

CHAPTER 2025-189

Committee Substitute for Senate Bill No. 108

An act relating to administrative procedures; amending s. 120.52, F.S.; defining the term “technical change”; amending s. 120.536, F.S.; prohibiting certain provisions in a rule; amending s. 120.54, F.S.; requiring agencies to publish a notice of rule development within a specified timeframe; deleting a provision related to the timeframe within which rules are required to be drafted and formally proposed; prohibiting materials from being incorporated by reference for certain rules reviewed after a specified date unless certain conditions are met; prohibiting rules proposed after a specified date from having materials incorporated by reference unless certain conditions are met; requiring agencies to use specific coding if they are updating or making changes to certain documents incorporated by reference; requiring a certain number of days between a notice of rule development and notice of proposed rule; requiring that notices of rule development contain certain information as well as incorporated documents; requiring that a notice of rule development contain a proposed rule number and specified statements; requiring a notice of proposed rule to be published within a specified timeframe; requiring a specified statement if an agency must exceed such timeframe; requiring the agency to update such specified statement for a certain timeframe; revising the scope of public workshops to include information gathered for the preparation of statements of estimated regulatory costs; revising who may challenge a proposed rule developed through negotiated rulemaking; revising the notices required to be issued by agencies before the adoption, amendment, or repeal of certain rules; requiring certain information be included in the notices; requiring a certain number of days between a notice of rule development and notice of proposed rule; requiring that specified information be available for public inspection; requiring that materials incorporated by reference be made available in a specified manner; requiring that certain notices be delivered electronically to all persons who made requests for such notice; requiring agencies to publish a notice of correction for certain changes within a specified timeframe; providing that notices of correction do not affect certain timeframes; requiring that technical changes be published as notices of correction; requiring agencies to provide copies of any offered regulatory alternatives to the Administrative Procedures Committee before the agency files a rule for adoption; requiring the agency to consider certain factors; removing the definition of the term “small business”; revising the requirements for the contents of a notice of change; requiring that certain materials incorporated by reference be made available in a specified manner; requiring the department to publish a notice of withdrawal of the proposed rule under certain circumstances; requiring agencies to restart rulemaking following a notice of withdrawal in certain circumstances; requiring that certain rules be withdrawn if not ratified within the legislative session immediately following the filing for adoption; providing

that agencies are authorized to initiate rulemaking, or required to initiate rulemaking under a specified circumstance, within a specified timeframe of the adjournment of such legislative session; requiring the committee to compile and post on its website certain information within a specified timeframe after each calendar quarter; reducing the number of certified copies of a proposed rule that must be electronically filed with the Department of State; authorizing agencies to adopt emergency rules under specified conditions; requiring that specified information be published in the first available issue of the Florida Administrative Register and provided to the Administrative Procedures Committee; providing that if a proposed rule is not ratified within a specified timeframe, the emergency rule expires; requiring that the proposed rule be withdrawn in accordance with a specified provision; requiring that notices of renewal for emergency rules be published in the Florida Administrative Register before expiration of the existing emergency rule; requiring that such notices contain specified information; requiring that a note be added to a certain history note for certain emergency rules; requiring that emergency rules be published in the Florida Administrative Code; authorizing agencies to adopt emergency rules that supersede other emergency rules; requiring that the reason for such superseding rules be stated in accordance with specified provisions; authorizing agencies to make technical changes to emergency rules within a specified timeframe; requiring that such changes be published in the Florida Administrative Register as a notice of correction; authorizing agencies to repeal emergency rules by providing a certain notice in the Florida Administrative Register; requiring agencies to provide specified petitions to the committee within a specified timeframe after receipt; requiring agencies to provide a certain notification to the committee within a specified timeframe; reenacting and amending s. 120.541, F.S.; providing that a proposal for a lower cost regulatory alternative submitted after a notice of change is made in good faith only if the proposal contains certain statements; requiring agencies to provide a copy of such proposals and responses thereto to the committee within specified timeframes; prohibiting agencies from filing a rule for adoption unless such documents are provided to the committee; revising the definition of the term “transactional costs”; requiring an agency to include specified market impacts that may result from compliance with a proposed rule; requiring agencies to notify the committee within a specified timeframe that a rule has been submitted for legislative ratification; providing an exemption from legislative ratification for emergency rules; providing requirements for the calculation of estimated regulatory costs; requiring the department to include the agency website on which statements of estimated regulatory costs can be viewed; requiring an agency to take specified actions relating to statements of estimated regulatory costs; requiring the rules ombudsman of the Executive Office of the Governor to prescribe and post on a publicly accessible website a specified form; requiring agencies to use such form; creating s. 120.5435, F.S.; defining the term “rule”; requiring agencies, by a specified date and in coordination with the committee, to review specified rules adopted before a specified date; providing for future

