

By Senator Grall

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30 and filling of vacancies of the statewide nominating
31 commission; requiring that meetings and determinations
32 of the statewide nominating commission be open to the
33 public; requiring that administrative law judges serve
34 for a certain term; authorizing the Administration
35 Commission to remove judges for cause; requiring the
36 statewide nominating commission to review judge
37 conduct and make a certain determination; providing
38 considerations for such determination; providing for
39 the reappointment of an administrative law judge under
40 specified circumstances; requiring certain judges to
41 remain in office until the appointment of their
42 successors; requiring the Administration Commission to
43 appoint a new administrative law judge under specified
44 circumstances; authorizing the commission to appoint
45 specified attorneys as administrative law judges pro
46 hac vice under a certain condition; prohibiting such
47 person from serving for more than a specified number
48 of successive days; authorizing the director of the
49 Division of Administrative Hearings to receive or
50 initiate complaints, conduct investigations, and
51 dismiss complaints against administrative law judges;
52 authorizing the director to make certain
53 recommendations to the Administration Commission;
54 defining the term "discipline"; requiring the director
55 to submit preliminary findings to an administrative
56 law judge who is the subject of a complaint; providing
57 that an administrative law judge has a specified
58 amount of time to provide a certain response;

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59 requiring that such response and the rebuttal by the
60 director be included in the final report to the
61 Administration Commission; requiring administrative
62 law judges to be bound by stare decisis and precedent;
63 requiring that inconsistencies between decisions be
64 distinguished; requiring the director to establish
65 training for new and sitting administrative law
66 judges; revising the information included in a certain
67 written report to include an accounting, by agency and
68 entity, of payments or reimbursement received for
69 administrative law judge services; requiring the
70 division to adopt certain rules; amending s. 120.74,
71 F.S.; requiring that an agency's regulatory plan
72 include a list of existing rules scheduled for review
73 during the next 12 months, a 5-year schedule for
74 review of all rules, and a summary of the agency's
75 intended action for each rule identified for review in
76 the next 12 months; deleting a requirement that the
77 Joint Administrative Procedures Committee annually
78 submit a certain licensing performance report;
79 requiring the Department of State to publish in the
80 Florida Administrative Register a hyperlink to a
81 dedicated website containing the regulatory plans;
82 deleting an authorization for an agency to publish its
83 regulatory plan on another state website; conforming a
84 cross-reference; amending s. 627.351, F.S.; conforming
85 a cross-reference; amending s. 766.207, F.S.;
86 requiring that administrative law judges be
87 compensated for arbitrating medical negligence claims

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88 at the rate of compensation set by the chief judge of
89 the appropriate circuit court; making technical
90 changes; providing an effective date.

91
92 Be It Enacted by the Legislature of the State of Florida:

93
94 Section 1. Paragraph (i) of subsection (1) and paragraph
95 (a) of subsection (3) of section 120.54, Florida Statutes, are
96 amended to read:

97 120.54 Rulemaking.—

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

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

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

111 3. In rules adopted after December 31, 2010, or reviewed
112 pursuant to s. 120.5435, material may not be incorporated by
113 reference unless:

114 a. The material has been submitted in the prescribed
115 electronic format to the Department of State and the full text
116 of the material can be made available for free public access

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117 through an electronic hyperlink provided by the Department of
118 State from the rule making the reference in the Florida
119 Administrative Code; or

120 b. The agency has determined that posting the material on
121 the Internet for purposes of public examination and inspection
122 would constitute a violation of federal copyright law, in which
123 case a statement to that effect, along with the addresses of the
124 locations at the Department of State and the agency at which the
125 material is available for public inspection and examination,
126 must be included in the notice required by subparagraph (3)(a)1.

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

129 a. The material has been submitted in the prescribed
130 electronic format to the Department of State and the full text
131 of the material, in a text-searchable format, can be made
132 available for free public access through an electronic hyperlink
133 provided by the Department of State from the rule making the
134 reference in the Florida Administrative Register; or

135 b. The agency has determined that posting the material on
136 the Internet for purposes of public examination and inspection
137 would constitute a violation of federal copyright law, in which
138 case a statement to that effect, along with the addresses of the
139 locations at the Department of State and the agency at which the
140 material is available for public inspection and examination,
141 must be included in the notice required by subparagraph (3)(a)1.

