preparation of the
323 statement of estimated regulatory costs must ~~workshop shall~~ be
324 by publication in the Florida Administrative Register not less
325 than 14 days before ~~prior to~~ the date on which the workshop is

326 | scheduled to be held and must ~~shall~~ indicate the subject area
327 | that ~~which~~ will be addressed; the agency contact person; and the
328 | place, date, and time of the workshop.

329 | (d)1. An agency may use negotiated rulemaking in
330 | developing and adopting rules. The agency should consider the
331 | use of negotiated rulemaking when complex rules are being
332 | drafted or strong opposition to the rules is anticipated. The
333 | agency should consider, but is not limited to considering,
334 | whether a balanced committee of interested persons who will
335 | negotiate in good faith can be assembled, whether the agency is
336 | willing to support the work of the negotiating committee, and
337 | whether the agency can use the group consensus as the basis for
338 | its proposed rule. Negotiated rulemaking uses a committee of
339 | designated representatives to draft a mutually acceptable
340 | proposed rule and to develop information necessary to prepare a
341 | statement of estimated regulatory costs, when applicable.

342 | 2. An agency that chooses to use the negotiated rulemaking
343 | process described in this paragraph shall publish in the Florida
344 | Administrative Register a notice of negotiated rulemaking that
345 | includes a listing of the representative groups that will be
346 | invited to participate in the negotiated rulemaking process. Any
347 | person who believes that his or her interest is not adequately
348 | represented may apply to participate within 30 days after
349 | publication of the notice. All meetings of the negotiating
350 | committee must ~~shall~~ be noticed and open to the public pursuant

351 to ~~the provisions of~~ this chapter. The negotiating committee
352 shall be chaired by a neutral facilitator or mediator.

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

360 (3) ADOPTION PROCEDURES.—

361 (a) Notices.—

362 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
363 any rule other than an emergency rule, an agency, upon approval
364 of the agency head, shall give notice of its intended action,
365 setting forth a short, plain explanation of the purpose and
366 effect of the proposed action; the proposed rule number and full
367 text of the proposed rule or amendment and a summary thereof; a
368 reference to the grant of rulemaking authority pursuant to which
369 the rule is adopted; and a reference to the section or
370 subsection of the Florida Statutes or the Laws of Florida being
371 implemented or interpreted. The notice must include a concise
372 summary of the agency's statement of the estimated regulatory
373 costs, ~~if one has been prepared~~, based on the factors set forth
374 in s. 120.541(2) which describes the regulatory impact of the
375 rule in readable language; an agency website address where the

376 statement of estimated regulatory costs can be viewed in its
377 entirety; a statement that any person who wishes to provide the
378 agency with information regarding the statement of estimated
379 regulatory costs, or to provide a proposal for a lower cost
380 regulatory alternative as provided by s. 120.541(1), must do so
381 in writing within 21 days after publication of the notice; a
382 request for the submission of any information that could be
383 helpful to the agency regarding the statement of estimated
384 regulatory costs; and a statement as to whether, based on the
385 statement of the estimated regulatory costs ~~or other information~~
386 ~~expressly relied upon and described by the agency if no~~
387 ~~statement of regulatory costs is required~~, the proposed rule is
388 expected to require legislative ratification pursuant to s.
389 120.541(3). The notice must state the procedure for requesting a
390 public hearing on the proposed rule. Except when the intended
391 action is the repeal of a rule, the notice must include a
392 reference both to the date on which and to the place where the
393 notice of rule development that is required by subsection (2)
394 appeared.

395 2. The notice must ~~shall~~ be published in the Florida
396 Administrative Register at least ~~not less than~~ 28 days before
397 ~~prior to~~ the intended action. The proposed rule, including all
398 materials proposed to be incorporated by reference and the
399 statement of estimated regulatory costs, must ~~shall~~ be available
400 for inspection and copying by the public at the time of the

401 publication of notice. Material proposed to be incorporated by
402 reference in the notice must be made available in the manner
403 prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph
404 (1)(i)3.b.

405 3. The notice must ~~shall~~ be mailed or delivered
406 electronically to all persons named in the proposed rule and
407 mailed or delivered electronically to all persons who, at least
408 14 days before publication of the notice ~~prior to such mailing~~,
409 have made requests of the agency for advance notice of its
410 proceedings. The agency shall also give such notice as is
411 prescribed by rule to those particular classes of persons to
412 whom the intended action is directed.

413 4. The adopting agency shall file with the committee, at
414 least 21 days before ~~prior to~~ the proposed adoption date, a copy
415 of each rule it proposes to adopt; a copy of any material
416 incorporated by reference in the rule; a detailed written
417 statement of the facts and circumstances justifying the proposed
418 rule; a copy of the ~~any~~ statement of estimated regulatory costs
419 ~~that has been~~ prepared pursuant to s. 120.541; a statement of
420 the extent to which the proposed rule relates to federal
421 standards or rules on the same subject; and the notice required
422 by subparagraph 1.

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

424 1. Statement of estimated regulatory costs.—Before the
425 adoption or, ~~amendment, or repeal~~ of any rule, other than an

426 emergency rule, an agency must ~~is encouraged to~~ prepare a
427 statement of estimated regulatory costs of the proposed rule, as
428 provided by s. 120.541. However, an agency is not required to
429 prepare a statement of estimated regulatory costs for a proposed
430 rule repeal unless such repeal would impose a regulatory cost.
431 In any challenge to a proposed rule repeal, a proposed rule
432 repeal that only reduces or eliminates regulations on those
433 individuals or entities regulated by the existing rule must be
434 considered presumptively correct in any proceeding before the
435 division or in any proceeding before a court of competent
436 jurisdiction ~~However, an agency must prepare a statement of~~
437 ~~estimated regulatory costs of the proposed rule, as provided by~~
438 ~~s. 120.541, if:~~

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

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

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

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

449 (I) An owner, officer, operator, or manager must complete
450 any education, training, or testing to comply, or is likely to

451 spend at least 10 hours or purchase professional advice to
452 understand and comply, with the rule in the first year;

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

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

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

459 (V) Operating costs are expected to increase by at least
460 \$1,000 annually because of the rule; or

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

463 b. Each agency, before the adoption, amendment, or repeal
464 of a rule, shall consider the impact of the rule on small
465 businesses as defined in ~~by~~ s. 288.703 and the impact of the
466 rule on small counties or small cities as defined in ~~by~~ s.
467 120.52. Whenever practicable, an agency shall tier its rules to
468 reduce disproportionate impacts on small businesses, small
469 counties, or small cities to avoid regulating small businesses,
470 small counties, or small cities that do not contribute
471 significantly to the problem the rule is designed to address. An
472 agency may define "small business" to include businesses
473 employing more than 200 persons, may define "small county" to
474 include those with populations of more than 75,000, and may
475 define "small city" to include those with populations of more

476 | than 10,000, if it finds that such a definition is necessary to
 477 | adapt a rule to the needs and problems of small businesses,
 478 | small counties, or small cities. The agency shall consider each
 479 | of the following methods for reducing the impact of the proposed
 480 | rule on small businesses, small counties, and small cities, or
 481 | any combination of these entities:

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

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

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

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

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

493 | c. (I)~~b. (I)~~ If the agency determines that the proposed
 494 | action will affect small businesses as defined by the agency as
 495 | provided in sub-subparagraph b. a., the agency must ~~shall~~ send
 496 | written notice of the rule to the rules ombudsman in the
 497 | Executive Office of the Governor at least 28 days before the
 498 | intended action.

