



520408

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2025	.	
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The Committee on Governmental Oversight and Accountability  
(Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 118 - 385

and insert:

Section 3. Subsection (1), paragraph (g) of subsection (2),  
and subsection (5) of section 120.541, Florida Statutes, are  
amended, paragraph (h) is added to subsection (2) of that  
section, subsection (6) is added to that section, and subsection  
(4) of that section is reenacted, to read:

120.541 Statement of estimated regulatory costs.-



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11           (1) (a) An agency shall prepare a statement of estimated  
12 regulatory costs for each proposed rule, notice of change, or  
13 final rule, regardless of whether the proposed rule, notice of  
14 change, or final rule will have an adverse impact on small  
15 business or is likely to increase regulatory costs. The  
16 statement must include a cost-benefit analysis that clearly  
17 demonstrates that the projected benefits of the proposed rule,  
18 notice of change, or final rule exceed its projected costs.

19           (b) ~~(a)~~ Within 21 days after publication of the notice  
20 required under s. 120.54(3) (a), a substantially affected person  
21 may submit to an agency a good faith written proposal for a  
22 lower cost regulatory alternative to a proposed rule which  
23 substantially accomplishes the objectives of the law being  
24 implemented. The proposal may include the alternative of not  
25 adopting any rule if the proposal explains how the lower costs  
26 and objectives of the law will be achieved by not adopting any  
27 rule. If such a proposal is submitted, the 90-day period for  
28 filing the rule is extended 21 days. Upon the submission of the  
29 lower cost regulatory alternative, the agency shall prepare a  
30 statement of estimated regulatory costs as provided in  
31 subsection (2), or shall revise its prior statement of estimated  
32 regulatory costs, and either adopt the alternative or provide a  
33 statement of the reasons for rejecting the alternative in favor  
34 of the proposed rule.

35           (c) ~~(b)~~ If a proposed rule, notice of change, or final rule  
36 will have an adverse impact on small business or if the proposed  
37 rule, notice of change, or final rule is likely to directly or  
38 indirectly increase regulatory costs in excess of \$200,000 in  
39 the aggregate within 1 year after the implementation of the



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40 rule, the agency shall prepare a statement of estimated  
41 regulatory costs as required by s. 120.54(3)(b).

42 (d)~~(e)~~ The agency shall revise a statement of estimated  
43 regulatory costs if any change to the rule made under s.  
44 120.54(3)(d) increases the regulatory costs of the rule.

45 (e)~~(d)~~ At least 21 days before filing the rule for  
46 adoption, an agency that is required to revise a statement of  
47 estimated regulatory costs shall provide the statement to the  
48 person who submitted the lower cost regulatory alternative and  
49 to the committee and shall provide notice on the agency's  
50 website that it is available to the public.

51 (f)~~(e)~~ Notwithstanding s. 120.56(1)(c), the failure of the  
52 agency to prepare a statement of estimated regulatory costs or  
53 to respond to a written lower cost regulatory alternative as  
54 provided in this subsection is a material failure to follow the  
55 applicable rulemaking procedures or requirements set forth in  
56 this chapter.

57 (g)~~(f)~~ An agency's failure to prepare a statement of  
58 estimated regulatory costs or to respond to a written lower cost  
59 regulatory alternative may not be raised in a proceeding  
60 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
61 unless:

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

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

66 (h)~~(g)~~ A rule that is challenged pursuant to s.  
67 120.52(8)(f) may not be declared invalid unless:

68 1. The issue is raised in an administrative proceeding



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

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

73 3. The substantial interests of the person challenging the  
74 rule are materially affected by the rejection.

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

77 (g) In the statement or revised statement, whichever  
78 applies, a description of any regulatory alternatives submitted  
79 under paragraph (1)(b) ~~(1)(a)~~ and a statement adopting the  
80 alternative or a statement of the reasons for rejecting the  
81 alternative in favor of the proposed rule.