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

145 6. Notwithstanding any contrary provision in this section,

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146 when an adopted rule of the Department of Environmental
147 Protection or a water management district is incorporated by
148 reference in the other agency's rule to implement a provision of
149 part IV of chapter 373, subsequent amendments to the rule are
150 not effective as to the incorporating rule unless the agency
151 incorporating by reference notifies the committee and the
152 Department of State of its intent to adopt the subsequent
153 amendment, publishes notice of such intent in the Florida
154 Administrative Register, and files with the Department of State
155 a copy of the amended rule incorporated by reference. Changes in
156 the rule incorporated by reference are effective as to the other
157 agency 20 days after the date of the published notice and filing
158 with the Department of State. The Department of State shall
159 amend the history note of the incorporating rule to show the
160 effective date of such change. Any substantially affected person
161 may, within 14 days after the date of publication of the notice
162 of intent in the Florida Administrative Register, file an
163 objection to rulemaking with the agency. The objection must
164 specify the portions of the rule incorporated by reference to
165 which the person objects and the reasons for the objection. The
166 agency does not have the authority under this subparagraph to
167 adopt those portions of the rule specified in such objection.
168 The agency shall publish notice of the objection and of its
169 action in response in the next available issue of the Florida
170 Administrative Register.

171 7. If an agency updates or makes a change to a document
172 that the agency created and which is incorporated by reference
173 pursuant to paragraph (3)(a) or subparagraph (3)(e)1., the
174 update or change must be coded by underlining new text and

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175 striking through deleted text.

176 8. The Department of State may adopt by rule requirements
177 for incorporating materials pursuant to this paragraph.

178 (3) ADOPTION PROCEDURES.—

179 (a) *Notices.*—

180 1. Before the adoption, amendment, or repeal of any rule
181 other than an emergency rule, an agency shall, upon approval of
182 the agency head, give notice of its intended action. The notice
183 must include the following:

184 a. A short, plain explanation of the purpose and effect of
185 the proposed action.

186 b. The proposed rule number.

187 c. The full text of the proposed rule or amendment and a
188 summary thereof.

189 d. A reference to the grant of rulemaking authority
190 pursuant to which the rule is adopted.

191 e. A reference to the section or subsection of the Florida
192 Statutes or the Laws of Florida being implemented or
193 interpreted.

194 f. The name, e-mail address, and telephone number of the
195 agency employee who may be contacted regarding the intended
196 action.

197 g. A concise summary of the agency's statement of the
198 estimated regulatory costs, if one has been prepared, based on
199 the factors set forth in s. 120.541(2) that describes the
200 regulatory impact of the rule in readable language.

201 h. An agency website address where the statement of
202 estimated regulatory costs can be viewed in its entirety, if one
203 has been prepared.

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204 i. A statement that any person who wishes to provide the
205 agency with information regarding the statement of estimated
206 regulatory costs, or to provide a proposal for a lower cost
207 regulatory alternative as provided by s. 120.541(1), must do so
208 in writing within 21 days after publication of the notice.

209 j. A statement as to whether, based on the statement of the
210 estimated regulatory costs or other information expressly relied
211 upon and described by the agency if no statement of regulatory
212 costs is required, the proposed rule is expected to require
213 legislative ratification pursuant to s. 120.541(3).

214 k. A description of the procedure for requesting a public
215 hearing on the proposed rule.

216 l. Except when the intended action is the repeal of a rule,
217 a reference both to the date on which and to the place where the
218 notice of rule development that is required by subsection (2)
219 appeared.

220 2. The notice must be published in the Florida
221 Administrative Register at least 7 days after the notice of rule
222 development and at least 28 days before the intended action. The
223 proposed rule, including all material proposed to be
224 incorporated by reference, must be available for inspection and
225 copying by the public at the time of the publication of notice.
226 Material proposed to be incorporated by reference in the notice
227 must be made available in the manner prescribed by sub-
228 subparagraph (1)(i)3.a. or sub subparagraph (1)(i)3.b.