499 | (II) Each agency shall adopt those regulatory alternatives
 500 | offered by the rules ombudsman in the Executive Office of the

501 Governor and provided to the agency no later than 21 days after
502 the rules ombudsman's receipt of the written notice of the rule
503 which it finds are feasible and consistent with the stated
504 objectives of the proposed rule and which would reduce the
505 impact on small businesses. When regulatory alternatives are
506 offered by the rules ombudsman in the Executive Office of the
507 Governor, the 90-day period for filing the rule in subparagraph
508 (e)2. is extended for a period of 21 days. The agency shall
509 provide notice to the committee of any regulatory alternative
510 offered to the agency pursuant to this sub-subparagraph at least
511 21 days before filing the proposed rule for adoption.

512 (III) If an agency does not adopt all alternatives offered
513 pursuant to this sub-subparagraph, it must ~~shall~~, before rule
514 adoption or amendment and pursuant to subparagraph (d)1., file a
515 detailed written statement with the committee explaining the
516 reasons for failure to adopt such alternatives. Within 3 working
517 days after the filing of such notice, the agency shall send a
518 copy of such notice to the rules ombudsman in the Executive
519 Office of the Governor.

520 (c) *Hearings.*—

521 1. If the intended action concerns any rule other than one
522 relating exclusively to procedure or practice, the agency must
523 ~~shall~~, on the request of any affected person received within 21
524 days after the date of publication of the notice of intended
525 agency action, give affected persons an opportunity to present

526 evidence and argument on all issues under consideration. The
527 agency may schedule a public hearing on the proposed rule and,
528 if requested by any affected person, must ~~shall~~ schedule a
529 public hearing on the proposed rule. When a public hearing is
530 held, the agency must ensure that the persons responsible for
531 preparing the proposed rule and the statement of estimated
532 regulatory costs ~~staff~~ are in attendance ~~available~~ to explain
533 the agency's proposal and to respond to questions or comments
534 regarding the proposed rule, the statement of estimated
535 regulatory costs, and the agency's decision on whether to adopt
536 a lower cost regulatory alternative submitted pursuant to s.
537 120.541(1)(a). If the agency head is a board or other collegial
538 body created under s. 20.165(4) or s. 20.43(3)(g), and one or
539 more requested public hearings is scheduled, the board or other
540 collegial body must ~~shall~~ conduct at least one of the public
541 hearings itself and may not delegate this responsibility without
542 the consent of those persons requesting the public hearing. Any
543 material pertinent to the issues under consideration submitted
544 to the agency within 21 days after the date of publication of
545 the notice or submitted to the agency between the date of
546 publication of the notice and the end of the final public
547 hearing must ~~shall~~ be considered by the agency and made a part
548 of the record of the rulemaking proceeding.

549 2. Rulemaking proceedings are ~~shall be~~ governed solely by
550 ~~the provisions of~~ this section unless a person timely asserts

551 that the person's substantial interests will be affected in the
552 proceeding and affirmatively demonstrates to the agency that the
553 proceeding does not provide adequate opportunity to protect
554 those interests. If the agency determines that the rulemaking
555 proceeding is not adequate to protect the person's interests, it
556 must ~~shall~~ suspend the rulemaking proceeding and convene a
557 separate proceeding under ~~the provisions of~~ ss. 120.569 and
558 120.57. The agency shall publish in the Florida Administrative
559 Register a notice of convening a separate proceeding. Similarly
560 situated persons may be requested to join and participate in the
561 separate proceeding. Upon conclusion of the separate proceeding,
562 the rulemaking proceeding shall be resumed. All timelines in
563 this section are tolled during any suspension of the rulemaking
564 proceeding under this subparagraph, beginning on the date the
565 notice of convening a separate proceeding is published, and the
566 timelines shall resume the day after conclusion of the separate
567 proceedings, notice of which must be provided to the committee.

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

569 1. After the final public hearing on the proposed rule, or
570 after the time for requesting a hearing has expired, if the
571 proposed rule has not been changed from the proposed rule as
572 previously filed with the committee, or contains only technical
573 changes, the adopting agency shall file a notice to that effect
574 with the committee at least 7 days before ~~prior to~~ filing the
575 proposed rule for adoption. Any change, other than a technical

576 | ~~change that does not affect the substance of the rule,~~ must be
577 | supported by the record of public hearings held on the proposed
578 | rule, must be in response to written material submitted to the
579 | agency within 21 days after the date of publication of the
580 | notice of intended agency action or submitted to the agency
581 | between the date of publication of the notice and the end of the
582 | final public hearing, or must be in response to a proposed
583 | objection by the committee. Any change, other than a technical
584 | change, to a statement of estimated regulatory costs requires a
585 | notice of change. In addition, ~~when~~ any change, other than a
586 | technical change, to is made in a proposed rule text or any
587 | material incorporated by reference requires, ~~other than a~~
588 | ~~technical change,~~ the adopting agency to ~~shall~~ provide a copy of
589 | a notice of change by certified mail or actual delivery to any
590 | person who requests it in writing no later than 21 days after
591 | the notice required in paragraph (a). The agency shall file the
592 | notice of change with the committee, along with the reasons for
593 | the change, and provide the notice of change to persons
594 | requesting it, at least 21 days before ~~prior to~~ filing the
595 | proposed rule for adoption. The notice of change must ~~shall~~ be
596 | published in the Florida Administrative Register at least 21
597 | days before ~~prior to~~ filing the proposed rule for adoption. The
598 | notice of change must include a summary of any revision of the
599 | statement of estimated regulatory costs required by s.
600 | 120.541(1)(c). This subparagraph does not apply to emergency

601 rules adopted pursuant to subsection (4). Material proposed to
602 be incorporated by reference in the notice required by this
603 subparagraph must be made available in the manner prescribed by
604 sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and
605 include a summary of substantive revisions to any material
606 proposed to be incorporated by reference in the proposed rule.

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

610 3. After the notice required by paragraph (a), the agency
611 must withdraw the proposed rule if the agency has failed to
612 adopt it within the prescribed timeframes in this chapter. If
613 the agency, 30 days after notice by the committee that the
614 agency has failed to adopt the proposed rule within the
615 prescribed timeframes in this chapter, has not given notice of
616 the withdrawal of the proposed rule, the committee must notify
617 the Department of State that the date for adoption of the rule
618 has expired, and the Department of State must publish a notice
619 of withdrawal of the proposed rule.