review and repeal; requiring rules promulgated after a certain date to be reviewed; requiring agencies to include a list of existing rules and a schedule of rules they plan to review each year in a certain regulatory plan; authorizing agencies to amend such schedules under specified circumstances but requiring that at least a specified percentage of an agency's rules be reviewed each year until completion of all reviews; requiring agencies to make specified determinations during rule review; providing that certain determinations are not subject to challenge as a proposed rule; requiring agencies to submit a certain report to the Legislature annually by a specified date; requiring agencies to take one of certain specified actions during rule reviews by a specified date; providing requirements for the agencies in connection with each of the specified actions; requiring the committee to examine agencies' rule review submissions; authorizing the committee to request certain information from such agencies; requiring that such review occur within a specified timeframe under specified conditions; requiring the committee to issue a certain certification upon completion of examinations; specifying circumstances under which rule review is considered completed; requiring the department to publish a certain notice in the Florida Administrative Register; amending s. 120.545, F.S.; requiring the Joint Administrative Procedures Committee to review each rule being reviewed; permitting the committee to review certain material and documents; providing that the committee may examine rules to determine if certain unauthorized provisions are included; amending s. 120.55, F.S.; revising the contents of the Florida Administrative Code to conform to changes made by the act; requiring, after a specified date, that any material incorporated by reference be filed in a specified electronic format with the department; requiring that the Florida Administrative Register contain a certain list; requiring that the full text of emergency rules be published; requiring that the department prescribe coding for certain documents incorporated by reference; amending s. 120.74, F.S.; requiring that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans; requiring agencies to take certain actions if the agencies have not completed reviewing a rule; requiring agencies to include information regarding the prior year's licensing practices in their regulatory plan; requiring the committee to submit a consolidated report of the agency licensing data; requiring the Department of State to publish a hyperlink to the licensing data reports; deleting provisions related to deadlines for rule development; deleting deadlines for publishing proposed rules; deleting provisions requiring agencies to file certain certifications with the committee; authorizing agencies to correct a regulatory plan to conclude affected rulemaking proceedings by identifying certain rules; revising the timeframes within which agencies must publish certain notices; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (20), (21), and (22) of section 120.52, Florida Statutes, are renumbered as subsections (21), (22), and (23), respectively, and a new subsection (20) is added to that section, to read:

120.52 Definitions.—As used in this act:

(20) “Technical change” means a change to a rule or a statement of estimated regulatory cost that is limited to correcting citations or grammatical, typographical, or similar errors that do not affect the substance of the rule or statement.

Section 2. Subsection (5) is added to section 120.536, Florida Statutes, to read:

120.536 Rulemaking authority; repeal; challenge.—

(5) Unless otherwise expressly authorized by law, a rule may not include a provision whereby the entire rule, or a provision thereof, automatically expires or is repealed on a specific date or at the end of a specified period.

Section 3. Paragraphs (b) and (i) of subsection (1), paragraphs (a), (c), and (d) of subsection (2), paragraphs (a), (b), (d), and (e) of subsection (3), subsection (4), and paragraph (a) of subsection (7) of section 120.54, Florida Statutes, are amended to read:

120.54 Rulemaking.—

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

(b) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, the agency must publish a notice of rule development such rules shall be drafted and formally proposed as provided in this section within 30 days after the effective date of the law that requires rulemaking and provides a grant of rulemaking authority the times provided in s. 120.74(4) and (5).

(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 through an electronic hyperlink from the rule making the reference in the Florida Administrative Code; or

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

4. In rules proposed after July 1, 2025, 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, in a text-searchable format, can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Register; or

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

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

6.5. Notwithstanding any contrary provision in this section, 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 shall specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency does shall 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 striking through deleted text.

~~8.6.~~ The Department of State may adopt by rule requirements for incorporating materials pursuant to this paragraph.