229 3. The notice must be mailed or delivered electronically to
230 all persons named in the proposed rule and mailed or delivered
231 electronically to all persons who, at least 14 days before
232 publication of the notice, have made requests of the agency for

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233 advance notice of its proceedings. The agency shall also give
234 such notice as is prescribed by rule to those particular classes
235 of persons to whom the intended action is directed.

236 4. The adopting agency shall file with the committee, at
237 least 21 days before the proposed adoption date, a copy of each
238 rule it proposes to adopt; a copy of any material incorporated
239 by reference in the rule; a detailed written statement of the
240 facts and circumstances justifying the proposed rule; a copy of
241 any statement of estimated regulatory costs that has been
242 prepared pursuant to s. 120.541; a statement of the extent to
243 which the proposed rule relates to federal standards or rules on
244 the same subject; and the notice required by subparagraph 1.

245 5. If any of the information that is required to be
246 included in the notice under subparagraph 1., other than
247 substantive changes to the rule text, is omitted or is
248 incorrect, the agency must publish a notice of correction in the
249 Florida Administrative Register ~~at least 7 days~~ before the
250 intended agency action. The publication of a notice of
251 correction does not affect the timeframes for filing the rule
252 for adoption as set forth in paragraph (e). Technical changes
253 must be published as a notice of correction. The notice of
254 correction must be approved by the Department of State before
255 publication of the notice.

256 Section 2. Paragraph (b) of subsection (2) and subsections
257 (3), (5), and (8) of section 120.5435, Florida Statutes, are
258 amended to read:

259 120.5435 Agency review of rules.—

260 (2)

261 (b) Beginning October 1, 2025, each agency shall include a

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262 list of its existing rules in its annual regulatory plan,
263 prepared and submitted pursuant to s. 120.74. The agency shall
264 include a schedule of the rules it will review each year during
265 the 5-year rule review period and a summary of the agency's
266 intended action, consistent with the actions identified in
267 subsection (5), on each rule identified for review during the
268 next 12 months. The agency may amend its yearly schedule in
269 subsequent regulatory plans, but must provide for the completed
270 review of at least 20 percent of the agency's rules per year,
271 until all of its subject rules have been reviewed.

272 (3) Any rule initially adopted, any existing rule amended,
273 or any rule reviewed pursuant to this section, for which such
274 adoption, amendment, or review occurred after July 1, 2025, must
275 be reviewed in accordance with this section in the 5th ~~fifth~~
276 year following the adoption, amendment, or review. Such review
277 must be completed before the day that marks the 6th ~~sixth~~ year
278 since the adoption of the rule.

279 (5) ~~By January 1 of each year, the agency shall submit to~~
280 ~~the President of the Senate, the Speaker of the House of~~
281 ~~Representatives, and the committee a report that summarizes the~~
282 ~~agency's intended action on each rule under review during the~~
283 ~~current fiscal year.~~

284 (7) ~~(8)~~ The rule review is completed upon:

285 (a) The agency, upon approval of the agency head or his or
286 her designee, electronically filing a certified copy of the
287 reviewed rule to which no changes or only technical changes were
288 made, and the committee's certification granted pursuant to
289 subsection (6) ~~(7)~~, with the Department of State; or

290 (b) The agency, for a reviewed rule subject to substantive

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291 change or repeal, timely filing the appropriate notice pursuant
292 to s. 120.54.

293 Section 3. Paragraph (a) of subsection (1) of section
294 120.55, Florida Statutes, is amended to read:

295 120.55 Publication.—

296 (1) The Department of State shall:

297 (a)1. Through a continuous revision and publication system,
298 compile and publish electronically, on a website managed by the
299 department, the "Florida Administrative Code." The Florida
300 Administrative Code must contain all rules adopted by each
301 agency, citing the grant of rulemaking authority and the
302 specific law implemented pursuant to which each rule was
303 adopted, all history notes as authorized in ss. 120.5435 and
304 120.545(7), complete indexes to all rules and any material
305 incorporated by reference contained in the code, and any other
306 material required or authorized by law or deemed useful by the
307 department. The electronic code must display each rule chapter
308 currently in effect in browse mode and allow full text search of
309 the code and each rule chapter. The department may contract with
310 a publishing firm for a printed publication; however, the
311 department retains responsibility for the code as provided in
312 this section. The electronic publication is the official
313 compilation of the administrative rules of the this state. The
314 Department of State retains the copyright over the Florida
315 Administrative Code.

