

2025 Summary of Amendments to Chapter 120

Chapter 2025-189, L.O.F., amends several sections of Chapter 120, F.S.:

Section 120.52

- Subsection (1) defines the term “technical change.”

Section 120.536

- Subsection (5) prohibits a provision whereby a rule automatically expires or is repealed at a later date unless expressly authorized in law.

Section 120.54

- Paragraph 120.54(1)(b) is amended to require an agency to publish a notice of rule development within 30 days after the effective date of a rule that requires rulemaking and provides a grant of rulemaking authority.
- Subparagraphs 120.54(1)(i)3. and 4. prohibit materials from being incorporated by reference after a specified date unless electronically published in a text-searchable format.
- Subparagraph 120.54(1)(i)7. is created to require an agency to use specific coding when updating or making changes to certain documents incorporated by reference by underlining new text and striking through deleted text.
- Subparagraph 120.54(2)(a)1. requires that a notice of rule development must be published at least 7 days before publication of the notice of proposed rulemaking. The notice must cite the grant of rulemaking authority and the law being implemented. The notice must contain certain information including incorporated documents, a proposed rule number, and specified statements.
- Subparagraph 120.54(2)(a)2. is created to require that a notice of proposed rule must be published within 180 days after the most recent rule development notice, unless a different date is expressly provided. 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 statement that identifies the reasons for the delay. The agency must update this statement each quarter thereafter until it has filed a notice of proposed rule.
- Paragraph 120.54(2)(c) is amended to revise the scope of public workshops to include information gathered for the preparation of statements of estimated regulatory cost and specifies that notice of such workshops must be published not less than 14 days prior to the date the workshop is scheduled to be held.
- Paragraph 120.54(3)(a) is amended to revise the notices required to be filed by agencies prior to adoption, amendment, or repeal of certain rules:
 - Requires certain information to be included in the notices:
 - The proposed rule number.
 - The name, email address, and the telephone numbers of the agency employee who may be contacted regarding the intended action.
 - A concise summary of the agency’s statement of the estimated regulatory costs, if prepared, that describes the regulatory impact of the rule in readable language.

- An agency website address where the statement of estimated regulatory costs can be viewed in its entirety, if one has been prepared.
 - A description of the procedure for requesting a public hearing on the proposed rule.
 - Requires that notices of proposed rulemaking be published at least 7 days after the notice of rule development.
 - Requires that specified information be available for public inspection and materials incorporated by reference be made available in a specified manner.
 - Permits certain notices to be delivered electronically to all persons who made request for such notice.
 - Requires agencies to publish a notice of correction for certain technical changes at least 7 days before adoption and requires that all technical changes be published as a notice of correction.
- Paragraph 120.54(3)(b) is amended to remove separate definitions of the terms “small business,” “small county,” and “small city,” and require that:
 - Agencies consider certain factors.
 - Agencies provide copies of any offered regulatory alternatives to the Joint Administrative Procedures Committee within 7 days after delivery to the agency and before the agency files the rule for adoption.
- Paragraph 120.54(3)(d) is amended to:
 - Revise the requirements for the contents of a notice of change.
 - Require that certain materials incorporated by reference be made available in a specified manner.
 - Require the department to publish a notice of withdrawal of the proposed rule under certain circumstances:
 - Requires the Joint Administrative Procedures Committee to notify the Department of State that the date for adoption of the rule has expired, if 30 days after notice by the committee the agency has not given notice of the withdrawal of the proposed rule. The Department of State must publish a notice of withdrawal of the proposed rule.
 - Requires the Joint Administrative Procedures Committee to notify the Department of State if an agency has published a proposed rule for which the agency has failed to submit the concise statement required under subparagraph (2)(a)2., if 30 days after notice by the committee the agency has not given notice of the withdrawal of the proposed rule. The Department of State must publish a notice of withdrawal of the proposed rule.
 - Require agencies to restart rulemaking following a notice of withdrawal within 30 days after adjournment sine die if the mandatory grant of rulemaking 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.
 - Require that certain rules be withdrawn if not ratified within the legislative session immediately following the filing for adoption.

