



**RULEMAKING OVERSIGHT
&
REPEAL
SUBCOMMITTEE
MEETING**

**Wednesday 4th, 2015
10:00 a.m. – 12:00 p.m.**

306 House Office Building

MEETING PACKET

Steve Crisafulli
Speaker

Lake Ray
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rulemaking Oversight & Repeal Subcommittee

Start Date and Time: Wednesday, February 04, 2015 10:00 am
End Date and Time: Wednesday, February 04, 2015 12:00 pm
Location: 306 HOB
Duration: 2.00 hrs

Workshop on PCB RORS 15-01 Administrative Procedures, Draft A
(2014 House legislation revising agency regulatory reporting; CS/CS/HB 7001 (2014))

Workshop in PCB RORS 15-02 Administrative Procedures, Draft A
(2014 House legislation on Statements of Estimated Regulatory Cost; CS/CS/HB 7107 (2014))

NOTICE FINALIZED on 01/28/2015 15:06 by Powell-Battles.Sonja



FLORIDA HOUSE OF REPRESENTATIVES
Rules, Calendar & Ethics Committee
Rulemaking Oversight & Repeal Subcommittee

Steve Crisafulli
Speaker

Lake Ray
Chair

AGENDA

February 4, 2015

10:00 a.m. – 12:00 p.m.

306 House Office Building

- Opening Remarks by Chair Ray
- Roll Call by Sonja Powell-Battles, CAA
- Announcements
- Workshop on PCB RORS 15-01 Administrative Procedures, Draft A
(2014 House legislation revising agency regulatory reporting; CS/CS/HB 7001 (2014))
- Workshop in PCB RORS 15-02 Administrative Procedures, Draft A
(2014 House legislation on Statements of Estimated Regulatory Cost; CS/CS/HB 7107 (2014))
- Closing Remarks
- Meeting Adjourned

PCB RORS 15-01
Draft A

1 A bill to be entitled
 2 An act relating to administrative procedures; amending
 3 s. 120.54, F.S.; revising the deadline to propose
 4 rules implementing new laws; amending s. 120.74, F.S.;
 5 revising requirements for the annual review of agency
 6 rules; providing procedures for preparing and
 7 publishing regulatory plans; specifying requirements
 8 for such plans; requiring publication by specified
 9 dates of notices of rule development and of proposed
 10 rules necessary to implement new laws; providing for
 11 applicability; providing for suspension of an agency's
 12 rulemaking authority under certain circumstances;
 13 repealing s. 120.745 F.S., relating to legislative
 14 review of agency rules in effect on or before a
 15 specified date; repealing s. 120.7455, F.S., relating
 16 to an Internet-based public survey of regulatory
 17 impacts; providing for rescission of the suspension of
 18 rulemaking authority under such repealed provisions;
 19 providing effective dates.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Paragraph (b) of subsection (1) of section
 24 120.54, Florida Statutes, is amended to read:

25 120.54 Rulemaking.—

26 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN

27 EMERGENCY RULES.—

28 (b) Whenever an act of the Legislature is enacted which
 29 requires implementation of the act by rules of an agency within
 30 the executive branch of state government, such rules shall be
 31 drafted and formally proposed as provided in this section within
 32 the times provided in s. 120.74(5) and (6) ~~180 days after the~~
 33 ~~effective date of the act, unless the act provides otherwise.~~

34 Section 2. Section 120.74, Florida Statutes, is amended to
 35 read:

36 (Substantial rewording of section. See
 37 s. 120.74, F.S., for present text.)

38 120.74 Agency annual rulemaking and regulatory plans;
 39 reports.—

40 (1) REGULATORY PLAN.—By October 1 of each year, each
 41 agency shall prepare an implementation and rulemaking plan.

42 (a) The plan must include a listing of each law enacted or
 43 amended during the previous 12 months that creates or modifies
 44 the duties or authority of the agency. If the Governor or the
 45 Attorney General provides a letter to the committee stating that
 46 a law affects all or most agencies, the agency may exclude the
 47 law from its plan. For each law listed by an agency under this
 48 paragraph, the plan must state:

49 1. Whether the agency must adopt rules to implement the
 50 law.

51 2. If rulemaking is necessary to implement the law:

52 a. Whether a notice of rule development has been

53 published, and if so, the citation to such notice in the Florida
 54 Administrative Register.

55 b. The date by which the agency expects to publish the
 56 notice of proposed rule under s. 120.54(3)(a).

57 3. If rulemaking is not necessary to implement the law, a
 58 concise written explanation of the reasons why the law may be
 59 implemented without rulemaking.