82 (h) All documentation, assumptions, methods, and data used  
83 in preparing the statement of estimated regulatory costs must be  
84 published on a publicly accessible website and, where relevant,  
85 in a machine-readable format readily available to the public,  
86 including any supporting calculations, documents, data,  
87 databases, or data tables, so that the results of the analysis  
88 can be replicated. Uncertainties pertaining to these estimates  
89 must be reported.

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

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

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

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

96 (5) For purposes of subsections (2) and (3), adverse  
97 impacts and regulatory costs likely to occur within 5 years



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98 after implementation of the rule include adverse impacts and  
99 regulatory costs estimated to occur within 5 years after the  
100 effective date of the rule. However, if any provision of the  
101 rule is not fully implemented upon the effective date of the  
102 rule, the adverse impacts and regulatory costs associated with  
103 such provision must be adjusted to include any additional  
104 adverse impacts and regulatory costs estimated to occur within 5  
105 years after implementation of such provision. However, an agency  
106 may include longer periods of review but must, at a minimum,  
107 provide a cost-benefit analysis that projects the first 5 years  
108 after the rule goes into effect. If a discount rate is used in  
109 the analysis, its use must be justified. The agency must also  
110 provide an analysis without the use of discount rates.

111 (6) (a) An agency shall conduct a retrospective cost-benefit  
112 analysis for each adopted rule 4 years after the rule's  
113 effective date. The analysis must compare the actual costs and  
114 benefits of the rule to those projected in the initial statement  
115 of estimated regulatory costs prepared under paragraph (1) (a).

116 (b) An agency shall conduct a retrospective assessment  
117 report for each adopted rule 8 years after the rule's effective  
118 date. The report must compare the initial projected cost-benefit  
119 analysis, the retrospective analysis conducted under paragraph  
120 (a), and the outcomes observed up to this time. The agency shall  
121 incorporate the findings and lessons learned from this  
122 comparison into the standards for future statements of estimated  
123 regulatory costs and apply them to similar rules.

124 (c) For all rules in effect on July 1, 2025, the committee  
125 must set a schedule for agencies to conduct the analysis and  
126 report as required by paragraphs (a)-(b), taking into



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127 consideration the time and resources agencies will expend to  
128 perform such review. These reviews must be scheduled to begin  
129 between July 1, 2027 and July 1, 2037.

130 (d) An amendment to a rule through subsequent rulemaking  
131 does not affect the agency's duty to perform the reviews as  
132 required by paragraphs (a)-(b), unless the amendment completely  
133 repeals and adopts a new rule as described in s. 120.54. In such  
134 case, the rule's review dates must be determined based on the  
135 effective date of the subsequent rule.

136 (e) The following rules are exempt from the review  
137 processes described in paragraphs (a)-(b):

138 1. Rules required to comply with federal law or to receive  
139 federal funds.

140 2. Rules adopted pursuant to authority granted under the  
141 State Constitution.

142 3. Rules of agencies that are headed by an elected  
143 official.

144 (f) Rules exempt under paragraph (e) must be reviewed by  
145 the agency according to the schedule set by the committee. The  
146 agency may not begin its review more than 1 year before the  
147 rule's scheduled review date.

148 (g) During the review, including any review under paragraph  
149 (f), the agency shall:

150 1. Notify the public of the review, including making the  
151 text of the notice, the text of the rule, and all analyses  
152 associated with the review available on the agency's website.

153 2. Hold a public comment period for at least 30 days.

154 3. Conduct all analyses that would be required if the rule  
155 were being readopted pursuant to s. 120.54.



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156 4. Provide a reasoned response to unique public comments.

157 5. Publish a report on the agency's website which includes  
158 the analyses and the agency's response to public comments.

159 Section 4. Paragraphs (m), (n), and (o) are added to  
160 subsection (1) of section 120.545, Florida Statutes, to read:

161 120.545 Committee review of agency rules.—

162 (1) As a legislative check on legislatively created  
163 authority, the committee shall examine each proposed rule,  
164 except for those proposed rules exempted by s. 120.81(1)(e) and  
165 (2), and its accompanying material, and each emergency rule, and  
166 may examine any existing rule, for the purpose of determining  
167 whether:

168 (m) The agency is timely complying with the review  
169 requirements described in s.120.541(6)(a)-(b).