316 2. Rules general in form but applicable to only one school
317 district, community college district, or county, or a part
318 thereof, or state university rules relating to internal
319 personnel or business and finance may not be published in the

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320 Florida Administrative Code. Exclusion from publication in the
321 Florida Administrative Code does not affect the validity or
322 effectiveness of such rules.

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

332 4. Forms may not be published in the Florida Administrative
333 Code; but any form which an agency uses in its dealings with the
334 public, along with any accompanying instructions, must be filed
335 with the committee before it is used. Any form or instruction
336 which meets the definition of the term "rule" provided in s.
337 120.52 must be incorporated by reference into the appropriate
338 rule. The reference must specifically state that the form is
339 being incorporated by reference and include the number, title,
340 and effective date of the form and an explanation of how the
341 form may be obtained. Each form created by an agency which is
342 incorporated by reference in a rule notice of which is given
343 under s. 120.54(3)(a) after December 31, 2007, must clearly
344 display the number, title, and effective date of the form and
345 the number of the rule in which the form is incorporated.

346 5. After December 31, 2025, the department shall require
347 any material incorporated by reference in adopted rules to be
348 filed in the manner prescribed by s. 120.54(1)(i)4.a. or b s.

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349 ~~120.54(1)(i)3.a. or b.~~ When a proposed rule is filed for
350 adoption with incorporated material in electronic form, the
351 department's publication of the Florida Administrative Code on
352 its website must contain a hyperlink from the incorporating
353 reference in the rule directly to that material. The department
354 may not allow hyperlinks from rules in the Florida
355 Administrative Code to any material other than that filed with
356 and maintained by the department, but may allow hyperlinks to
357 incorporated material maintained by the department from the
358 adopting agency's website or other sites.

359 6. The department shall include the date of any technical
360 changes in the history note of the rule in the Florida
361 Administrative Code. A technical change does not affect the
362 effective date of the rule. A technical change made after the
363 adoption of a rule must be published as a notice of correction.

364 Section 4. Present subsections (2) through (9) of section
365 120.65, Florida Statutes, are redesignated as subsections (5)
366 through (12), respectively, new subsections (2), (3), and (4)
367 and subsection (13) are added to that section, paragraph (e) is
368 added to present subsection (8) of that section, and subsection
369 (1) of that section is amended, to read:

370 120.65 Administrative law judges.—

371 (1) The Division of Administrative Hearings within the
372 Department of Management Services shall be headed by a director
373 who shall be appointed by the Administration Commission for a
374 term of 4 years from a list of three names submitted by the
375 statewide nominating commission pursuant to subsection (2) and
376 confirmed by the Senate. The director, who shall also serve as
377 the chief administrative law judge, and any deputy chief

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378 administrative law judge must possess the same minimum
379 qualifications as the administrative law judges employed by the
380 division. The Deputy Chief Judge of Compensation Claims must
381 possess the minimum qualifications established in s. 440.45(2)
382 and shall report to the director. The division shall be a
383 separate budget entity, and the director shall be its agency
384 head for all purposes. The Department of Management Services
385 shall provide administrative support and service to the division
386 to the extent requested by the director. The division shall not
387 be subject to control, supervision, or direction by the
388 Department of Management Services in any manner, including, but
389 not limited to, personnel, purchasing, transactions involving
390 real or personal property, and budgetary matters.

391 (2) (a) The Administration Commission shall appoint full-
392 time administrative law judges to conduct proceedings as
393 required by this chapter or other law. A person may not be
394 nominated to serve as an administrative law judge unless he or
395 she has been a member of The Florida Bar in good standing for
396 the previous 5 years. An administrative law judge may not engage
397 in the private practice of law during his or her term of office.