- Authorize or require that agencies initiate rulemaking under specified circumstances within a specified timeframe of the adjournment of the legislative session.
- Require the Joint Administrative Procedures Committee to compile and post on its website certain information, including a list of each failure by an agency to file a notice of proposed rulemaking that has occurred within the last quarter within 15 days after the end of each calendar quarter.
- Reduce the number of certified copies of a proposed rule that must be filed electronically with the Department of State.
- Paragraph 120.54(4) is amended to:
 - Authorize agencies to adopt emergency rules under specified circumstances.
 - Require that emergency rules renewed pending the ratification of proposed rules expire at adjournment sine die of the next regular session if the proposed rule addressing the subject is not ratified; the proposed rule must then be withdrawn from ratification.
 - Require that a notice of renewal of an emergency rule be published in the Florida Administrative Register before the expiration of the existing emergency rule. The notice must state the specific facts and reasons for the renewal.
 - Require that when an emergency rule with an effective period of greater than 90 days which is intended to replace an existing rule, a note must be added to the history note of the existing rule specifically identifying the emergency rule that is intended to supersede the existing rule and includes the date the emergency rule was filed with the Department of State.
 - Require that emergency rules be published in the Florida Administrative Code.
 - Authorize an agency to supersede an emergency rule in effect through the adoption of another emergency rule before the superseded rule expires. The reason for adopting the superseding rule must be stated and the superseding rule may not be in effect longer than the duration of the effective period of the superseded rule.
 - Authorize an agency to make technical changes to an emergency rule within the first 7 days after the rule is adopted through publication of a notice of correction in the Florida Administrative Register.
 - Authorize an agency to repeal an emergency rule before it expires by providing notice in the Florida Administrative Register with specified information.
- Subsection 120.54(7) is amended to require that agencies provide copies of petitions to initiate rulemaking within 7 days of receipt and notify the committee of its intended action within 7 days.

Section 120.541

- Paragraph 120.541(1)(a) is amended regarding proposals for a lower cost regulatory alternative submitted after a notice of change. The agency is required to provide to the committee a copy of any lower cost regulatory alternative within 7 days of receipt as well as a copy of the agency’s response within 7 days of release before filing a rule for adoption.
- Paragraph 120.541(2)(d) is amended to revise the definition of “transactional costs.”

- Paragraph 120.541(2)(f) is revised to require an agency to include specified market impacts that may result from compliance with a proposed rule.
- Subsection 120.541(3) is revised to require that agencies notify the committee that a rule has been submitted to the Legislature for ratification within 3 business days after submittal.
- Subsection 120.541(4) provides an exemption for the ratification of emergency rules.
- Paragraph 120.541(6)(a) is created to require that the Department of State include on the Florida Administrative Register website agency website addresses where statements of estimated regulatory cost can be viewed.
- Paragraph 120.541(6)(b) is created to require that agencies that prepare a statement of estimated regulatory costs provide notice to the Department of State for publication in the Florida Administrative Register, including the agency website address where the statement can be viewed.
- Paragraph 120.541(6)(c) is created to require that agencies provide notice when revising a statement of estimated regulatory costs, including the agency website address where the revision can be viewed.
- Subsection 120.541(7) is created to require that the rules ombudsman in the Executive Office of the Governor prescribe and post on a publicly available website a specified form that agencies must use in the preparation of statements of estimated regulatory costs.

Section 120.5435

- Subsection 120.5435(1) is created to define the term “rule” for the purposes of the review.
- Subsection 120.5435(2) is created to require that:
 - By July 1, 2030, each agency, in coordination with the committee, review all existing rules adopted by the agency before July 1, 2025.
 - Beginning October 1, 2025, each agency shall include a list of its existing rules in its annual regulatory plan. 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 rules have been reviewed.
- Subsection 120.5435(3) is created to require that any rule adopted after July 1, 2025, must be reviewed during the fifth year following adoption.
- Subsection 120.5435(4) is created to require that agencies make certain determinations during rule review.
- Subsection 120.5435(5) is created to require that each agency submit a report to the President of the Senate, the Speaker of the House of Representatives, and the Joint Administrative Procedures Committee by January 1 of each year summarizing the agency’s intended action on each rule under review during the current fiscal year.
- Subsection 120.5435(6) is created to require that agencies take one of certain specified actions by a specified date and provides that certain determinations during rule review are not subject to challenge as a proposed rule.
 - Paragraph 120.5435(6)(a) provides the option to make no change to the rule. If no change is necessary, the agency must submit to the Joint Administrative Procedures

Committee by April 1 a copy of the reviewed rule, a written statement of its intended action, and its assessment of specified factors.