(2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULE-MAKING.—

(a)1. Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Register at least 7 days before providing notice of a proposed rule as required by paragraph (3)(a). The notice of rule development must:

- a. ~~shall~~ Indicate the subject area to be addressed by rule development,;
- b. Provide a short, plain explanation of the purpose and effect of the proposed rule,;
- c. Cite the grant of rulemaking authority for the proposed rule and the law being implemented. ~~specific legal authority for the proposed rule, and~~
- d. Include the proposed rule number and, if available, either the preliminary text of the proposed rule and any incorporated documents ~~rules, if available,~~ or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft of such rule or documents, ~~if available.~~

2. A notice of a proposed rule must be published in the Florida Administrative Register within 180 days after the most recent notice of rule development, unless the Legislature expressly provides a different date. The agency may only exceed this timeframe if it submits to the committee, at least 7 business days before the end of the 180-day timeframe, a concise statement that identifies the reasons for the delay in rulemaking. The agency must update this statement each quarter thereafter until it has filed a notice of proposed rule in the applicable matter.

(c) An agency may hold public workshops for purposes of rule development or information gathering for the preparation of the statement of estimated regulatory costs. An agency must hold public workshops, including workshops in various regions of the state or the agency's service area, for purposes of rule development if requested in writing by any affected person, unless the agency head explains in writing why a workshop is unnecessary. The explanation is not final agency action subject to review pursuant to ss. 120.569 and 120.57. The failure to provide the explanation when required may be a material error in procedure pursuant to s. 120.56(1)(c). When a workshop or public hearing is held, the agency must ensure that the persons responsible for preparing the proposed rule and the statement of estimated regulatory costs, if applicable, are available to explain the agency's proposal and to respond to questions or comments regarding the rule being developed. The workshop may be facilitated or mediated by a neutral third person, or the agency may employ other types of dispute resolution alternatives for the workshop that are appropriate for rule development. Notice of a workshop for rule development or for information gathering for the preparation of a statement of estimated regulatory costs must ~~workshop shall~~ be by publication in the Florida Administrative Register not less than 14 days before ~~prior to~~ the date on which the workshop is scheduled to be held and must ~~shall~~ indicate the subject area ~~that which~~ will be addressed; the agency contact person; and the place, date, and time of the workshop.

(d)1. An agency may use negotiated rulemaking in developing and adopting rules. The agency should consider the use of negotiated rulemaking when complex rules are being drafted or strong opposition to the rules is anticipated. The agency should consider, but is not limited to considering, whether a balanced committee of interested persons who will negotiate in good faith can be assembled, whether the agency is willing to support the work of the negotiating committee, and whether the agency can use the group consensus as the basis for its proposed rule. Negotiated rulemaking uses a committee of designated representatives to draft a mutually acceptable proposed rule.

2. An agency that chooses to use the negotiated rulemaking process described in this paragraph shall publish in the Florida Administrative Register a notice of negotiated rulemaking that includes a listing of the representative groups that will be invited to participate in the negotiated rulemaking process. Any person who believes that his or her interest is not adequately represented may apply to participate within 30 days after publication of the notice. All meetings of the negotiating committee must ~~shall~~ be noticed and open to the public pursuant to ~~the provisions of this chapter~~. The negotiating committee shall be chaired by a neutral facilitator or mediator.

3. The agency's decision to use negotiated rulemaking, its selection of the representative groups, and approval or denial of an application to participate in the negotiated rulemaking process are not agency action. ~~Nothing in~~ This subparagraph is not intended to affect the rights of a substantially an

affected person to challenge a proposed rule developed under this paragraph in accordance with s. 120.56(2).

(3) ADOPTION PROCEDURES.—

(a) *Notices.*—

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

a. setting forth 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. The notice must include

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.;

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 notice must state the procedure for requesting a public hearing on the proposed rule.

1. Except when the intended action is the repeal of a rule, ~~the notice must include~~ 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 shall~~ be published in the Florida Administrative Register at least 7 days after the notice of rule development and at least ~~not less than~~ 28 days ~~before prior to~~ the intended action. The proposed rule, including all material proposed to be incorporated by reference, must shall 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 subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b.

3. The notice ~~must shall~~ 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 prior to such mailing~~, have made requests of the agency for 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 prior to~~ 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.