398 (b) Except as provided in paragraph (c), the Administration
399 Commission shall appoint an administrative law judge from a list
400 of three persons nominated by the statewide nominating
401 commission. The statewide nominating commission must be composed
402 of all of the following:

403 1. Six members, at least one of whom must also be a member
404 of a minority group as defined in s. 288.703, one of each of
405 whom reside in each of the territorial jurisdictions of the
406 district courts of appeal, appointed by the Board of Governors

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407 of The Florida Bar from among members of The Florida Bar engaged
408 in the practice of law. Each member is appointed for a 4-year
409 term.

410 2. Six members, at least one of whom must also be a member
411 of a minority group as defined in s. 288.703, one of each of
412 whom reside in each of the territorial jurisdictions of the
413 district courts of appeal, appointed by the Governor. Each
414 member is appointed for a 4-year term.

415 3. Six members, at least one of whom must also be a member
416 of a minority group as defined in s. 288.703, one of each of
417 whom reside in each of the territorial jurisdictions of the
418 district courts of appeal, selected and appointed by a majority
419 vote of the other 12 members of the commission. Each member is
420 appointed for a 4-year term.

421
422 A vacancy occurring on the commission must be filled by the
423 original appointing authority for the unexpired balance of the
424 term. An attorney who appears before any administrative law
425 judge more than 4 times in a calendar year is not eligible to
426 serve on the statewide nominating commission. The meetings and
427 determinations of the nominating commission must be open to the
428 public.

429 (c) Each administrative law judge shall be appointed for a
430 term of 4 years, but during the term of office may be removed by
431 the Administration Commission for cause. Before the expiration
432 of a judge's term of office, the statewide nominating commission
433 shall review the judge's conduct and determine whether the
434 judge's performance is satisfactory. In determining whether a
435 judge's performance is satisfactory, the nominating commission

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436 shall consider the extent to which the judge has met the
437 requirements of this chapter. If the judge's performance is
438 deemed satisfactory, the nominating commission must report its
439 finding to the Administration Commission no later than 6 months
440 before the expiration of the judge's term of office. The
441 Administration Commission shall review the nominating
442 commission's report and may reappoint the judge for an
443 additional 4-year term. If the Administration Commission does
444 not reappoint the judge, the Administration Commission must
445 inform the nominating commission. The judge shall remain in
446 office until the Administration Commission has appointed a
447 successor judge in accordance with paragraphs (a) and (b). If a
448 vacancy occurs during a judge's unexpired term, the nominating
449 commission determines the judge's performance is unsatisfactory,
450 or the Administration Commission does not reappoint the judge,
451 the Administration Commission must appoint a successor judge for
452 a term of 4 years in accordance with paragraph (b).

453 (d) The Administration Commission may appoint an attorney
454 who has at least 5 years of experience in the practice of law in
455 this state to serve as an administrative law judge pro hac vice
456 to serve temporarily as an additional administrative law judge
457 in the absence or disqualification of any full-time
458 administrative law judge. However, an attorney who is appointed
459 may not serve for a period of more than 120 successive days.

460 (e) The director of the Division of Administrative Hearings
461 may receive or initiate complaints, conduct investigations, and
462 dismiss complaints against any administrative law judge on the
463 basis of the Code of Judicial Conduct. The director may
464 recommend to the Administration Commission the removal of an

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465 administrative law judge or recommend discipline of a judge
466 whose conduct during his or her term of office warrants such
467 discipline. For the purposes of this section, the term
468 "discipline" includes a reprimand, fine, or suspension with or
469 without pay. At the conclusion of each investigation, the
470 director shall submit preliminary findings of fact and
471 recommendations to the administrative law judge who is the
472 subject of the complaint. The administrative law judge has 20
473 days after receipt of such facts and recommendations to respond
474 to the preliminary findings. The response and the director's
475 rebuttal to the response must be included in a final report
476 submitted to the Administration Commission.

477 (3) Administrative law judges shall seek to ensure
478 consistency in the actions of the division. To this end,
479 administrative law judges are bound by stare decisis and
480 precedent. Consistency between final orders and recommended
481 final orders rendered by the division is the foundation of
482 public trust and confidence, and any inconsistency between
483 decisions must be distinguished in rendering final or
484 recommended final orders.

485 (4) The director of the Division of Administrative Hearings
486 shall establish training and continuing education for new and
487 sitting administrative law judges.