60 (b) The plan must also include a listing of each law not
 61 otherwise listed pursuant to paragraph (a) that the agency
 62 expects to implement by rulemaking before the following July 1,
 63 except emergency rulemaking. For each law listed under this
 64 paragraph, the plan must state whether the rulemaking is
 65 intended to simplify, clarify, increase efficiency, improve
 66 coordination with other agencies, reduce regulatory costs, or
 67 delete obsolete, unnecessary, or redundant rules.

68 (c) The plan must include any desired update to the prior
 69 year's regulatory plan or supplement published pursuant to
 70 subsection (8). If in a prior year a law was identified under
 71 this paragraph or under subparagraph (1)(a)1. as a law requiring
 72 rulemaking to implement but a notice of proposed rule has not
 73 been published:

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

77 2. If the agency has subsequently determined that
 78 rulemaking is not necessary to implement the law, the agency may

79 identify such law, reference the citation to the applicable
 80 notice of rule development in the Florida Administrative
 81 Register, and provide a concise written explanation of the
 82 reason why the law may be implemented without rulemaking.

83 (d) The plan shall include a certification executed on
 84 behalf of the agency by both the agency head or, if the agency
 85 head is a collegial body, the chair or equivalent presiding
 86 officer, and the agency general counsel or, if the agency does
 87 not have a general counsel, the individual acting as principal
 88 legal advisor to the agency head. The certification must:

89 1. Verify that the persons executing the certification
 90 have reviewed the plan.

91 2. Verify that the agency regularly reviews all of its
 92 rules and identify the period during which all rules have most
 93 recently been reviewed to determine if the rules remain
 94 consistent with the agency's rulemaking authority and the laws
 95 implemented.

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

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

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

103 2. Deliver by electronic communication to the committee a
 104 copy of the certification required in paragraph (1)(d).

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

109 (b) To satisfy the requirements of paragraph (a), each
 110 board established by s. 20.165(4), and any other board or
 111 commission receiving administrative support from the Department
 112 of Business and Professional Regulation, may coordinate with the
 113 Department of Business and Professional Regulation, and each
 114 board established by s. 20.43(3)(g) may coordinate with the
 115 Department of Health, for inclusion of the board's or
 116 commission's plan and notice of publication in the coordinating
 117 department's plan and notice and for the delivery of the
 118 required documentation to the committee.

119 (c) A regulatory plan prepared under subsection (1) and
 120 any regulatory plan published under this chapter before July 1,
 121 2014, shall be maintained at an active website for 10 years
 122 after the date of initial publication on the agency's website or
 123 another state website.

124 (3) INCLUSION IN LEGISLATIVE BUDGET REQUEST.-In addition
 125 to the requirements of s. 216.023 and pursuant to s. 216.351, a
 126 copy of the most recent certification executed under paragraph
 127 (1)(d), clearly designated as such, shall be included as part of
 128 the agency's legislative budget request.

129 (4) DEPARTMENT REVIEW OF BOARD PLAN.-By October 15 of each
 130 year:

131 (a) For each board established under s. 20.165(4) and any
 132 other board or commission receiving administrative support from
 133 the Department of Business and Professional Regulation, the
 134 Department of Business and Professional Regulation shall file
 135 with the committee a certification that the department has
 136 reviewed each board's regulatory plan. A certification may
 137 relate to more than one board.

138 (b) For each board established under s. 20.43(3), the
 139 Department of Health shall file with the committee a
 140 certification that the department has reviewed the board's
 141 regulatory plan. A certification may relate to more than one
 142 board.

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

150 (6) DEADLINE TO PUBLISH PROPOSED RULE.—For each law for
 151 which implementing rulemaking is necessary as identified in the
 152 agency's plan pursuant to subparagraph (1)(a)1. or subparagraph
 153 (1)(c)1., the agency shall publish a notice of proposed rule
 154 pursuant to s. 120.54(3)(a) by April 1 of the year following the
 155 deadline for the regulatory plan. This deadline may be extended
 156 if the agency publishes a notice of extension in the Florida

157 Administrative Register identifying each rulemaking proceeding
 158 for which an extension is being noticed by citation to the
 159 applicable notice of rule development as published in the
 160 Florida Administrative Register. An extension shall expire on
 161 October 1 after the April 1 deadline, provided that the
 162 regulatory plan due on October 1 may further extend the
 163 rulemaking proceeding by identification pursuant to subparagraph
 164 (1)(c)1. or conclude the rulemaking proceeding by identification
 165 pursuant to subparagraph (1)(c)2. A published regulatory plan
 166 may be corrected at any time to accomplish the purpose of
 167 extending or concluding an affected rulemaking proceeding and is
 168 deemed corrected as of the October 1 due date. Upon publication
 169 of a correction, the agency shall publish in the Florida
 170 Administrative Register a notice of the date of the correction
 171 identifying the affected rulemaking proceeding by applicable
 172 citation to the Florida Administrative Register.