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

1. Statement of estimated regulatory costs.—Before the adoption, amendment, or repeal of any rule, other than an emergency rule, an agency is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

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

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

The agency must make available any information created or used by the agency in determining whether a proposed rule meets the factors listed in sub-subparagraphs a. and b. and such information shall be a part of the rulemaking record. The agency must consider in this determination the factors outlined in s. 120.541(2); however, the agency is not required to estimate the proposed rule's impact to these factors as part of this determination.

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

a. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. ~~An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:~~

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

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

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

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

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

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

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman's receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. An agency shall provide the committee a copy of any regulatory alternative offered to the agency within 7 days after its delivery to the agency. The agency may not file a rule for adoption before such regulatory alternative, if applicable, has been provided to the committee.

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

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

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the proposed rule has not been changed from the rule as previously filed with the committee, or contains only technical changes, the adopting agency ~~must shall~~ file a notice to that effect with the committee at least 7 days ~~before prior to~~ filing the proposed rule for adoption. Any change, other than a technical change ~~that does not affect the substance of the rule~~, must be supported by the record of public hearings held on the proposed rule, must be in response to written material submitted to the agency within 21 days after the date of publication of the notice of intended agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing, or must be in response to a proposed objection by the committee. Any change, other than a technical change, to a statement of estimated regulatory costs requires a notice of change. In addition, ~~when any change, other than a technical change, to is made in a proposed rule text or any material incorporated by reference requires, other than a technical change,~~ the adopting agency shall provide a copy of a notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days ~~before prior to~~ filing the rule for adoption. The notice of change ~~must shall~~ be published in the Florida Administrative Register at least 21 days ~~before prior to~~ filing the proposed rule for adoption. The notice of change must include a summary of any revision to the statement of estimated regulatory costs required by s. 120.541(1)(c). This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by

reference in the notice of change must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or sub-subparagraph (1)(i)3.b. and include a summary of substantive revisions to any material proposed to be incorporated by reference in the proposed rule.

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

3. After the notice required by paragraph (a), the agency must withdraw the proposed rule if the agency has either failed to adopt it within the prescribed timeframes in this chapter or failed to submit the concise statement required under subparagraph (2)(a)2. If, 30 days after notice by the committee that the agency has failed to either adopt the proposed rule within the prescribed timeframes in this chapter or submit the required statement, the agency has not given notice of the withdrawal of the proposed rule, the committee must notify the Department of State that the date for adoption of the rule or submission of the required statement has expired, and the Department of State must publish a notice of withdrawal of the proposed rule. Within 30 days after the withdrawal, the agency must initiate rulemaking again if the mandatory grant of rulemaking authority the agency relied upon as authority to pursue the original rule action is still in effect at the time of the original rule's withdrawal.

~~4.3.~~ After adoption and before the rule becomes effective, a rule may be modified or withdrawn only in the following circumstances:

a. When the committee objects to the rule;

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

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

(I) May initiate rulemaking again by publishing the notice required by paragraph (3)(a); or

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

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

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

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

7. The committee must, within 15 days after the end of each calendar quarter, compile and post on its website a list of each failure by an agency to file a notice of proposed rule within the timeframe prescribed by subparagraph (2)(a)2. that has occurred within the last quarter. The committee's list must provide the following:

a. The name of the agency that failed to timely file a notice of proposed rule.

b. The website address where the relevant notice of rule development may be found.

c. A citation to the applicable grant of rulemaking authority for the proposed rule and the law being implemented.

d. If the timeframe for filing a notice of proposed rule prescribed in subparagraph (2)(a)2. has been exceeded but a notice of proposed rule has not been filed, the length of time since the filing of the notice of rule development.

e. If the timeframe for filing a notice of proposed rule in subparagraph (2)(a)2. has been exceeded and a notice of proposed rule has been filed, the length of time between the agency filing the notice of rule development and the filing of the notice of proposed rule.

f. A copy of the agency's concise statement required under subparagraph (2)(a)2.

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

1. If the adopting agency is required to publish its rules in the Florida Administrative Code, the agency, upon approval of the agency head, must electronically ~~shall~~ file with the Department of State a three certified copy ~~copies~~ of the rule it proposes to adopt; one copy of any material incorporated by reference in the rule, certified by the agency; a summary of the rule; a summary of any hearings held on the rule; and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required by this subparagraph, in the office of the agency head, and such rules must ~~shall~~ be open to the public.