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

- 623 a. When the committee objects to the rule;
- 624 b. When a final order, which is not subject to further
625 appeal, is entered in a rule challenge brought pursuant to s.

626 120.56 after the date of adoption but before the rule becomes
627 effective pursuant to subparagraph (e)6.;

628 c. If the rule requires ratification, when more than 90
629 days have passed since the rule was filed for adoption without
630 the Legislature ratifying the rule, in which case the rule may
631 be withdrawn but may not be modified; or

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

636 5.4. The agency shall give notice of its decision to
637 withdraw or modify a rule in the first available issue of the
638 publication in which the original notice of rulemaking was
639 published, shall notify those persons described in subparagraph
640 (a)3. in accordance with the requirements of that subparagraph,
641 and shall notify the Department of State if the rule is required
642 to be filed with the Department of State.

643 6.5. After a rule has become effective, it may be repealed
644 or amended only through the rulemaking procedures specified in
645 this chapter.

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

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

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

660 2. A rule may not be filed for adoption less than 28 days
661 or more than 90 days after the notice required by paragraph (a),
662 until 21 days after the notice of change required by paragraph
663 (d), until 14 days after the final public hearing, until 21 days
664 after a statement of estimated regulatory costs required under
665 s. 120.541 has been provided to all persons who submitted a
666 lower cost regulatory alternative and made available to the
667 public at a readily accessible page on the agency's website, or
668 until the administrative law judge has rendered a decision under
669 s. 120.56(2), whichever applies. When a required notice of
670 change is published before ~~prior to~~ the expiration of the time
671 to file the rule for adoption, the period during which a rule
672 must be filed for adoption is extended to 45 days after the date
673 of publication. If notice of a public hearing is published
674 before ~~prior to~~ the expiration of the time to file the rule for
675 adoption, the period during which a rule must be filed for

676 adoption is extended to 45 days after adjournment of the final
677 hearing on the rule, 21 days after receipt of all material
678 authorized to be submitted at the hearing, or 21 days after
679 receipt of the transcript, if one is made, whichever is latest.
680 The term "public hearing" includes any public meeting held by
681 any agency at which the rule is considered. If a petition for an
682 administrative determination under s. 120.56(2) is filed, the
683 period during which a rule must be filed for adoption is
684 extended to 60 days after the administrative law judge files the
685 final order with the clerk or until 60 days after subsequent
686 judicial review is complete.

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

692 4. At the time a rule is filed, the committee shall
693 certify whether the agency has responded in writing to all
694 material and timely written comments or written inquiries made
695 on behalf of the committee. The Department of State shall reject
696 any rule that is not filed within the prescribed time limits;
697 that does not comply with all statutory rulemaking requirements
698 and rules of the Department of State; upon which an agency has
699 not responded in writing to all material and timely written
700 inquiries or written comments; upon which an administrative

701 determination is pending; or which does not include a statement
702 of estimated regulatory costs, if required.

703 5. If a rule has not been adopted within the time limits
704 imposed by this paragraph or has not been adopted in compliance
705 with all statutory rulemaking requirements, the agency proposing
706 the rule must ~~shall~~ withdraw the proposed rule and give notice
707 of its action in the next available issue of the Florida
708 Administrative Register. If the agency has not published notice
709 of withdrawal of the rule during the 30 days after receiving
710 notice from the committee that the agency has failed to withdraw
711 the rule, the committee must notify the Department of State that
712 the date for adoption of the rule has expired, and the
713 Department of State must publish a notice of withdrawal of the
714 rule.

715 6. The proposed rule shall be adopted on being filed with
716 the Department of State and becomes ~~become~~ effective 20 days
717 after being filed, on a later date specified in the notice
718 required by subparagraph (a)1., on a date required by statute,
719 or upon ratification by the Legislature pursuant to s.
720 120.541(3). Rules not required to be filed with the Department
721 of State ~~shall~~ become effective when adopted by the agency head,
722 on a later date specified by rule or statute, or upon
723 ratification by the Legislature pursuant to s. 120.541(3). If
724 the committee notifies an agency that an objection to a rule is
725 being considered, the agency may postpone the adoption of the

726 rule to accommodate review of the rule by the committee. When an
727 agency postpones adoption of a rule to accommodate review by the
728 committee, the 90-day period for filing the rule is tolled until
729 the committee notifies the agency that it has completed its
730 review of the rule.

731
732 For the purposes of this paragraph, the term "administrative
733 determination" does not include subsequent judicial review.

734 (4) EMERGENCY RULES.—

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

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

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

744
745 ~~Nothing in~~ This paragraph does not prohibit ~~prohibits~~ the agency
746 from adopting a rule or rules identical to the emergency rule
747 through the rulemaking procedures specified in subsection (3).

748 (e) Emergency rules must be published in the Florida
749 Administrative Code.

750 (f) An agency may supersede an emergency rule currently in

751 effect through adoption of another emergency rule. The agency
752 must state the reason for adopting the new rule, in accordance
753 with the procedures set forth in paragraph (a), and the new rule
754 must be in effect for the duration of the effective period of
755 the superseded rule. Technical changes to an emergency rule may
756 be made within the first 7 days after adoption of the rule.

757 (g) Any notice of the renewal of an emergency rule must be
758 published in the Florida Administrative Register before the
759 expiration of the existing emergency rule. The notice of renewal
760 must state the specific facts and reasons for the renewal
761 pursuant to paragraph (c).

762 (h) All emergency rules must be published in the Florida
763 Administrative Code in the section of the code dealing with the
764 agency.

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

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

775 (7) PETITION TO INITIATE RULEMAKING.—

776 (a) Any person regulated by an agency or having
777 substantial interest in an agency rule may petition an agency to
778 adopt, amend, or repeal a rule or to provide the minimum public
779 information required by this chapter. The petition must ~~shall~~
780 specify the proposed rule and action requested. The agency shall
781 file a copy of the petition with the committee. No ~~Not~~ later
782 than 30 calendar days after ~~following the date of~~ filing a
783 petition, the agency shall initiate rulemaking proceedings under
784 this chapter, otherwise comply with the requested action, or
785 deny the petition with a written statement of its reasons for
786 the denial.