488 (11) (8) Not later than February 1 of each year, the
489 division shall issue a written report to the Administrative
490 Procedures Committee and the Administration Commission,
491 including at least the following information:

492 (e) An accounting, by agency and entity, of the payments or
493 reimbursement received for administrative law judge services.

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(13) The Division of Administrative Hearings shall adopt rules to carry out this section. Such rules must include procedural rules governing hearings and uniform criteria for measuring and evaluating the performance of the administrative law judges, including, but not limited to, the number of cases assigned and resolved, the age of pending and resolved cases, timeliness of decisions, extraordinary fee awards, and other data necessary for the judicial nominating commission to review the performance of judges as required in paragraph (2) (c).

Section 5. Paragraphs (e), (f), and (g) of subsection (1) and paragraph (a) of subsection (2) of section 120.74, Florida Statutes, are amended to read:

120.74 Agency annual rulemaking and regulatory plans; reports.—

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

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

1. A list of the agency's existing rules scheduled for review during the next 12 months pursuant to s. 120.5435.

2. A 5-year schedule for the review of all existing rules as of July 1, 2025. The agency may amend this schedule, if necessary.

3. A summary of the agency's intended action on each rule identified for review during the next 12 months A yearly schedule for the rules it will review each year during the 5-year rule review. The agency may amend this schedule, if necessary.

(f) The plan must include any desired update to the prior year's regulatory plan or supplement thereof, published pursuant

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523 to subsection (5). If, in a prior year, the agency identified a
524 rule under this paragraph as one requiring review pursuant to s.
525 120.5435, but the agency has not yet completed an action
526 described in s. 120.5435 ~~s. 120.5435(5)~~:

527 1. The agency must identify and list such rule in its
528 regulatory plan as an untimely rule review and notify the
529 committee of such action; or

530 2. If the agency subsequently determined that the rule
531 review is not necessary, the agency must identify the rule and
532 provide a concise written explanation of the reason why the rule
533 does not require a rule review.

534 (g)1. Beginning October 1, 2025, each agency issuing
535 licenses in accordance with s. 120.60 shall track the agency's
536 compliance with the licensing timeframes established in s.
537 120.60, and beginning October 1, 2026, must include in the
538 regulatory plan required by subsection (1) all of the following
539 information regarding its licensing activities of the prior
540 fiscal year, categorized by type of license:

541 a. The number of license applications submitted to the
542 agency.

543 b. The number of license applications that required one or
544 more requests for additional information.

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

548 d. The number of license applications that were not
549 completed by the applicant.

550 e. The number of license applications for which the agency
551 requested that the applicant grant an extension of time for the

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552 agency to issue a request for additional information, determine
553 that an application is complete, or issue a decision to approve
554 or deny an application.

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

558 g. The number of license applications that were not
559 approved or denied within the statutory timeframe.

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

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

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

568 2. ~~No later than December 31 of each year, the committee~~
569 ~~must submit a consolidated annual agency licensing performance~~
570 ~~report that provides all of the information required by~~
571 ~~subparagraph 1.~~ The Department of State must publish a hyperlink
572 to a dedicated website that contains the regulatory plans ~~these~~
573 ~~reports~~ in the first available issue of the Florida
574 Administrative Register.

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

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

577 1. Publish its regulatory plan on its website ~~or on another~~
578 ~~state website established for publication of administrative law~~
579 ~~records.~~ A clearly labeled hyperlink to the current plan must be
580 included on the agency's primary website homepage.

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581 2. Electronically deliver to the committee a copy of the
582 certification required in paragraph (1) (d).

583 3. Publish in the Florida Administrative Register a notice
584 identifying the date of publication of the agency's regulatory
585 plan. The notice must include a hyperlink or website address
586 providing direct access to the published plan.

587 Section 6. Paragraph (e) of subsection (6) of section
588 627.351, Florida Statutes, is amended to read:

589 627.351 Insurance risk apportionment plans.—

590 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

591 (e) The corporation is subject to s. 287.057 for the
592 purchase of commodities and contractual services except as
593 otherwise provided in this paragraph. Services provided by
594 tradepersons or technical experts to assist a licensed adjuster
595 in the evaluation of individual claims are not subject to the
596 procurement requirements of this section. Additionally, the
597 procurement of financial services providers and underwriters
598 must be made pursuant to s. 627.3513. Contracts for goods or
599 services valued at or more than \$100,000 are subject to approval
600 by the board.