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the public, or until the administrative law judge has rendered a decision under s. 120.56(2), whichever applies. When a required notice of change is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after the date of publication. If notice of a public hearing is published before ~~prior to~~ the expiration of the time to file the rule for adoption, the period during which a rule must be filed for adoption is extended to 45 days after adjournment of the final hearing on the rule, 21 days after receipt of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. The term “public hearing” includes any public meeting held by any agency at which the rule is considered. If a petition for an administrative determination under s. 120.56(2) is filed, the period during which a rule must be filed for adoption is extended to 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete.

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

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

5. If a rule has not been adopted within the time limits imposed by this paragraph or has not been adopted in compliance with all statutory rulemaking requirements, the agency proposing the rule must ~~shall~~ withdraw the rule and give notice of its action in the next available issue of the Florida Administrative Register.

6. The proposed rule is ~~shall be~~ adopted upon ~~on~~ being filed with the Department of State and becomes ~~become~~ effective 20 days after being filed, on a later date specified in the notice required by subparagraph (a)1., on a date required by statute, or upon ratification by the Legislature pursuant to s. 120.541(3). Rules not required to be filed with the Department of State ~~shall~~ become effective when adopted by the agency head, on a later date specified by rule or statute, or upon ratification by the Legislature pursuant

to s. 120.541(3). If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.

For the purposes of this paragraph, the term “administrative determination” does not include subsequent judicial review.

(4) EMERGENCY RULES.—

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

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

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

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one or a part of one county, including the full text of the rules and the agency’s findings of immediate danger, necessity, and procedural fairness or a citation to the grant of emergency rulemaking authority, ~~must~~ shall be published in the first available issue of the Florida Administrative Register and provided to the committee along with any material incorporated by reference in the rules. The agency’s findings of immediate danger, necessity, and procedural fairness are ~~shall be~~ judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare ~~must~~ shall include rules pertaining to perishable agricultural commodities or rules pertaining to the interpretation and implementation of the requirements of chapters 97-102 and chapter 105 of the Election Code.

(c) 1. An emergency rule adopted under this subsection ~~may~~ shall not be effective for a period longer than 90 days and ~~may~~ shall not be renewable, except when the agency has initiated rulemaking to adopt rules addressing the subject of the emergency rule and either:

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

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

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

(d) Notice of the renewal of an emergency rule must be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice of renewal must state the specific facts and reasons for such renewal.

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

(f) Emergency rules must be published in the Florida Administrative Code.

(g) An agency may supersede an emergency rule in effect through adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated in accordance with the procedures set forth in paragraph (a). The superseding rule may not be in effect longer than the duration of the effective period of the superseded rule.

(h) An agency may make technical changes to an emergency rule within the first 7 days after the rule is adopted, and such changes must be published in the Florida Administrative Register as a notice of correction.

~~(i)(d)~~ Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or on a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of immediate danger to the public health, safety, or welfare.

(j) An agency may repeal an emergency rule before it expires by providing notice of its intended action in the Florida Administrative Register. The notice must include the full text of the emergency rule and a summary thereof; if applicable, a reference to the rule number; and a short, plain explanation as to why the conditions specified in accordance with paragraph (a) no longer require the emergency rule.

(7) PETITION TO INITIATE RULEMAKING.—

(a) Any person regulated by an agency or having substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by this chapter. The petition must ~~shall~~ specify the proposed rule and action requested. The agency shall provide to the committee a copy of the petition within 7 days after its receipt. No ~~Not~~ later than 30 calendar days following the date of filing a petition, the agency shall initiate rulemaking proceedings under this chapter, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial. The agency shall notify the committee of its intended action or response within 7 days.

Section 4. Paragraph (a) of subsection (1) and subsections (2) and (3) of section 120.541, Florida Statutes, are amended, paragraph (d) is added to subsection (4), and subsections (6) and (7) are added to that section, to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states the person's reasons for believing that the proposed rule, as changed by the notice of change, increases the regulatory costs or creates an adverse impact on small businesses which was not created by the previously proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative or provide a statement of the reasons for rejecting the alternative in favor of the proposed rule. The agency shall provide to the committee, within 7 days after its receipt, a copy of any proposal for a lower cost regulatory alternative, and within 7 days after its release, a copy of the agency's response thereto. The agency may not file a rule for adoption before such documents, if applicable, have been provided to the committee.

