

Section 120.5435

CHAPTER 2025-189

Committee Substitute for Senate Bill No. 108

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(c) This subsection stands repealed July 1, 2032.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