173 (7) CERTIFICATIONS.—Each agency shall file a certification
 174 with the committee upon compliance with subsection (5), upon
 175 filing a notice under subsection (6) of either a deadline
 176 extension or a regulatory plan correction, and upon the
 177 completion of an act that terminates a suspension under
 178 subsection (9). A certification may relate to more than one
 179 notice or contemporaneous act. The date or dates of compliance
 180 shall be noted in each certification.

181 (8) SUPPLEMENTING THE REGULATORY PLAN.—After publication
 182 of the regulatory plan, the agency shall supplement the plan

183 within 30 days after a bill becomes a law, if the law is enacted
 184 before the next regular session of the Legislature and the law
 185 substantively modifies the agency's specifically delegated legal
 186 duties, unless the law affects all or most state agencies as
 187 identified by letter to the committee from the Governor or the
 188 Attorney General. The supplement shall include the information
 189 required in paragraph (1)(a) and shall be published as required
 190 in subsection (2), but no certification or delivery to the
 191 committee is required. The agency shall publish in the Florida
 192 Administrative Register notice of publication of the supplement,
 193 and include a hyperlink or web address for direct access to the
 194 published supplement. For each law reported in the supplement,
 195 if rulemaking is necessary to implement the law, the agency
 196 shall publish a notice of rule development by the later of the
 197 date provided in subsection (5) or 60 days after the bill
 198 becomes a law, and a notice of proposed rule shall be published
 199 by the later of the date provided in subsection (6) or 120 days
 200 after the bill becomes a law. The proposed rule deadline may be
 201 extended to the following October 1 by notice as provided in
 202 subsection (6). If such proposed rule has not been filed by
 203 October 1, a law included in a supplement shall also be included
 204 in the next annual plan pursuant to subsection (1).

205 (9) FAILURE TO COMPLY.—If an agency fails to comply with a
 206 requirement of paragraph (2)(a) or subsection (6), the entire
 207 rulemaking authority delegated to the agency by the Legislature
 208 under any statute or law shall be suspended automatically as of

209 the due date of the required action and shall remain suspended
 210 until the date the agency completes the required act or until
 211 the end of the next regular session of the Legislature,
 212 whichever occurs first.

213 (a) During a period of suspension under this subsection,
 214 the agency has no authority to file rules for adoption under s.
 215 120.54, but may complete any action required by this section and
 216 may conduct public hearings that were noticed before the period
 217 of suspension.

218 (b) A suspension under this subsection does not authorize
 219 an agency to promulgate or apply a statement defined as a rule
 220 under s. 120.52(16) unless the statement was filed for adoption
 221 under s. 120.54(3) before the suspension.

222 (c) A suspension under this subsection tolls the time
 223 requirements under s. 120.54 for filing a rule for adoption in a
 224 rulemaking proceeding initiated by the agency before the date of
 225 the suspension. The time requirements shall resume on the date
 226 the suspension ends.

227 (d) This subsection does not suspend the adoption of
 228 emergency rules under s. 120.54(4) or rulemaking necessary to
 229 ensure the state's compliance with federal law.

230 (10) EDUCATIONAL UNITS.—This section does not apply to
 231 educational units.

232 Section 3. Effective upon this act becoming a law:

233 (1) Sections 120.745 and 120.7455, Florida Statutes, are
 234 repealed.

235 (2) Any suspension of rulemaking authority under s.
236 120.745, Florida Statutes, or s. 120.7455, Florida Statutes, is
237 rescinded. This subsection does not affect any restriction,
238 suspension, or prohibition of rulemaking authority under any
239 other provision of law.

240 (3) This section serves no other purpose and shall not be
241 codified in the Florida Statutes.

242 Section 4. Except as otherwise expressly provided in this
243 act and except for this section, which shall take effect upon
244 this act becoming a law, this act shall take effect July 1,
245 2015.

PCB RORS 15-02
Draft A

1 A bill to be entitled
 2 An act relating to administrative procedures; amending
 3 s. 120.54, F.S.; revising requirements for the content
 4 of notices of rule development; revising the scope of
 5 public workshops to include information gathering for
 6 the preparation of statements of estimated regulatory
 7 costs; revising requirements for notices of proposed
 8 rules; authorizing electronic delivery of notices to
 9 persons who have requested advance notice of agency
 10 rulemaking proceedings; revising requirements for an
 11 agency's filing of specified information with the
 12 Administrative Procedures Committee; creating a
 13 presumption of adverse impact on small business in
 14 specified circumstances; requiring certain agency
 15 personnel to attend public hearings on proposed rules;
 16 requiring an agency to publish a notice of convening a
 17 separate proceeding in certain circumstances; tolling
 18 rulemaking deadlines during such separate proceedings;
 19 revising requirements for the contents of a notice of
 20 change; amending s. 120.541, F.S.; revising
 21 requirements for substantially affected persons to
 22 submit proposals for lower cost regulatory
 23 alternatives to a proposed rule following a notice of
 24 change; revising requirements for an agency's
 25 consideration of such lower cost regulatory
 26 alternatives; providing for an agency's revision and