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

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

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;

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

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

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

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

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, “transactional costs” are direct costs that are readily ascertainable by the agency based upon standard business practices, and may include:

1. Filing fees.
2. Expenses to obtain a license.
3. Necessary equipment.
4. Installation, utilities for, and maintenance of necessary equipment.
5. Necessary operations or procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Labor, based on relevant wages, salaries, and benefits.
8. Materials and supplies.
9. Capital expenditures, including financing costs.
10. Professional and technical services, including contracted services necessary to implement and maintain compliance.
11. Monitoring and reporting.
12. Qualifying and recurring education, training, and testing.
13. Travel.

14. Insurance and surety requirements.

15. A fair and reasonable allocation of administrative costs and other overhead.

16. Reduced sales or other revenue.

17. Other items suggested by the rules ombudsman in the Executive Office of the Governor or by any interested person, business organization, or business representative filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

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

(f) In evaluating the impacts described in paragraphs (a) and (e), an agency must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

1. Changes to customer charges for goods or services.

2. Changes to the market value of goods or services produced, provided, or sold.

3. Changes to costs resulting from the purchase of substitute or alternative goods or services.

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

(g) Any additional information that the agency determines may be useful.

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

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

shall notify the committee of its submission of the rule to the Legislature for ratification within 3 business days after submittal.

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

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

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

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

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

(7) The rules ombudsman in the Executive Office of the Governor must prescribe and post on a publicly accessible website a form that incorporates the factors in subsection (2). Agencies must use this form to prepare a statement of estimated regulatory costs as required by this section.

Section 5. Section 120.5435, Florida Statutes, is created to read:

120.5435 Agency review of rules.—

(1) For the purposes of this section, the term “rule” means the rule number assigned by the Department of State.

(2)(a) By July 1, 2030, each agency, in coordination with the committee, shall review all existing rules adopted by the agency before July 1, 2025, in accordance with this section.

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

(c) This subsection stands repealed July 1, 2032.

(3) Any rule initially adopted after July 1, 2025, must be reviewed in accordance with this section in the fifth year following adoption. Such review

must be completed before the day that marks the sixth year since the adoption of the rule.

(4) The agency rule review must determine whether each rule:

(a) Is a valid exercise of delegated legislative authority;

(b) Has current statutory authority;

(c) Reiterates or paraphrases statutory material;

(d) Is in proper form;

(e) Is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements;

(f) Requires a technical or substantive update to reflect current use; and

(g) Requires updated references to statutory citations and incorporated materials.

(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.

(6) The agency shall take one of the following actions during its rule review:

(a) Make no change to the rule. If the agency determines that no change is necessary, the agency must submit to the committee by April 1 a copy of the reviewed rule, a written statement of its intended action, and its assessment of factors specified in subsection (4). This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(b) Make a technical change to the rule. If the agency determines that one or more technical changes are necessary, the agency must submit to the committee by April 1 a copy of the reviewed rule and the recommended technical change or changes coded by underlining new text and striking through deleted text, a written statement of its intended action, its assessment of the factors specified in subsection (4), and the facts and circumstances justifying the technical change or changes to the reviewed rule. This determination is not subject to a challenge as a proposed rule pursuant to s. 120.56(2).

(c) Make a substantive change to the rule. If the agency determines that the rule requires a substantive change, the agency must make all changes, including any technical changes, to the rule in accordance with this chapter. The agency shall publish a notice of rule development in the Florida Administrative Register by April 1. The agency shall also submit to the committee by April 1 a copy of the reviewed rule and the recommended

change or changes coded by underlining new text and striking through deleted text, a written statement of its intended action, and its assessment of factors specified in subsection (4). This submission to the committee does not constitute a notice of rule development as contemplated by s. 120.54(2)(a) and is not required to be in the same form as the rule that will be proposed by the agency.

(d) Repeal the rule. If an agency determines that the rule should be repealed, the agency must repeal the rule in accordance with this chapter and publish the required notice in the Florida Administrative Register by April 1. The agency shall also submit to the committee by April 1 a written statement of its intended action and its assessment of factors specified in subsection (4). This submission to the committee does not constitute a notice of proposed rule as contemplated by s. 120.54(3)(a).