601 1. The corporation is an agency for purposes of s. 287.057,
602 except that, for purposes of s. 287.057(24), the corporation is
603 an eligible user.

604 a. The authority of the Department of Management Services
605 and the Chief Financial Officer under s. 287.057 extends to the
606 corporation as if the corporation were an agency.

607 b. The executive director of the corporation is the agency
608 head under s. 287.057. The executive director of the corporation
609 may assign or appoint a designee to act on his or her behalf.

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610 2. The corporation must provide notice of a decision or
611 intended decision concerning a solicitation, contract award, or
612 exceptional purchase by electronic posting. Such notice must
613 contain the following statement: "Failure to file a protest
614 within the time prescribed in this section constitutes a waiver
615 of proceedings."

616 a. A person adversely affected by the corporation's
617 decision or intended decision to award a contract pursuant to s.
618 287.057(1) or (3)(c) who elects to challenge the decision must
619 file a written notice of protest with the executive director of
620 the corporation within 72 hours after the corporation posts a
621 notice of its decision or intended decision. For a protest of
622 the terms, conditions, and specifications contained in a
623 solicitation, including provisions governing the methods for
624 ranking bids, proposals, replies, awarding contracts, reserving
625 rights of further negotiation, or modifying or amending any
626 contract, the notice of protest must be filed in writing within
627 72 hours after posting the solicitation. Saturdays, Sundays, and
628 state holidays are excluded in the computation of the 72-hour
629 time period.

630 b. A formal written protest must be filed within 10 days
631 after the date the notice of protest is filed. The formal
632 written protest must state with particularity the facts and law
633 upon which the protest is based. Upon receipt of a formal
634 written protest that has been timely filed, the corporation must
635 stop the solicitation or contract award process until the
636 subject of the protest is resolved by final board action unless
637 the executive director sets forth in writing particular facts
638 and circumstances that require the continuance of the

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639 solicitation or contract award process without delay in order to
640 avoid an immediate and serious danger to the public health,
641 safety, or welfare.

642 (I) The corporation must provide an opportunity to resolve
643 the protest by mutual agreement between the parties within 7
644 business days after receipt of the formal written protest.

645 (II) If the subject of a protest is not resolved by mutual
646 agreement within 7 business days, the corporation's board must
647 transmit the protest to the Division of Administrative Hearings
648 and contract with the division to conduct a hearing to determine
649 the merits of the protest and to issue a recommended order. The
650 contract must provide for the corporation to reimburse the
651 division for any costs incurred by the division for court
652 reporters, transcript preparation, travel, facility rental, and
653 other customary hearing costs in the manner set forth in s.
654 120.65(12) ~~s.~~ 120.65(9). The division has jurisdiction to
655 determine the facts and law concerning the protest and to issue
656 a recommended order. The division's rules and procedures apply
657 to these proceedings. The protest must be heard by the division
658 at a publicly noticed meeting in accordance with procedures
659 established by the division.

660 c. In a protest of an invitation-to-bid or request-for-
661 proposals procurement, submissions made after the bid or
662 proposal opening which amend or supplement the bid or proposal
663 may not be considered. In protesting an invitation-to-negotiate
664 procurement, submissions made after the corporation announces
665 its intent to award a contract, reject all replies, or withdraw
666 the solicitation that amends or supplements the reply may not be
667 considered. Unless otherwise provided by law, the burden of

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668 proof rests with the party protesting the corporation's action.
669 In a competitive-procurement protest, other than a rejection of
670 all bids, proposals, or replies, the administrative law judge
671 must conduct a de novo proceeding to determine whether the
672 corporation's proposed action is contrary to the corporation's
673 governing statutes, the corporation's rules or policies, or the
674 solicitation specifications. The standard of proof for the
675 proceeding is whether the corporation's action was clearly
676 erroneous, contrary to competition, arbitrary, or capricious. In
677 any bid-protest proceeding contesting an intended corporation
678 action to reject all bids, proposals, or replies, the standard
679 of review by the board is whether the corporation's intended
680 action is illegal, arbitrary, dishonest, or fraudulent.