27 publication of a revised statement of estimated
 28 regulatory costs in response to such lower cost
 29 regulatory alternatives; requiring the agency to
 30 provide specified documents on a website under
 31 specific circumstances; deleting definition of
 32 "transactional costs"; providing additional
 33 requirements for the calculation of estimated
 34 regulatory costs; amending s. 190.005, F.S., relating
 35 to the establishment of community development
 36 districts; requiring a petition to include a statement
 37 explaining the prospective economic impact of the
 38 establishment of a proposed district; providing an
 39 effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 Section 1. Subsections (2) and (3) of section 120.54,
 44 Florida Statutes, are amended to read:

45 120.54 Rulemaking.—

46 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

47 (a) Except when the intended action is the repeal of a
 48 rule, agencies shall provide notice of the development of
 49 proposed rules by publication of a notice of rule development in
 50 the Florida Administrative Register before providing notice of a
 51 proposed rule as required by paragraph (3)(a). The notice of
 52 rule development shall indicate the subject area to be addressed

53 by rule development, provide a short, plain explanation of the
 54 purpose and effect of the proposed rule, cite the grant of
 55 rulemaking authority pursuant to which the rule is proposed and
 56 the section or subsection of the Florida Statutes or the Laws of
 57 Florida being implemented or interpreted by the proposed rule
 58 ~~specific legal authority for the proposed rule~~, and include the
 59 preliminary text of the proposed rules, if available, or a
 60 statement of how a person may promptly obtain, without cost, or
 61 access online, a copy of any preliminary draft, when if
 62 available. The notice shall also include a statement of how a
 63 person may submit comments to the proposal and provide
 64 information regarding the potential regulatory costs.

65 (b) All rules should be drafted in readable language. The
 66 language is readable if:

67 1. It avoids the use of obscure words and unnecessarily
 68 long or complicated constructions; and

69 2. It avoids the use of unnecessary technical or
 70 specialized language that is understood only by members of
 71 particular trades or professions.

72 (c) An agency may hold public workshops for purposes of
 73 rule development and information gathering for the preparation
 74 of the statement of estimated regulatory costs. If requested in
 75 writing by an affected person, an agency must hold public
 76 workshops, including workshops in various regions of the state
 77 or the agency's service area, for purposes of rule development
 78 and information gathering for the preparation of the statement

79 ~~of estimated regulatory cost if requested in writing by any~~
 80 ~~affected person,~~ unless the agency head explains in writing why
 81 a workshop is unnecessary. The explanation is not final agency
 82 action subject to review pursuant to ss. 120.569 and 120.57. ~~The~~
 83 ~~failure to provide the explanation when required may be a~~
 84 ~~material error in procedure pursuant to s. 120.56(1)(c).~~ When a
 85 workshop or public hearing is held, the agency must ensure that
 86 the persons responsible for preparing the proposed rule and the
 87 statement of estimated regulatory costs are available to receive
 88 public input, to explain the agency's proposal, and to respond
 89 to questions or comments regarding the rule being developed and
 90 the statement of estimated regulatory costs. The workshop may be
 91 facilitated or mediated by a neutral third person, or the agency
 92 may employ other types of dispute resolution alternatives for
 93 the workshop that are appropriate for rule development,
 94 including the preparation of any statement of estimated
 95 regulatory costs. Notice of a rule development workshop shall be
 96 by publication in the Florida Administrative Register not less
 97 than 14 days before ~~prior to~~ the date on which the workshop is
 98 scheduled to be held and shall indicate the subject area which
 99 will be addressed; the agency contact person; and the place,
 100 date, and time of the workshop.

101 (d)1. An agency may use negotiated rulemaking in
 102 developing and adopting rules. The agency should consider the
 103 use of negotiated rulemaking when complex rules are being
 104 drafted or strong opposition to the rules is anticipated. The

105 | agency should consider, but is not limited to considering,
106 | whether a balanced committee of interested persons who will
107 | negotiate in good faith can be assembled, whether the agency is
108 | willing to support the work of the negotiating committee, and
109 | whether the agency can use the group consensus as the basis for
110 | its proposed rule. Negotiated rulemaking uses a committee of
111 | designated representatives to draft a mutually acceptable
112 | proposed rule and to develop information necessary to prepare a
113 | statement of estimated regulatory costs, when applicable.

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

125 | 3. The agency's decision to use negotiated rulemaking, its
126 | selection of the representative groups, and approval or denial
127 | of an application to participate in the negotiated rulemaking
128 | process are not agency action. Nothing in this subparagraph is
129 | intended to affect the rights of a substantially ~~an~~ affected
130 | person to challenge a proposed rule developed under this

131 paragraph in accordance with s. 120.56(2).