(7)(a) By July 1, the committee shall examine each agency's rule review submissions. The committee may request from an agency any information that is reasonably necessary for examination of a rule as required by subsections (2) and (3).

(b) If the agency recommends no change or a technical change to a rule, the committee must certify whether the agency has responded in writing to all material and timely written comments or inquiries made on behalf of the committee.

(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 (7), with the Department of State; or

(b) The agency, for a reviewed rule subject to substantive change or repeal, timely filing the appropriate notice pursuant to s. 120.54.

(9) The Department of State shall publish in the Florida Administrative Register a notice of the completed rule review and shall update the history note of the rule in the Florida Administrative Code to reflect the date of completion, if applicable.

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

120.545 Committee review of agency rules.—

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by s. 120.81(1)(e) and (2), and its accompanying material, and each emergency rule, each rule reviewed under s. 120.5435, and may examine any existing rule, and any accompanying material or associated documents used

to interpret a proposed or existing rule, for the purpose of determining whether:

- (a) The rule is an invalid exercise of delegated legislative authority.
- (b) The statutory authority for the rule has been repealed.
- (c) The rule reiterates or paraphrases statutory material.
- (d) The rule is in proper form.
- (e) The notice given before ~~prior to~~ its adoption was sufficient to give adequate notice of the purpose and effect of the rule.
- (f) The rule is consistent with expressed legislative intent pertaining to the specific provisions of law which the rule implements.
- (g) The rule is necessary to accomplish the apparent or expressed objectives of the specific provision of law which the rule implements.
- (h) The rule is a reasonable implementation of the law as it affects the convenience of the general public or persons particularly affected by the rule.
- (i) The rule could be made less complex or more easily comprehensible to the general public.
- (j) The rule's statement of estimated regulatory costs complies with the requirements of s. 120.541 and whether the rule does not impose regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.
- (k) The rule will require additional appropriations.
- (l) If the rule is an emergency rule, there exists an emergency justifying the adoption of such rule, the agency is within its statutory authority, and the rule was adopted in compliance with the requirements and limitations of s. 120.54(4).
- (m) The rule includes a provision not authorized by statute, whereby the entire rule, or a provision thereof, automatically expires or is repealed on a specific date or at the end of a specified period.

Section 7. 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 shall 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) s. 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 shall 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~~ shall retain responsibility for the code as provided in this section. The electronic publication ~~is~~ shall be the official compilation of the administrative rules of this state. The Department of State retains ~~shall retain~~ 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 shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code does shall 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 ~~shall~~ 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 shall 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 shall be incorporated by reference into the appropriate rule. The reference must shall specifically state that the form is being incorporated by reference and ~~shall~~ 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 ~~allow~~ adopted rules ~~and material incorporated by reference~~ to be filed in the manner prescribed by s. 120.54(1)(i)3.a. or b. ~~electronic form as prescribed by department rule~~. When a proposed rule is filed for adoption with incorporated material in electronic form, the department’s publication of the Florida Administrative Code on its website must contain a hyperlink from the incorporating reference in the rule

directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

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

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

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

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

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

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

5. A list of all rules that were not timely reviewed by their respective agency, pursuant to s. 120.5435, updated at least annually.

6.5. A summary of each objection to any rule filed by the Administrative Procedures Committee.

7.6. A list of rules filed for adoption in the previous 7 days.

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

9. The full text of each emergency rule in effect on the date of publication.

10.8. Any other material required or authorized by law or deemed useful by the department.

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

(c) Prescribe by rule the style and form required for rules, notices, and other materials submitted for filing, including any rule requiring that

documents created by an agency which are proposed to be incorporated by reference in notices published pursuant to s. 120.54(3)(a) and (d) be coded as required in s. 120.54(1)(i)7.

(d) Charge each agency using the Florida Administrative Register a space rate to cover the costs related to the Florida Administrative Register and the Florida Administrative Code.

(e) Maintain a permanent record of all notices published in the Florida Administrative Register.

Section 8. Paragraph (c) of subsection (1) and subsections (4) through (8) of section 120.74, Florida Statutes, are amended, and paragraphs (e), (f), and (g) are added to subsection (1) of that section, 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.

