

By Senator Grall

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A bill to be entitled

An act relating to administrative procedures; amending s. 120.54, F.S.; specifying that hyperlinks to material incorporated by reference are provided by the Department of State; revising the timeframe during which an agency is required to publish a certain notice of correction in the Florida Administrative Register; requiring the Department of State to approve such notice of correction before publication of the notice; amending s. 120.5435, F.S.; requiring agencies to include a summary of their intended action on each rule identified for review within a specified timeframe; requiring that existing rules amended or reviewed after a certain date be reviewed in accordance with a specified schedule; deleting a provision requiring agencies to submit a certain report to the Legislature and the Joint Administrative Procedures Committee; amending s. 120.55, F.S.; revising a cross-reference; amending s. 120.65, F.S.; providing that the director of the Division of Administrative Hearings is appointed for a specified term from a certain list submitted by the statewide nominating commission; requiring the Administration Commission to appoint full-time administrative law judges to conduct proceedings; specifying requirements for such judges; requiring the Administration Commission to appoint administrative law judges from a certain list of nominations by the statewide nominating commission; providing for the membership

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and filling of vacancies of the statewide nominating commission; requiring that meetings and determinations of the statewide nominating commission be open to the public; requiring that administrative law judges serve for a certain term; authorizing the Administration Commission to remove judges for cause; requiring the statewide nominating commission to review judge conduct and make a certain determination; providing considerations for such determination; providing for the reappointment of an administrative law judge under specified circumstances; requiring certain judges to remain in office until the appointment of their successors; requiring the Administration Commission to appoint a new administrative law judge under specified circumstances; authorizing the commission to appoint specified attorneys as administrative law judges pro hac vice under a certain condition; prohibiting such person from serving for more than a specified number of successive days; authorizing the director of the Division of Administrative Hearings to receive or initiate complaints, conduct investigations, and dismiss complaints against administrative law judges; authorizing the director to make certain recommendations to the Administration Commission; defining the term "discipline"; requiring the director to submit preliminary findings to an administrative law judge who is the subject of a complaint; providing that an administrative law judge has a specified 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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at the rate of compensation set by the chief judge of
the appropriate circuit court; making technical
changes; providing an effective date.

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

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

120.54 Rulemaking.—

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

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

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

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

a. The material has been submitted in the prescribed
electronic format to the Department of State and the full text
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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when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Register, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Register, file an objection to rulemaking with the agency. The objection must specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency does not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Register.

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

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striking through deleted text.

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

(3) ADOPTION PROCEDURES.—

(a) *Notices*.—

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

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

b. The proposed rule number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120.5435 Agency review of rules.—

(2)

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

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

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

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

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

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

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

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

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

120.55 Publication.—

(1) The Department of State shall:

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

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

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

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

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

5. After December 31, 2025, the department shall require any material incorporated by reference in adopted rules to be 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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administrative law judge must possess the same minimum qualifications as the administrative law judges employed by the division. The Deputy Chief Judge of Compensation Claims must possess the minimum qualifications established in s. 440.45(2) and shall report to the director. The division shall be a separate budget entity, and the director shall be its agency head for all purposes. The Department of Management Services shall provide administrative support and service to the division to the extent requested by the director. The division shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

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

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

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

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

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

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

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

(c) Each administrative law judge shall be appointed for a
term of 4 years, but during the term of office may be removed by
the Administration Commission for cause. Before the expiration
of a judge's term of office, the statewide nominating commission
shall review the judge's conduct and determine whether the
judge's performance is satisfactory. In determining whether a
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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administrative law judge or recommend discipline of a judge whose conduct during his or her term of office warrants such discipline. For the purposes of this section, the term "discipline" includes a reprimand, fine, or suspension with or without pay. At the conclusion of each investigation, the director shall submit preliminary findings of fact and recommendations to the administrative law judge who is the subject of the complaint. The administrative law judge has 20 days after receipt of such facts and recommendations to respond to the preliminary findings. The response and the director's rebuttal to the response must be included in a final report submitted to the Administration Commission.

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

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

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

(e) An accounting, by agency and entity, of the payments or 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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to subsection (5). If, in a prior year, the agency identified a rule under this paragraph as one requiring review pursuant to s. 120.5435, but the agency has not yet completed an action described in s. 120.5435 ~~s. 120.5435(5)~~:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

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

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

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

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

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

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

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

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

b. The executive director of the corporation is the agency head under s. 287.057. The executive director of the corporation 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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solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

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

(II) If the subject of a protest is not resolved by mutual agreement within 7 business days, the corporation's board must transmit the protest to the Division of Administrative Hearings and contract with the division to conduct a hearing to determine the merits of the protest and to issue a recommended order. The contract must provide for the corporation to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs in the manner set forth in s.

120.65(12) ~~s. 120.65(9)~~. The division has jurisdiction to determine the facts and law concerning the protest and to issue a recommended order. The division's rules and procedures apply to these proceedings. The protest must be heard by the division at a publicly noticed meeting in accordance with procedures established by the division.

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

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

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

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

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

766.207 Voluntary binding arbitration of medical negligence claims.—

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

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

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

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

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

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

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

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

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

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award, reduced to present value.

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

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

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

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

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

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

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

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