787 **Section 3. Section 120.541, Florida Statutes, is amended**
788 **to read:**

789 120.541 Statement of estimated regulatory costs.—

790 (1) (a) Within 21 days after publication of the notice of a
791 proposed rule or notice of change ~~required under s.~~
792 ~~120.54(3)(a)~~, a substantially affected person may submit to an
793 agency a good faith written proposal for a lower cost regulatory
794 alternative to a proposed rule which substantially accomplishes
795 the objectives of the law being implemented. The agency shall
796 provide a copy of any proposal for a lower cost regulatory
797 alternative to the committee at least 21 days before filing the
798 proposed rule for adoption. The proposal may include the
799 alternative of not adopting any rule if the proposal explains
800 how the lower costs and objectives of the law will be achieved

801 by not adopting any rule. If submitted after a notice of change,
802 a proposal for a lower cost regulatory alternative is deemed to
803 be made in good faith only if the person reasonably believes,
804 and the proposal states the person's reasons for believing, that
805 the proposed rule as changed by the notice of change increases
806 the regulatory costs or creates an adverse impact on small
807 businesses which was not created by the previous proposed rule.
808 If such a proposal is submitted, the 90-day period for filing
809 the rule is extended 21 days. Upon the submission of the lower
810 cost regulatory alternative, the agency shall ~~prepare a~~
811 ~~statement of estimated regulatory costs as provided in~~
812 ~~subsection (2), or shall~~ revise its prior statement of estimated
813 regulatory costs, ~~and either adopt the alternative proposal,~~
814 reject the alternative proposal, or modify the proposed rule to
815 reduce the regulatory costs. If the agency rejects the
816 alternative proposal or modifies the proposed rule, the agency
817 must ~~or~~ provide a statement of the reasons for rejecting the
818 alternative in favor of the proposed rule.

819 (b) ~~If a proposed rule will have an adverse impact on~~
820 ~~small business or if the proposed rule is likely to directly or~~
821 ~~indirectly increase regulatory costs in excess of \$200,000 in~~
822 ~~the aggregate within 1 year after the implementation of the~~
823 ~~rule, the agency shall prepare a statement of estimated~~
824 ~~regulatory costs as required by s. 120.54(3)(b).~~

825 (c) The agency must ~~shall~~ revise a statement of estimated

826 regulatory costs if any change to the rule made under s.
827 120.54(3) (d) increases the regulatory costs of the rule or if
828 the rule is modified in response to the submission of a lower
829 cost regulatory alternative. A summary of the revised statement
830 must be included with any subsequent notice published under s.
831 120.54(3).

832 (c)~~(d)~~ At least 21 days before filing the proposed rule
833 for adoption, an agency that is required to revise a statement
834 of estimated regulatory costs shall provide the statement to the
835 person who submitted the lower cost regulatory alternative, to
836 the rules ombudsman in the Executive Office of the Governor, and
837 to the committee. The revised statement must be published and
838 made available in the same manner as the original statement of
839 estimated regulatory costs and shall provide notice on the
840 agency's website that it is available to the public.

841 (d)~~(e)~~ Notwithstanding s. 120.56(1)(c), the failure of the
842 agency to prepare and publish a statement of estimated
843 regulatory costs or to respond to a written lower cost
844 regulatory alternative as provided in this subsection is a
845 material failure to follow the applicable rulemaking procedures
846 or requirements set forth in this chapter.

847 (e)~~(f)~~ An agency's failure to prepare a statement of
848 estimated regulatory costs or to respond to a written lower cost
849 regulatory alternative may not be raised in a proceeding
850 challenging the validity of a rule pursuant to s. 120.52(8)(a)

851 unless:

852 1. Raised in a petition filed no later than 1 year after

853 the effective date of the rule; and

854 2. Raised by a person whose substantial interests are

855 affected by the rule's regulatory costs.

856 (f)~~(g)~~ A rule that is challenged pursuant to s.

857 120.52(8)(f) may not be declared invalid unless:

858 1. The issue is raised in an administrative proceeding

859 within 1 year after the effective date of the rule;

860 2. The challenge is to the agency's rejection of a lower

861 cost regulatory alternative offered under paragraph (a) or s.

862 120.54(3)(b)2.c. ~~s. 120.54(3)(b)2.b.~~; and

863 3. The substantial interests of the person challenging the

864 rule are materially affected by the rejection.

865 (2) A statement of estimated regulatory costs must ~~shall~~

866 include:

867 (a) An economic analysis showing whether the rule directly

868 or indirectly:

869 1. Is likely to have an adverse impact on economic growth,

870 private sector job creation or employment, or private sector

871 investment in excess of \$1 million in the aggregate within 5

872 years after the implementation of the rule;

873 2. Is likely to have an adverse impact on business

874 competitiveness, including the ability of persons doing business

875 in this ~~the~~ state to compete with persons doing business in

876 other states or domestic markets, productivity, or innovation in
877 excess of \$1 million in the aggregate within 5 years after the
878 implementation of the rule; or

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

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

887 (c) A good faith estimate of the cost to the agency, and
888 to any other state and local government entities, of
889 implementing and enforcing the proposed rule, and any
890 anticipated effect on state or local revenues.

891 (d) A good faith estimate of the compliance ~~transactional~~
892 costs likely to be incurred by individuals and entities,
893 including local government entities, required to comply with the
894 requirements of the rule. ~~As used in this section,~~
895 ~~"transactional costs" are direct costs that are readily~~
896 ~~ascertainable based upon standard business practices, and~~
897 ~~include filing fees, the cost of obtaining a license, the cost~~
898 ~~of equipment required to be installed or used or procedures~~
899 ~~required to be employed in complying with the rule, additional~~
900 ~~operating costs incurred, the cost of monitoring and reporting,~~

901 ~~and any other costs necessary to comply with the rule.~~

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

908 (f) Any additional information that the agency determines
909 may be useful.

910 (g) In the ~~statement or~~ revised statement, ~~whichever~~
911 ~~applies~~, a description of any regulatory alternatives submitted
912 under paragraph (1) (a) and a statement adopting the alternative
913 or a statement of the reasons for rejecting the alternative in
914 favor of the proposed rule.

915 (3) If the adverse impact or regulatory costs of the rule
916 exceed any of the criteria established in paragraph (2) (a), the
917 rule must ~~shall~~ be submitted to the President of the Senate and
918 Speaker of the House of Representatives no later than 30 days
919 before ~~prior to~~ the next regular legislative session, and the
920 rule may not take effect until it is ratified by the
921 Legislature.

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

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

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

926 (c) Triennial updates of and amendments to the Florida
927 Fire Prevention Code which are expressly authorized by s.
928 633.202.

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

930 (5) For purposes of subsections (2) and (3), adverse
931 impacts and regulatory costs likely to occur within 5 years
932 after implementation of the rule include adverse impacts and
933 regulatory costs estimated to occur within 5 years after the
934 effective date of the rule. However, if any provision of the
935 rule is not fully implemented upon the effective date of the
936 rule, the adverse impacts and regulatory costs associated with
937 such provision must be adjusted to include any additional
938 adverse impacts and regulatory costs estimated to occur within 5
939 years after implementation of such provision.

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

944 1. Increased customer charges for goods or services.

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

947 3. Increased costs resulting from the purchase of
948 substitute or alternative goods or services.