(c) The plan must include any desired update to the prior year's regulatory plan or supplement published pursuant to subsection (5) (7). If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

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

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

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

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

2. A 5-year schedule for the review of all existing rules as of July 1, 2025.

3. 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 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(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 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 these reports in the first available issue of the Florida Administrative Register.

~~(4) DEADLINE FOR RULE DEVELOPMENT.—By November 1 of each year, each agency shall publish a notice of rule development under s. 120.54(2) for each law identified in the agency's regulatory plan pursuant to subparagraph (1)(a)1. for which rulemaking is necessary to implement but for which the agency did not report the publication of a notice of rule development under subparagraph (1)(a)2.~~

~~(4)(5) CORRECTING THE REGULATORY PLAN.—DEADLINE TO PUBLISH PROPOSED RULE.—For each law for which implementing rulemaking is necessary as identified in the agency's plan pursuant to subparagraph (1)(a)1. or subparagraph (1)(c)1., the agency shall publish a notice of proposed rule pursuant to s. 120.54(3)(a) by April 1 of the year following the deadline for the regulatory plan. This deadline may be extended if the agency publishes a notice of extension in the Florida Administrative Register identifying each rulemaking proceeding for which an extension is being noticed by citation to the applicable notice of rule development as published in the Florida Administrative Register. The agency shall include a concise statement in the notice of extension identifying any issues that are causing the delay in rulemaking. An extension shall expire on October 1 after the April 1 deadline, provided that the regulatory plan due on October 1 may further extend the rulemaking proceeding by identification pursuant to subparagraph (1)(c)1. or conclude the rulemaking proceeding by identification pursuant to subparagraph (1)(c)2. A published regulatory plan may be corrected at any time to accomplish the purpose of extending or concluding an affected rulemaking proceeding by identifying the applicable rule pursuant to subparagraph (1)(c)2. The regulatory plan and is deemed corrected as of the October 1 due date. Upon publication of a correction, the agency shall publish in the Florida Administrative Register a notice of the date of the correction identifying the affected rulemaking proceeding by applicable citation to the Florida Administrative Register.~~

~~(6) CERTIFICATIONS.—Each agency shall file a certification with the committee upon compliance with subsection (4) and upon filing a notice under subsection (5) of either a deadline extension or a regulatory plan correction. A certification may relate to more than one notice or contemporaneous act. The date or dates of compliance shall be noted in each certification.~~

~~(5)(7) SUPPLEMENTING THE REGULATORY PLAN.—After publication of the regulatory plan, the agency shall supplement the plan within 30 days after a bill becomes a law if the law is enacted before the next regular session of the Legislature and the law substantively modifies the agency's specifically delegated legal duties, unless the law affects all or most state agencies as identified by letter to the committee from the Governor or the Attorney General. The supplement must include the information required in paragraph (1)(a) and shall be published as required in subsection (2), but no certification or delivery to the committee is required. The agency shall publish in the Florida Administrative Register notice of publication of the supplement, and include a hyperlink on its website or web address for direct~~

access to the published supplement. For each law reported in the supplement, if rulemaking is necessary to implement the law, the agency shall publish a notice of rule development no later than 30 by the later of the date provided in subsection (4) or 60 days after the effective date of the act that requires rulemaking and provides a grant of rulemaking authority ~~bill becomes a law~~, and a notice of proposed rule shall be published no later than 180 days after the publication of the applicable notice of rule development by the later of the date provided in subsection (5) or 120 days after the bill becomes a law. The proposed rule deadline may be extended to the following October 1 by notice as provided in subsection (5). If such proposed rule has not been filed by October 1, a law included in a supplement shall also be included in the next annual plan pursuant to subsection (1).

~~(6)(8)~~ FAILURE TO COMPLY.—If an agency fails to comply with a requirement of paragraph (2)(a) ~~or subsection (5)~~, within 15 days after written demand from the committee or from the chair of any other legislative committee, the agency shall deliver a written explanation of the reasons for noncompliance to the committee, the President of the Senate, the Speaker of the House of Representatives, and the chair of any legislative committee requesting the explanation of the reasons for noncompliance.

Section 9. This act shall take effect July 1, 2025.

Approved by the Governor June 26, 2025.

Filed in Office Secretary of State June 26, 2025.