132 (3) ADOPTION PROCEDURES.—

133 (a) Notices.—

134 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
 135 any rule other than an emergency rule, an agency, upon approval
 136 of the agency head, shall give notice of its intended action,
 137 setting forth a short, plain explanation of the purpose and
 138 effect of the proposed action; the full text of the proposed
 139 rule or amendment and a summary thereof; a reference to the
 140 grant of rulemaking authority pursuant to which the rule is
 141 adopted; and a reference to the section or subsection of the
 142 Florida Statutes or the Laws of Florida being implemented or
 143 interpreted. The notice must include a statement as to whether
 144 the agency held a public workshop for the purpose of development
 145 of the proposed rule, and if not, whether a workshop was
 146 requested in writing. If a rule development workshop was not
 147 held, the notice must include a copy of the written explanation
 148 from the agency head as to why a workshop was unnecessary. The
 149 notice must include a summary of the agency's statement of the
 150 estimated regulatory costs, including an electronic hyperlink to
 151 a copy of the statement of estimated regulatory costs on the
 152 agency's website, if a statement ~~one~~ has been prepared, based on
 153 the factors set forth in s. 120.541(2); a statement that any
 154 person who wishes to provide the agency with information
 155 regarding the statement of estimated regulatory costs, or to
 156 provide a proposal for a lower cost regulatory alternative as

157 provided by s. 120.541(1), must do so in writing within 21 days
 158 after publication of the notice; and a statement as to whether,
 159 based on the statement of the estimated regulatory costs or
 160 other information expressly relied upon and described by the
 161 agency if no statement of regulatory costs is required, the
 162 proposed rule is expected to require legislative ratification
 163 pursuant to s. 120.541(3). The notice must state the procedure
 164 for requesting a public hearing on the proposed rule. Except
 165 when the intended action is the repeal of a rule, the notice
 166 must include a reference both to the date on which and to the
 167 place where the notice of rule development that is required by
 168 subsection (2) appeared.

169 2. The notice shall be published in the Florida
 170 Administrative Register at least ~~not less than~~ 28 days before
 171 ~~prior to~~ the intended action. The proposed rule shall be
 172 available for inspection and copying by the public at the time
 173 of the publication of notice.

174 3. The notice shall be mailed to all persons named in the
 175 proposed rule and mailed or delivered electronically to all
 176 persons who, at least 14 days before ~~prior to~~ such mailing, have
 177 made requests of the agency for advance notice of its
 178 proceedings. The agency shall also give such notice as is
 179 prescribed by rule to those particular classes of persons to
 180 whom the intended action is directed.

181 4. The adopting agency shall file with the committee, at
 182 least 21 days before ~~prior to~~ the proposed adoption date, a copy

183 of each rule it proposes to adopt; a copy of any material
 184 incorporated by reference in the rule; a detailed written
 185 statement of the facts and circumstances justifying the proposed
 186 rule; a copy of any statement of estimated regulatory costs that
 187 has been prepared pursuant to s. 120.541; a statement of the
 188 extent to which the proposed rule relates to federal standards
 189 or rules on the same subject; and the notice required by
 190 subparagraph 1. In lieu of filing a required statement or copy
 191 with the committee for each such rule, the agency may file with
 192 the committee information providing an electronic hyperlink to a
 193 readily accessible copy of the required statement or copy.

194 (b) Special matters to be considered in rule adoption.-

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

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

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

208 2. Small businesses, small counties, and small cities.-

209 a. For purposes of this subsection and s. 120.541(2), an
 210 adverse impact on small business is presumed if, for any small
 211 business:

212 (I) An owner, officer, operator, or manager must complete
 213 any education, training, or testing to comply, or is likely to
 214 either expend 10 hours or purchase professional advice to
 215 understand and comply with the rule in the first year;

216 (II) Taxes or fees assessed on transactions are likely to
 217 increase by \$500 or more in the aggregate in 1 year;

218 (III) Prices charged for goods and services are restricted
 219 or are likely to increase because of the rule;

220 (IV) Specially trained, licensed, or tested employees will
 221 be required;

222 (V) Operating costs are expected to increase by at least
 223 \$1,000 annually; or

224 (VI) Capital expenditures in excess of \$1,000 are
 225 necessary to comply with the rule.