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

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

953 5. Capital costs.

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

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

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

966 1. Filing fees.

967 2. Expenses to obtain a license.

968 3. Necessary equipment.

969 4. Installation, utilities for, and maintenance of
970 necessary equipment.

971 5. Necessary operations and procedures.

972 6. Accounting, financial, information management, and
973 other administrative processes.

974 7. Other processes.

975 8. Labor based on relevant rates of wages, salaries, and

976 benefits.

977 9. Materials and supplies.

978 10. Capital expenditures, including financing costs.

979 11. Professional and technical services, including

980 contracted services necessary to implement and maintain

981 compliance.

982 12. Monitoring and reporting.

983 13. Qualifying and recurring education, training, and

984 testing.

985 14. Travel.

986 15. Insurance and surety requirements.

987 16. A fair and reasonable allocation of administrative

988 costs and other overhead.

989 17. Reduced sales or other revenues.

990 18. Other items suggested by the rules ombudsman in the

991 Executive Office of the Governor or by any interested person,

992 business organization, or business representative.

993 (7) (a) The Department of State shall include on the

994 Florida Administrative Register website the agency website

995 addresses where statements of estimated regulatory costs can be

996 viewed in their entirety.

997 (b) An agency that prepares a statement of estimated

998 regulatory costs must provide, as part of the notice required

999 under s. 120.54(3) (a), the agency website address where the

1000 statement of estimated regulatory costs can be read in its

1001 entirety to the Department of State for publication in the
1002 Florida Administrative Register.

1003 (c) If an agency revises its statement of estimated
1004 regulatory costs, the agency must provide notice that a revision
1005 has been made in the manner provided under s. 120.54(3)(d)1.
1006 Such notice must also include the agency website address where
1007 the revision can be viewed in its entirety.

1008 **Section 4. Section 120.5435, Florida Statutes, is created**
1009 **to read:**

1010 120.5435 Repromulgation of rules.—

1011 (1) It is the intent of the Legislature that each agency
1012 periodically review its rules for consistency with the powers
1013 and duties granted by its enabling statutes.

1014 (2) If an agency determines after review that substantive
1015 changes to update a rule are not required, such agency must
1016 repromulgate the rule to reflect the date of the review. All
1017 rules adopted, amended, or repromulgated on or after July 1,
1018 2025, must be reviewed within 5 years after their effective
1019 dates and every 5 years thereafter. Each agency shall review all
1020 existing rules pursuant to this section no later than December
1021 31, 2030. Any variation from this schedule must be reflected in
1022 the agency's regulatory plan. No later than December 31, 2025,
1023 the committee shall provide each agency with a list of existing
1024 rules and their effective dates. Failure of an agency to adhere
1025 to the deadlines imposed in this section constitutes a material

1026 failure to follow the applicable rulemaking procedures or
1027 requirements of this chapter and shall be the basis of an
1028 objection under s. 120.545.

1029 (3) Before repromulgation of a rule, the agency must, upon
1030 approval by the agency head or his or her designee:

1031 (a) Publish a notice of repromulgation in the Florida
1032 Administrative Register. A notice of repromulgation is not
1033 required to include the text of the rule being repromulgated.

1034 (b) File the rule for repromulgation with the Department
1035 of State. A rule may not be filed for repromulgation less than
1036 28 days, or more than 90 days, after the date of publication of
1037 the notice required by paragraph (a).

1038 (4) The agency must file a notice of repromulgation with
1039 the committee at least 14 days before filing the rule for
1040 repromulgation. At the time the rule is filed for
1041 repromulgation, the committee shall certify whether the agency
1042 has responded in writing to all material and timely written
1043 comments or written inquiries made on behalf of the committee.

1044 (5) A repromulgated rule is not subject to challenge as a
1045 proposed rule pursuant to s. 120.56(2).

1046 (6) The hearing requirements of s. 120.54 do not apply to
1047 repromulgation of a rule.

1048 (7) (a) The agency, upon approval of the agency head or his
1049 or her designee, shall electronically file with the Department
1050 of State a certified copy of the repromulgated rule it proposes

1051 to adopt and one certified copy of any material incorporated by
1052 reference in the rule.

1053 (b) The rule is considered to be repromulgated upon its
1054 filing with the Department of State.

1055 (c) The Department of State shall update the history note
1056 of the rule in the Florida Administrative Code to reflect the
1057 filing date of the repromulgated rule.

1058 (8) At least 30 days before each legislative session, the
1059 committee shall submit to the President of the Senate and the
1060 Speaker of the House of Representatives a list of all rules that
1061 have not been repromulgated in accordance with this section and
1062 identify whether the statutory rulemaking authority for each
1063 rule remains in effect. If no action is taken by the Legislature
1064 with regard to a rule during the next regular legislative
1065 session, each agency, within 14 days after the close of the
1066 session, must initiate rulemaking proceedings under chapter 120
1067 to repeal the rule.

1068 (9) The Department of State shall adopt rules to implement
1069 this section by December 31, 2025.

1070 **Section 5. Section 120.5436, Florida Statutes, is created**
1071 **to read:**

1072 120.5436 Infrastructure and environmental permitting
1073 review.—

1074 (1) (a) It is the intent of the Legislature to build a more
1075 resilient and responsive government infrastructure to allow for

1076 quick recovery after natural disasters, including hurricanes and
1077 tropical storms.

1078 (b) It is further the intent of the Legislature to promote
1079 efficiency in state government across branches, agencies, and
1080 other governmental entities and to identify any area of
1081 improvement within each that allows for quick, effective
1082 delivery of services.

1083 (c) Further, the Legislature intends for the state to seek
1084 out ways to improve its administrative procedures in relevant
1085 fields to build a streamlined permitting process that withstands
1086 disruptions caused by natural disasters, including hurricanes
1087 and tropical storms.

1088 (2) (a) The Department of Environmental Protection and
1089 water management districts shall conduct a holistic review of
1090 their current coastal permitting processes and other permit
1091 programs. These permitting processes must include, but are not
1092 limited to, coastal construction control line permits; joint
1093 coastal permits; environmental resource permits; consistent with
1094 the terms of the United States Environmental Protection Agency's
1095 approval, state-administered section 404 permits; and permitting
1096 processes related to water supply infrastructure, wastewater
1097 infrastructure, and onsite sewage treatment and disposal
1098 systems.

1099 (b) The scope and purpose of the review is to identify
1100 areas of improvement and to increase efficiency within each

1101 process. Factors that must be considered in the review include
 1102 the following:

- 1103 1. The requirements to obtain a permit.
- 1104 2. Time periods for review, including by commenting
 1105 agencies, and approval of the permit application.
- 1106 3. Areas for improved efficiency and decision-point
 1107 consolidation within a single project's process.
- 1108 4. Areas of duplication across one or more permit
 1109 programs.
- 1110 5. The methods of requesting permits.
- 1111 6. Any other factors that may increase the efficiency of
 1112 the permitting processes and may allow improved storm recovery.