- Paragraph 120.5435(6)(b) provides the option to make a technical change to a 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.
- Paragraph 120.5435(6)(c) provides the option to 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 Chapter 120, F.S. The agency shall publish a notice of rule development in the Florida Administrative Register by April 1. The agency shall also submit to the Joint Administrative Procedures 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 specified factors. 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.
- Paragraph 120.5435(6)(d) provides the option to repeal the rule. If an agency determines that the rule should be repealed, the agency must repeal the rule in accordance with this Chapter 120, F.S., and publish the required notice in the Florida Administrative Register by April 1. The agency shall also submit to the Joint Administrative Procedures 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).
- Subsection 120.5435(7) is created to require the Joint Administrative Procedures Committee to review each agency's rule review submissions by July 1. The committee must certify if the agency has responded in writing to all material and timely written comments if the agency recommends no change or a technical change to a rule.
- Subsection 120.5435(8) is created to specify circumstances under which rule review is considered to be complete:
 - 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
 - The agency, for a reviewed rule subject to substantive change or repeal, timely filing the appropriate notice pursuant to s. 120.54.

Section 120.545

- Subsection 120.545(1) is amended to require the Joint Administrative Procedures Committee to review each rule being reviewed and permits the committee to review certain materials and documents.
- Paragraph 120.545(1)(m) is created to provide that the Joint Administrative Procedures Committee may examine rules to determine if certain unauthorized provisions are included 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 120.55

- Paragraph 120.55(1)(a) is amended to revise the contents of the Florida Administrative Code to include materials incorporated by reference.
- Subparagraph 120.55(1)(a)5. is amended to require that after December 31, 2025, the Department of State shall require any material incorporated by reference be filed with the department in a specified electronic format.
- Subparagraph 120.55(1)(a)6. is created to provide that the Department of State must include the date of any technical changes in the history note of the rule in the Florida Administrative Code; specifies that a technical change does not affect the effective date of the rule; states that a technical change made after the adoption of a rule must be published as a notice of correction.
- Subparagraph 120.55(1)(b)5. is created to require that the Florida Administrative Register contain a list of all rules that were not timely reviewed by an agency to be updated at least annually.
- Subparagraph 120.55(1)(b)9. is created to require that the Florida Administrative Register contain the full text of each emergency rule in effect on the date of the publication.
- Subparagraph (1)(c) is amended to require that the Department of State prescribe coding for certain documents incorporated by reference.

Section 120.74

- Paragraph 120.74(1)(e) is created to require that regulatory plans submitted by agencies include certain schedules for rule review and certain desired updates to such plans. The plan should include:
 - A list of the agency's existing rules scheduled for review pursuant to s. 120.5435.
 - A 5-year schedule for the review of all existing rules as of July 1, 2025.
 - 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.
- Paragraph 120.74(1)(f) is created to:
 - Require that agency regulatory plans include any desired update to the prior year's regulatory plan or supplement, thereof, published pursuant to s.120.74(5). If in a prior year's regulatory plan the agency identified a rule requiring review pursuant to s.120.5435 but the review has not been completed:
 - 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

- 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.
 - Require that 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:
 - The number of license applications submitted to the agency.
 - The number of license applications that required one or more requests for additional information.
 - The number of license applications for which the applicant was nonresponsive to one or more requests for additional information.
 - The number of license applications that were not completed by the applicant.
 - 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.
 - 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.
 - The number of license applications that were not approved or denied within the statutory timeframe.
 - The average and median number of days it takes the agency to approve or deny an application after receipt of a completed application.
 - The number of license applications for which final agency action was appealed and the number of informal and formal hearings requested.
 - The number of employees dedicated to processing license applications, if available.
 - Require that no later than December 31 of each year, the Joint Administrative Procedures 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.
 - Delete provisions related to deadlines for rule development and proposed rules; delete provisions that require agencies to file certain certifications with the committee regarding these deadlines.
 - Authorize agencies to correct a regulatory plan by identifying certain rules.
- Subsection 120.74(5) revises timeframes within which agencies must publish certain notices:
 - Requires that agencies publish a notice of rule development no later than 30 days after the effective date of the act that requires rulemaking and provides a grant of

rulemaking authority for each rule reported in the supplement to the regulatory plan, if rulemaking is necessary to implement the law.

- Requires that a notice of proposed rule be published no later than 180 days after the publication of the applicable notice of rule development.

Effective date: July 1, 2025