681 d. Failure to file a notice of protest or failure to file a
682 formal written protest constitutes a waiver of proceedings.

683 3. The agency head or his or her designee shall consider
684 the recommended order of an administrative law judge and take
685 final action on the protest. Any further legal remedy lies with
686 the First District Court of Appeal.

687 Section 7. Subsections (6) and (7) of section 766.207,
688 Florida Statutes, are amended to read:

689 766.207 Voluntary binding arbitration of medical negligence
690 claims.—

691 (6) The rate of compensation for medical negligence claims
692 arbitrators must ~~either~~ ~~than the administrative law judge shall~~
693 be set by the chief judge of the appropriate circuit court by
694 schedule providing for compensation of not less than \$250 per
695 day nor more than \$750 per day or as agreed by the parties. In
696 setting the schedule, the chief judge shall consider the

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697 prevailing rates charged for the delivery of professional
698 services in the community.

699 (7) Arbitration pursuant to this section precludes shall
700 preclude recourse to any other remedy by the claimant against
701 any participating defendant, and must shall be undertaken with
702 the understanding that damages must shall be awarded as provided
703 by general law, including the Wrongful Death Act, subject to the
704 following limitations:

705 (a) Net economic damages are shall be awardable, including,
706 but not limited to, past and future medical expenses and 80
707 percent of wage loss and loss of earning capacity, offset by any
708 collateral source payments.

709 (b) Noneconomic damages are shall be limited to a maximum
710 of \$250,000 per incident, and must shall be calculated on a
711 percentage basis with respect to capacity to enjoy life, so that
712 a finding that the claimant's injuries resulted in a 50-percent
713 reduction in his or her capacity to enjoy life would warrant an
714 award of not more than \$125,000 noneconomic damages.

715 (c) Damages for future economic losses must shall be
716 awarded to be paid by periodic payments pursuant to s.
717 766.202(9) and must shall be offset by future collateral source
718 payments.

719 (d) Punitive damages may shall not be awarded.

720 (e) The defendant is shall be responsible for the payment
721 of interest on all accrued damages with respect to which
722 interest would be awarded at trial.

723 (f) The defendant must shall pay the claimant's reasonable
724 attorney attorney's fees and costs, as determined by the
725 arbitration panel, but in no event more than 15 percent of the

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726 award, reduced to present value.

727 (g) The defendant must ~~shall~~ pay all the costs of the
728 arbitration proceeding and the fees of all the arbitrators ~~other~~
729 ~~than the administrative law judge.~~

730 (h) Each defendant who submits to arbitration under this
731 section is ~~shall~~ be jointly and severally liable for all damages
732 assessed pursuant to this section.

733 (i) The defendant's obligation to pay the claimant's
734 damages is ~~shall~~ be for the purpose of arbitration under this
735 section only. A defendant's or claimant's offer to arbitrate may
736 ~~shall~~ not be used in evidence or in argument during any
737 subsequent litigation of the claim following the rejection
738 thereof.

739 (j) The fact of making or accepting an offer to arbitrate
740 is ~~shall~~ not be admissible as evidence of liability in any
741 collateral or subsequent proceeding on the claim.

742 (k) Any offer by a claimant to arbitrate must be made to
743 each defendant against whom the claimant has made a claim. Any
744 offer by a defendant to arbitrate must be made to each claimant
745 who has joined in the notice of intent to initiate litigation,
746 as provided in s. 766.106. A defendant who rejects a claimant's
747 offer to arbitrate is ~~shall~~ be subject to ~~the provisions of~~ s.
748 766.209(3). A claimant who rejects a defendant's offer to
749 arbitrate is ~~shall~~ be subject to ~~the provisions of~~ s.
750 766.209(4).

751 (l) The hearing must ~~shall~~ be conducted by all of the
752 arbitrators, but a majority may determine any question of fact
753 and render a final decision. The chief arbitrator shall decide
754 all evidentiary matters.

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756 ~~The provisions of~~ This subsection does ~~shall~~ not preclude
757 settlement at any time by mutual agreement of the parties.

758 Section 8. This act shall take effect July 1, 2026.