1113 (c) By December 31, 2025, the department and water
 1114 management districts shall provide their findings and proposed
 1115 solutions in a report to the Governor, the President of the
 1116 Senate, and the Speaker of the House of Representatives.

1117 **Section 6. Subsection (1) of section 120.545, Florida**
 1118 **Statutes, is amended to read:**

1119 120.545 Committee review of agency rules.—

1120 (1) As a legislative check on legislatively created
 1121 authority, the committee shall examine each existing rule and
 1122 proposed rule, except for those proposed rules exempted by s.
 1123 120.81(1)(e) and (2), and its accompanying material, and each
 1124 emergency rule, ~~and may examine any existing rule,~~ for the
 1125 purpose of determining whether:

- 1126 (a) The rule is an invalid exercise of delegated
 1127 legislative authority.
- 1128 (b) The statutory authority for the rule has been
 1129 repealed.
- 1130 (c) The rule reiterates or paraphrases statutory material.
- 1131 (d) The rule is in proper form.
- 1132 (e) The notice given before ~~prior to~~ its adoption was
 1133 sufficient to give adequate notice of the purpose and effect of
 1134 the rule.
- 1135 (f) The rule is consistent with expressed legislative
 1136 intent pertaining to the specific provisions of law which the
 1137 rule implements.
- 1138 (g) The rule is necessary to accomplish the apparent or
 1139 expressed objectives of the specific provision of law which the
 1140 rule implements.
- 1141 (h) The rule is a reasonable implementation of the law as
 1142 it affects the convenience of the general public or persons
 1143 particularly affected by the rule.
- 1144 (i) The rule could be made less complex or more easily
 1145 comprehensible to the general public.
- 1146 (j) The rule's statement of estimated regulatory costs
 1147 complies with the requirements of s. 120.541 and whether the
 1148 rule does not impose regulatory costs on the regulated person,
 1149 county, or city which could be reduced by the adoption of less
 1150 costly alternatives that substantially accomplish the statutory

1151 objectives.

1152 (k) The rule will require additional appropriations.

1153 (l) If the rule is an emergency rule, there exists an
 1154 emergency justifying the adoption of such rule, the agency is
 1155 within its statutory authority, and the rule was adopted in
 1156 compliance with the requirements and limitations of s.
 1157 120.54(4).

1158 **Section 7. Paragraphs (a), (b), and (c) of subsection (1)**
 1159 **of section 120.55, Florida Statutes, are amended to read:**

1160 120.55 Publication.—

1161 (1) The Department of State shall:

1162 (a)1. Through a continuous revision and publication
 1163 system, compile and publish electronically, on a website managed
 1164 by the department, the "Florida Administrative Code." The
 1165 Florida Administrative Code must ~~shall~~ contain all rules adopted
 1166 by each agency, citing the grant of rulemaking authority and the
 1167 specific law implemented pursuant to which each rule was
 1168 adopted, all history notes as authorized in s. 120.545(7),
 1169 complete indexes to all rules contained in the code, and any
 1170 other material required or authorized by law or deemed useful by
 1171 the department. The electronic code must ~~shall~~ display each rule
 1172 chapter currently in effect in browse mode and allow full text
 1173 search of the code and each rule chapter. The department may
 1174 contract with a publishing firm for a printed publication;
 1175 however, the department shall retain responsibility for the code

1176 as provided in this section. The electronic publication is ~~shall~~
1177 ~~be~~ the official compilation of the administrative rules of this
1178 state. The Florida Administrative Register must be published
1179 once each business day by 8 a.m., with the exception of state
1180 holidays or emergency closures of state agencies. If a rule,
1181 proposed rule, or notice of rule development is corrected and
1182 replaced, the corrected rule or notice must be published in the
1183 next available Florida Administrative Register with a notation
1184 indicating that the rule, proposed rule, or notice has been
1185 corrected by the Department of State. Any timeframes for
1186 rulemaking set forth in this chapter must revert to the initial
1187 date of publication.

1188
1189 The Department of State retains ~~shall retain~~ the copyright over
1190 the Florida Administrative Code.

1191 2. Not publish rules in the Florida Administrative Code
1192 which are general in form but applicable to only one school
1193 district, community college district, or county, or a part
1194 thereof, or state university rules relating to internal
1195 personnel or business and finance ~~shall not be published in the~~
1196 ~~Florida Administrative Code~~. Exclusion from publication in the
1197 Florida Administrative Code does ~~shall~~ not affect the validity
1198 or effectiveness of such rules.

1199 3. At the beginning of the section of the code dealing
1200 with an agency that files copies of its rules with the

1201 department, the agency ~~department~~ shall publish the address and
1202 telephone number of the executive offices of each agency, the
1203 manner by which the agency indexes its rules, a listing of all
1204 rules of that agency excluded from publication in the code, and
1205 a statement as to where those rules may be inspected.

1206 4. Not publish forms ~~shall not be published~~ in the Florida
1207 Administrative Code; but any form which an agency uses in its
1208 dealings with the public, along with any accompanying
1209 instructions, shall be filed with the committee before it is
1210 used. Any form or instruction which meets the definition of
1211 "rule" provided in s. 120.52 must ~~shall~~ be incorporated by
1212 reference into the appropriate rule. The reference must ~~shall~~
1213 specifically state that the form is being incorporated by
1214 reference and must ~~shall~~ include the number, title, and
1215 effective date of the form and an explanation of how the form
1216 may be obtained. Each form created by an agency which is
1217 incorporated by reference in a rule notice of which is given
1218 under s. 120.54(3)(a) after December 31, 2007, must clearly
1219 display the number, title, and effective date of the form and
1220 the number of the rule in which the form is incorporated.

1221 5. Require all materials incorporated by reference in any
1222 part of an adopted rule and in any part of a repromulgated rule
1223 ~~The department shall allow adopted rules and material~~
1224 ~~incorporated by reference to be filed in the manner prescribed~~
1225 by s. 120.54(1)(i)3.a. or b. electronic form as prescribed by

1226 ~~department rule.~~ When a proposed rule is filed for adoption or
1227 repromulgation with incorporated material in electronic form,
1228 the department's publication of the Florida Administrative Code
1229 on its website must contain a hyperlink from the incorporating
1230 reference in the rule directly to that material. The department
1231 may not allow hyperlinks from rules in the Florida
1232 Administrative Code to any material other than that filed with
1233 and maintained by the department, but may allow hyperlinks to
1234 incorporated material maintained by the department from the
1235 adopting agency's website or other sites.

1236 6. Include the date of any technical changes to a rule in
1237 the history note of the rule in the Florida Administrative Code.
1238 A technical change does not affect the effective date of the
1239 rule.