170 (n) The agency has properly reviewed exempt rules as  
171 required under s. 120.541(6)(f).

172 Section 5. Paragraph (a) of subsection (1) of 120.55,  
173 Florida Statutes, is amended to read:

174 120.55 Publication.—

175 (1) The Department of State shall:

176 (a)1. Through a continuous revision and publication system,  
177 compile and publish electronically, on a website managed by the  
178 department, the "Florida Administrative Code." The Florida  
179 Administrative Code shall contain all rules adopted by each  
180 agency, citing the grant of rulemaking authority and the  
181 specific law implemented pursuant to which each rule was  
182 adopted, including the effective date of each rule, all history  
183 notes as authorized in s. 120.545(7), complete indexes to all  
184 rules contained in the code, and any other material required or



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185 authorized by law or deemed useful by the department. The  
186 electronic code shall display each rule chapter currently in  
187 effect in browse mode and allow full text search of the code and  
188 each rule chapter. The department may contract with a publishing  
189 firm for a printed publication; however, the department shall  
190 retain responsibility for the code as provided in this section.  
191 The electronic publication shall be the official compilation of  
192 the administrative rules of this state. The Department of State  
193 shall retain the copyright over the Florida Administrative Code.

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

201       3. At the beginning of the section of the code dealing with  
202 an agency that files copies of its rules with the department,  
203 the department shall publish the address and telephone number of  
204 the executive offices of each agency, the manner by which the  
205 agency indexes its rules, a listing of all rules of that agency  
206 excluded from publication in the code, and a statement as to  
207 where those rules may be inspected.

208       4. Forms shall not be published in the Florida  
209 Administrative Code; but any form which an agency uses in its  
210 dealings with the public, along with any accompanying  
211 instructions, shall be filed with the committee before it is  
212 used. Any form or instruction which meets the definition of  
213 "rule" provided in s. 120.52 shall be incorporated by reference





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214 into the appropriate rule. The reference shall specifically  
215 state that the form is being incorporated by reference and shall  
216 include the number, title, and effective date of the form and an  
217 explanation of how the form may be obtained. Each form created  
218 by an agency which is incorporated by reference in a rule notice  
219 of which is given under s. 120.54(3)(a) after December 31, 2007,  
220 must clearly display the number, title, and effective date of  
221 the form and the number of the rule in which the form is  
222 incorporated.

223         5. The department shall allow adopted rules and material  
224 incorporated by reference to be filed in electronic form as  
225 prescribed by department rule. When a rule is filed for adoption  
226 with incorporated material in electronic form, the department's  
227 publication of the Florida Administrative Code on its website  
228 must contain a hyperlink from the incorporating reference in the  
229 rule directly to that material. The department may not allow  
230 hyperlinks from rules in the Florida Administrative Code to any  
231 material other than that filed with and maintained by the  
232 department, but may allow hyperlinks to incorporated material  
233 maintained by the department from the adopting agency's website  
234 or other sites.

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237 ===== T I T L E   A M E N D M E N T =====

238 And the title is amended as follows:

239         Delete lines 20 - 38

240 and insert:

241         review for specified purposes; requiring the Joint  
242         Administrative Procedures Committee to set a review



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243 schedule for existing rules to undergo a retrospective  
244 cost-benefit analysis and review; providing exceptions  
245 to the review; requiring a separate review of such  
246 exempt rules; requiring the agency to perform  
247 specified actions during reviews; requiring  
248 publication of materials used to produce estimates of  
249 regulatory costs in a specified manner; providing  
250 additional requirements for cost-benefit analyses;  
251 amending s. 120.545, F.S.; revising requirements for  
252 review of rules by the Administrative Procedures  
253 Committee; amending s. 120.55, F.S.; requiring that  
254 additional information be published in the Florida  
255 Administrative Code; amending s.