226 b. Each agency, before the adoption, amendment, or repeal
 227 of a rule, shall consider the impact of the rule on small
 228 businesses as defined by s. 288.703 and the impact of the rule
 229 on small counties or small cities as defined by s. 120.52.
 230 Whenever practicable, an agency shall tier its rules to reduce
 231 disproportionate impacts on small businesses, small counties, or
 232 small cities to avoid regulating small businesses, small
 233 counties, or small cities that do not contribute significantly
 234 to the problem the rule is designed to address. An agency may

235 define "small business" to include businesses employing more
 236 than 200 persons, may define "small county" to include those
 237 with populations of more than 75,000, and may define "small
 238 city" to include those with populations of more than 10,000, if
 239 it finds that such a definition is necessary to adapt a rule to
 240 the needs and problems of small businesses, small counties, or
 241 small cities. The agency shall consider each of the following
 242 methods for reducing the impact of the proposed rule on small
 243 businesses, small counties, and small cities, or any combination
 244 of these entities:

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

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

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

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

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

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

261 intended action.

262 (II) Each agency shall adopt those regulatory alternatives
 263 offered by the rules ombudsman in the Executive Office of the
 264 Governor and provided to the agency no later than 21 days after
 265 the rules ombudsman's receipt of the written notice of the rule
 266 which it finds are feasible and consistent with the stated
 267 objectives of the proposed rule and which would reduce the
 268 impact on small businesses. When regulatory alternatives are
 269 offered by the rules ombudsman in the Executive Office of the
 270 Governor, the 90-day period for filing the rule in subparagraph
 271 (e)2. is extended for a period of 21 days.

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

280 (c) Hearings.—

281 1. If the intended action concerns any rule other than one
 282 relating exclusively to procedure or practice, the agency shall,
 283 on the request of any affected person received within 21 days
 284 after the date of publication of the notice of intended agency
 285 action, give affected persons an opportunity to present evidence
 286 and argument on all issues under consideration. The agency may

287 | schedule a public hearing on the proposed rule and, if requested
288 | by any affected person, shall schedule a public hearing on the
289 | proposed rule. When a public hearing is held, the agency must
290 | ensure that the persons responsible for preparing the proposed
291 | rule and the statement of estimated regulatory costs ~~staff~~ are
292 | available to explain the agency's proposal and to respond to
293 | questions or comments regarding the proposed rule, the statement
294 | of estimated regulatory costs, and the agency's decision whether
295 | to adopt a lower cost regulatory alternative submitted pursuant
296 | to s. 120.541(1)(a). If the agency head is a board or other
297 | collegial body created under s. 20.165(4) or s. 20.43(3)(g), and
298 | one or more requested public hearings is scheduled, the board or
299 | other collegial body shall conduct at least one of the public
300 | hearings itself and may not delegate this responsibility without
301 | the consent of those persons requesting the public hearing. Any
302 | material pertinent to the issues under consideration submitted
303 | to the agency within 21 days after the date of publication of
304 | the notice or submitted to the agency between the date of
305 | publication of the notice and the end of the final public
306 | hearing shall be considered by the agency and made a part of the
307 | record of the rulemaking proceeding.

308 | 2. Rulemaking proceedings shall be governed solely by the
309 | provisions of this section unless a person timely asserts that
310 | the person's substantial interests will be affected in the
311 | proceeding and affirmatively demonstrates to the agency that the
312 | proceeding does not provide adequate opportunity to protect

313 those interests. If the agency determines that the rulemaking
 314 proceeding is not adequate to protect the person's interests, it
 315 shall suspend the rulemaking proceeding and convene a separate
 316 proceeding under ~~the provisions of~~ ss. 120.569 and 120.57. The
 317 agency shall publish notice of convening a separate proceeding
 318 in the Florida Administrative Register. Similarly situated
 319 persons may be requested to join and participate in the separate
 320 proceeding. Upon conclusion of the separate proceeding, the
 321 rulemaking proceeding shall be resumed. All timelines in this
 322 section are tolled during any suspension of the rulemaking
 323 proceeding under this subparagraph, beginning on the date that
 324 the notice of convening a separate proceeding is published and
 325 resuming on the day immediately after conclusion of the separate
 326 proceeding.

327 (d) Modification or withdrawal of proposed rules.—
 328 1. After the final public hearing on the proposed rule, or
 329 after the time for requesting a hearing has expired, if the
 330 proposed rule has not been changed from the proposed rule as
 331 previously filed with the committee, or contains only technical
 332 changes that do not affect the substance of the rule, the
 333 adopting agency shall file a notice to that effect with the
 334 committee at least 7 days before ~~prior to~~ filing the proposed
 335 rule for adoption. Any change, other than a technical change
 336 ~~that does not affect the substance of the rule,~~ must be
 337 supported by the record of public hearings held on the proposed
 338 rule, must be in response to written material submitted to the