1240 (b) Electronically publish on a website managed by the
1241 department a continuous revision and publication entitled the
1242 "Florida Administrative Register," which shall serve as the
1243 official publication and must contain:

1244 1. All notices required by s. 120.54(2) and (3)(a),
1245 showing the text of all rules proposed for consideration.

1246 2. All notices of public meetings, hearings, and workshops
1247 conducted in accordance with s. 120.525, including a statement
1248 of the manner in which a copy of the agenda may be obtained.

1249 3. A notice of each request for authorization to amend or
1250 repeal an existing uniform rule or for the adoption of new

1251 uniform rules.

1252 4. Notice of petitions for declaratory statements or
 1253 administrative determinations.

1254 5. A summary of each objection to any rule filed by the
 1255 Administrative Procedures Committee.

1256 6. A list of rules filed for adoption in the previous 7
 1257 days.

1258 7. A list of all rules filed for adoption pending
 1259 legislative ratification under s. 120.541(3). A rule shall be
 1260 removed from the list once notice of ratification or withdrawal
 1261 of the rule is received.

1262 8. The full text of each emergency rule in effect on the
 1263 date of publication.

1264 9. Any other material required or authorized by law or
 1265 deemed useful by the department.

1266

1267 The department may contract with a publishing firm for a printed
 1268 publication of the Florida Administrative Register and make
 1269 copies available on an annual subscription basis.

1270 (c) Prescribe by rule the style and form required for
 1271 rules, notices, and other materials submitted for filing,
 1272 including a rule requiring documents created by an agency which
 1273 are proposed to be incorporated by reference in notices
 1274 published pursuant to s. 120.54(3)(a) and (d) to be coded in the
 1275 same manner as notices published pursuant to s. 120.54(3)(a)1.

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

120.56 Challenges to rules.—

(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:

1301 120.74 Agency annual rulemaking and regulatory plans;
 1302 reports.—

1303 (1) REGULATORY PLAN.—By October 1 of each year, each
 1304 agency shall prepare a regulatory plan.

1305 (a) The plan must include a listing of each law enacted or
 1306 amended during the previous 12 months which creates or modifies
 1307 the duties or authority of the agency. If the Governor or the
 1308 Attorney General provides a letter to the committee stating that
 1309 a law affects all or most agencies, the agency may exclude the
 1310 law from its plan. For each law listed by an agency under this
 1311 paragraph, the plan must state:

1312 1. Whether the agency must adopt rules to implement the
 1313 law.

1314 2. If rulemaking is necessary to implement the law:

1315 a. Whether a notice of rule development has been published
 1316 and, if so, the citation to such notice in the Florida
 1317 Administrative Register.

1318 b. The date by which the agency expects to publish the
 1319 notice of proposed rule under s. 120.54(3)(a).

1320 3. If rulemaking is not necessary to implement the law, a
 1321 concise written explanation of the reasons why the law may be
 1322 implemented without rulemaking.

1323 (b) The plan must also identify and describe each rule,
 1324 including each rule number or proposed rule number, which
 1325 ~~include a listing of each law not otherwise listed pursuant to~~

1326 ~~paragraph (a) which~~ the agency expects to develop, adopt, or
1327 repeal for the 12-month period beginning on October 1 and ending
1328 on September 30 ~~implement by rulemaking before the following~~
1329 ~~July 1, excluding emergency rules except emergency rulemaking.~~
1330 For each rule ~~law~~ listed under this paragraph, the plan must
1331 state whether the rulemaking is intended to simplify, clarify,
1332 increase efficiency, improve coordination with other agencies,
1333 reduce regulatory costs, or delete obsolete, unnecessary, or
1334 redundant rules.

1335 (c) The plan must include any desired update to the prior
1336 year's regulatory plan or supplement published pursuant to
1337 subsection (7). If, in a prior year, a law was identified under
1338 this paragraph or under subparagraph (a)1. as a law requiring
1339 rulemaking to implement but a notice of proposed rule has not
1340 been published:

1341 1. The agency must ~~shall~~ identify and again list such law,
1342 noting the applicable notice of rule development by citation to
1343 the Florida Administrative Register; or

1344 2. If the agency has subsequently determined that
1345 rulemaking is not necessary to implement the law, the agency
1346 must ~~shall~~ identify such law, reference the citation to the
1347 applicable notice of rule development in the Florida
1348 Administrative Register, and provide a concise written
1349 explanation of the reason why the law may be implemented without
1350 rulemaking.

1351 (d) The plan must identify any rules that are required to
1352 be repromulgated pursuant to s. 120.5435 for the 12-month period
1353 beginning on October 1 and ending on September 30.

1354 (e) The plan must include a certification executed on
1355 behalf of the agency by both the agency head, or, if the agency
1356 head is a collegial body, the presiding officer; and the
1357 individual acting as principal legal advisor to the agency head.
1358 The certification must declare:

1359 1. ~~Verify~~ That the persons executing the certification
1360 have reviewed the plan.

1361 2. ~~Verify~~ That the agency regularly reviews all of its
1362 rules and identify the period during which all rules have most
1363 recently been reviewed to determine if the rules remain
1364 consistent with the agency's rulemaking authority and the laws
1365 implemented.

1366 3. That the agency understands that regulatory
1367 accountability is necessary to ensure public confidence in the
1368 integrity of state government and, to that end, the agency is
1369 diligently working toward lowering the total number of rules
1370 adopted.

1371 4. The total number of rules adopted and repealed during
1372 the previous 12 months.

1373 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

1374 (a) By October 1 of each year, each agency shall:

1375 1. Publish its regulatory plan on its website or on

1376 another state website established for publication of
 1377 administrative law records. A clearly labeled hyperlink to the
 1378 current plan must be included on the agency's primary website
 1379 homepage.

1380 2. Electronically deliver to the committee a copy of the
 1381 certification required in paragraph (1) (e) ~~(1) (d)~~.

1382 3. Publish in the Florida Administrative Register a notice
 1383 identifying the date of publication of the agency's regulatory
 1384 plan. The notice must include a hyperlink or website address
 1385 providing direct access to the published plan.

1386 **Section 10. Subsections (11) and (20) of section 120.80,**
 1387 **Florida Statutes, are amended to read:**

1388 120.80 Exceptions and special requirements; agencies.—

1389 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
 1390 ~~120.52(16)~~, the enlistment, organization, administration,
 1391 equipment, maintenance, training, and discipline of the militia,
 1392 National Guard, organized militia, and unorganized militia, as
 1393 provided by s. 2, Art. X of the State Constitution, are not
 1394 rules as defined by this chapter.

1395 (20) FLORIDA STATE GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
 1396 ~~120.52(16)~~, the enlistment, organization, administration,
 1397 equipment, maintenance, training, and discipline of the Florida
 1398 State Guard are not rules as defined by this chapter.