339 agency within 21 days after the date of publication of the
 340 notice of intended agency action or submitted to the agency
 341 between the date of publication of the notice and the end of the
 342 final public hearing, or must be in response to a proposed
 343 objection by the committee. In addition, when any change is made
 344 in a proposed rule, other than a technical change, the adopting
 345 agency shall provide a copy of a notice of change by certified
 346 mail or actual delivery to any person who requests it in writing
 347 no later than 21 days after the notice required in paragraph
 348 (a). The agency shall file the notice of change with the
 349 committee, along with the reasons for the change, and provide
 350 the notice of change to persons requesting it, at least 21 days
 351 before ~~prior to~~ filing the proposed rule for adoption. The
 352 notice of change shall be published in the Florida
 353 Administrative Register at least 21 days before ~~prior to~~ filing
 354 the rule for adoption. The notice of change must include either
 355 a summary of any statement of estimated regulatory costs
 356 prepared as a consequence of the change, a summary of any
 357 revision of the statement of estimated regulatory costs required
 358 by s. 120.541(1)(c), or a statement that the proposed rule as
 359 changed does not require preparation of a statement of estimated
 360 regulatory costs under paragraph (b) and s. 120.541(1)(b). This
 361 subparagraph does not apply to emergency rules adopted pursuant
 362 to subsection (4).

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

365 whole or in part.

366 3. After adoption and before the rule becomes effective, a
 367 rule may be modified or withdrawn only in the following
 368 circumstances:

369 a. When the committee objects to the rule;

370 b. When a final order, which is not subject to further
 371 appeal, is entered in a rule challenge brought pursuant to s.
 372 120.56 after the date of adoption but before the rule becomes
 373 effective pursuant to subparagraph (e)6.;

374 c. If the rule requires ratification, when more than 90
 375 days have passed since the rule was filed for adoption without
 376 the Legislature ratifying the rule, in which case the rule may
 377 be withdrawn but may not be modified; or

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

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

389 5. After a rule has become effective, it may be repealed
 390 or amended only through the rulemaking procedures specified in

391 this chapter.

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

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

405 2. A rule may not be filed for adoption less than 28 days
 406 or more than 90 days after the notice required by paragraph (a),
 407 until 21 days after the notice of change required by paragraph
 408 (d), until 14 days after the final public hearing, until 21 days
 409 after a statement of estimated regulatory costs required under
 410 s. 120.541 has been provided to all persons who submitted a
 411 lower cost regulatory alternative and made available to the
 412 public at a readily accessible page on the agency's website, or
 413 until the administrative law judge has rendered a decision under
 414 s. 120.56(2), whichever applies. When a required notice of
 415 change is published before ~~prior to~~ the expiration of the time
 416 to file the rule for adoption, the period during which a rule

417 must be filed for adoption is extended to 45 days after the date
 418 of publication. If notice of a public hearing is published
 419 before ~~prior to~~ the expiration of the time to file the rule for
 420 adoption, the period during which a rule must be filed for
 421 adoption is extended to 45 days after adjournment of the final
 422 hearing on the rule, 21 days after receipt of all material
 423 authorized to be submitted at the hearing, or 21 days after
 424 receipt of the transcript, if one is made, whichever is latest.
 425 The term "public hearing" includes any public meeting held by
 426 any agency at which the rule is considered. If a petition for an
 427 administrative determination under s. 120.56(2) is filed, the
 428 period during which a rule must be filed for adoption is
 429 extended to 60 days after the administrative law judge files the
 430 final order with the clerk or until 60 days after subsequent
 431 judicial review is complete.

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

437 4. At the time a rule is filed, the committee shall
 438 certify whether the agency has responded in writing to all
 439 material and timely written comments or written inquiries made
 440 on behalf of the committee. The Department of State shall reject
 441 any rule that is not filed within the prescribed time limits;
 442 that does not comply with all statutory rulemaking requirements

443 and rules of the Department of State; upon which an agency has
444 not responded in writing to all material and timely written
445 inquiries or written comments; upon which an administrative
446 determination is pending; or which does not include a statement
447 of estimated regulatory costs, if required.

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

454 6. The proposed rule shall be adopted on being filed with
455 the Department of State and become effective 20 days after being
456 filed, on a later date specified in the notice required by
457 subparagraph (a)1., on a date required by statute, or upon
458 ratification by the Legislature pursuant to s. 120.541(3). Rules
459 not required to be filed with the Department of State shall
460 become effective when adopted by the agency head, on a later
461 date specified by rule or statute, or upon ratification by the
462 Legislature pursuant to s. 120.541(3). If the committee notifies
463 an agency that an objection to a rule is being considered, the
464 agency may postpone the adoption of the rule to accommodate
465 review of the rule by the committee. When an agency postpones
466 adoption of a rule to accommodate review by the committee, the
467 90-day period for filing the rule is tolled until the committee
468 notifies the agency that it has completed its review of the

469 rule.

470

471 For the purposes of this paragraph, the term "administrative
472 determination" does not include subsequent judicial review.