1399 **Section 11. Paragraph (c) of subsection (1) of section**
 1400 **120.81, Florida Statutes, is amended to read:**

1401 120.81 Exceptions and special requirements; general
 1402 areas.—

1403 (1) EDUCATIONAL UNITS.—

1404 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any
 1405 tests, test scoring criteria, or testing procedures relating to
 1406 student assessment which are developed or administered by the
 1407 Department of Education pursuant to s. 1003.4282, s. 1008.22, or
 1408 s. 1008.25, or any other statewide educational tests required by
 1409 law, are not rules.

1410 **Section 12. Paragraph (a) of subsection (1) of section**
 1411 **420.9072, Florida Statutes, is amended to read:**

1412 420.9072 State Housing Initiatives Partnership Program.—
 1413 The State Housing Initiatives Partnership Program is created for
 1414 the purpose of providing funds to counties and eligible
 1415 municipalities as an incentive for the creation of local housing
 1416 partnerships, to expand production of and preserve affordable
 1417 housing, to further the housing element of the local government
 1418 comprehensive plan specific to affordable housing, and to
 1419 increase housing-related employment.

1420 (1)(a) In addition to the legislative findings set forth
 1421 in s. 420.6015, the Legislature finds that affordable housing is
 1422 most effectively provided by combining available public and
 1423 private resources to conserve and improve existing housing and
 1424 provide new housing for very-low-income households, low-income
 1425 households, and moderate-income households. The Legislature

1426 intends to encourage partnerships in order to secure the
1427 benefits of cooperation by the public and private sectors and to
1428 reduce the cost of housing for the target group by effectively
1429 combining all available resources and cost-saving measures. The
1430 Legislature further intends that local governments achieve this
1431 combination of resources by encouraging active partnerships
1432 between government, lenders, builders and developers, real
1433 estate professionals, advocates for low-income persons, and
1434 community groups to produce affordable housing and provide
1435 related services. Extending the partnership concept to encompass
1436 cooperative efforts among small counties as defined in s.
1437 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities
1438 is specifically encouraged. Local governments are also intended
1439 to establish an affordable housing advisory committee to
1440 recommend monetary and nonmonetary incentives for affordable
1441 housing as provided in s. 420.9076.

1442 **Section 13. Subsection (7) of section 420.9075, Florida**
1443 **Statutes, is amended to read:**

1444 420.9075 Local housing assistance plans; partnerships.—

1445 (7) The moneys deposited in the local housing assistance
1446 trust fund shall be used to administer and implement the local
1447 housing assistance plan. The cost of administering the plan may
1448 not exceed 5 percent of the local housing distribution moneys
1449 and program income deposited into the trust fund. A county or an
1450 eligible municipality may not exceed the 5-percent limitation on

1451 administrative costs, unless its governing body finds, by
1452 resolution, that 5 percent of the local housing distribution
1453 plus 5 percent of program income is insufficient to adequately
1454 pay the necessary costs of administering the local housing
1455 assistance plan. The cost of administering the program may not
1456 exceed 10 percent of the local housing distribution plus 5
1457 percent of program income deposited into the trust fund, except
1458 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,
1459 and eligible municipalities receiving a local housing
1460 distribution of up to \$350,000 may use up to 10 percent of
1461 program income for administrative costs.

1462 **Section 14. Paragraph (d) of subsection (1) of section**
1463 **443.091, Florida Statutes, is amended to read:**

1464 443.091 Benefit eligibility conditions.—

1465 (1) An unemployed individual is eligible to receive
1466 benefits for any week only if the Department of Commerce finds
1467 that:

1468 (d) She or he is able to work and is available for work.
1469 In order to assess eligibility for a claimed week of
1470 unemployment, the department shall develop criteria to determine
1471 a claimant's ability to work and availability for work. A
1472 claimant must be actively seeking work in order to be considered
1473 available for work. This means engaging in systematic and
1474 sustained efforts to find work, including contacting at least
1475 five prospective employers for each week of unemployment

1476 | claimed. The department may require the claimant to provide
1477 | proof of such efforts to the one-stop career center as part of
1478 | reemployment services. A claimant's proof of work search efforts
1479 | may not include the same prospective employer at the same
1480 | location in 3 consecutive weeks, unless the employer has
1481 | indicated since the time of the initial contact that the
1482 | employer is hiring. The department shall conduct random reviews
1483 | of work search information provided by claimants. As an
1484 | alternative to contacting at least five prospective employers
1485 | for any week of unemployment claimed, a claimant may, for that
1486 | same week, report in person to a one-stop career center to meet
1487 | with a representative of the center and access reemployment
1488 | services of the center. The center shall keep a record of the
1489 | services or information provided to the claimant and shall
1490 | provide the records to the department upon request by the
1491 | department. However:

1492 | 1. Notwithstanding any other provision of this paragraph
1493 | or paragraphs (b) and (e), an otherwise eligible individual may
1494 | not be denied benefits for any week because she or he is in
1495 | training with the approval of the department, or by reason of s.
1496 | 443.101(2) relating to failure to apply for, or refusal to
1497 | accept, suitable work. Training may be approved by the
1498 | department in accordance with criteria prescribed by rule. A
1499 | claimant's eligibility during approved training is contingent
1500 | upon satisfying eligibility conditions prescribed by rule.

1501 2. Notwithstanding any other provision of this chapter, an
 1502 otherwise eligible individual who is in training approved under
 1503 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
 1504 determined ineligible or disqualified for benefits due to
 1505 enrollment in such training or because of leaving work that is
 1506 not suitable employment to enter such training. As used in this
 1507 subparagraph, the term "suitable employment" means work of a
 1508 substantially equal or higher skill level than the worker's past
 1509 adversely affected employment, as defined for purposes of the
 1510 Trade Act of 1974, as amended, the wages for which are at least
 1511 80 percent of the worker's average weekly wage as determined for
 1512 purposes of the Trade Act of 1974, as amended.

1513 3. Notwithstanding any other provision of this section, an
 1514 otherwise eligible individual may not be denied benefits for any
 1515 week because she or he is before any state or federal court
 1516 pursuant to a lawfully issued summons to appear for jury duty.

1517 4. Union members who customarily obtain employment through
 1518 a union hiring hall may satisfy the work search requirements of
 1519 this paragraph by reporting daily to their union hall.

1520 5. The work search requirements of this paragraph do not
 1521 apply to persons who are unemployed as a result of a temporary
 1522 layoff or who are claiming benefits under an approved short-time
 1523 compensation plan as provided in s. 443.1116.

1524 6. In small counties as defined in s. 120.52(20) ~~s.~~
 1525 ~~120.52(19)~~, a claimant engaging in systematic and sustained

HB 433

2025

1526 | efforts to find work must contact at least three prospective
1527 | employers for each week of unemployment claimed.

1528 | 7. The work search requirements of this paragraph do not
1529 | apply to persons required to participate in reemployment
1530 | services under paragraph (e).

1531 | **Section 15.** This act shall take effect July 1, 2025.