473 Section 2. Section 120.541, Florida Statutes, is amended
474 to read:

475 120.541 Statement of estimated regulatory costs.—

476 (1)(a) Within 21 days after publication of the notice of
477 proposed rule required under s. 120.54(3)(a), or of a notice of
478 change under s. 120.54(3)(d)1., a substantially affected person
479 may submit to an agency a good faith written proposal for a
480 lower cost regulatory alternative to a proposed rule which
481 substantially accomplishes the objectives of the law being
482 implemented. The proposal may include the alternative of not
483 adopting any rule if the proposal explains how the lower costs
484 and objectives of the law will be achieved by not adopting any
485 rule. If submitted after a notice of change, a proposal is
486 deemed to be made in good faith only if the person reasonably
487 believes and the proposal states the person's reasons for
488 believing that the proposed rule as changed by the notice of
489 change increases the regulatory costs or creates an adverse
490 impact on small business that was not created by the previous
491 proposal. If ~~such~~ a proposal is submitted, the 90-day period for
492 filing the rule is extended 21 days. Upon the submission of the
493 lower cost regulatory alternative, the agency shall prepare a
494 statement of estimated regulatory costs as provided in

495 subsection (2), or shall revise its prior statement of estimated
 496 regulatory costs, and either adopt the alternative proposal,
 497 reject the alternative proposal, or modify the proposed rule to
 498 substantially reduce the regulatory costs. If the agency rejects
 499 the alternative proposal or modifies the proposed rule, the
 500 agency shall ~~or~~ provide a statement of the reasons for rejecting
 501 the alternative proposal in favor of the proposed or modified
 502 rule.

503 (b) If a proposed rule will have an adverse impact on
 504 small business as set forth in s. 120.54(3)(b) or if the
 505 proposed rule is likely to directly or indirectly increase
 506 regulatory costs in excess of \$200,000 in the aggregate within 1
 507 year after the implementation of the rule, the agency shall
 508 prepare a statement of estimated regulatory costs as required by
 509 s. 120.54(3)(b).

510 (c) The agency shall revise a statement of estimated
 511 regulatory costs if any change to the rule made under s.
 512 120.54(3)(d) increases the regulatory costs of the rule or if
 513 the rule is modified in response to the submission of a lower
 514 cost regulatory alternative. A summary of the revised statement
 515 must be included with any subsequent notice published under s.
 516 120.54(3).

517 (d) At least 21 days before filing the proposed rule for
 518 adoption, an agency that is required to revise a statement of
 519 estimated regulatory costs shall provide the statement to the
 520 person who submitted the lower cost regulatory alternative, to

521 the rules ombudsman in the Executive Office of the Governor, and
 522 to the committee. The revised statement shall be published and
 523 made available in the same manner as the original statement of
 524 estimated regulatory costs and shall provide notice on the
 525 agency's website that it is available to the public.

526 (e) Notwithstanding s. 120.56(1)(c), the failure of the
 527 agency to prepare and publish a statement of estimated
 528 regulatory costs or to respond to a written lower cost
 529 regulatory alternative as provided in this subsection is a
 530 material failure to follow the applicable rulemaking procedures
 531 or requirements set forth in this chapter.

532 (f) An agency's failure to prepare and publish a statement
 533 of estimated regulatory costs or to respond to a written lower
 534 cost regulatory alternative may not be raised in a proceeding
 535 challenging the validity of a rule pursuant to s. 120.52(8)(a)
 536 unless:

537 1. Raised in a petition filed no later than 1 year after
 538 the effective date of the rule; and

539 2. Raised by a person whose substantial interests are
 540 affected by the rule's regulatory costs.

541 (g) A rule that is challenged pursuant to s. 120.52(8)(f)
 542 may not be declared invalid unless:

543 1. The issue is raised in an administrative proceeding
 544 within 1 year after the effective date of the rule;

545 2. The challenge is to the agency's rejection of a lower
 546 cost regulatory alternative offered under paragraph (a) or s.

547 120.54(3)(b)2.c. ~~120.54(3)(b)2.b.~~; and

548 3. The substantial interests of the person challenging the
549 rule are materially affected by the rejection.

550 (h) Any of the following documents prepared by or on
551 behalf of an agency shall be publicly available on the agency's
552 website, or on another state website established for publication
553 of administrative law records, until the rule to which the
554 document applies is withdrawn or repealed, or until the rule is
555 amended accompanied by the preparation of a new statement of
556 estimated regulatory costs:

557 1. A statement of estimated regulatory costs prepared with
558 respect to a rule proposed or filed for adoption after November
559 16, 2010;

560 2. A revision of a statement of estimated regulatory costs
561 prepared with respect to a rule proposed or filed for adoption
562 after November 16, 2010;

563 3. A compliance economic review published pursuant to s.
564 120.745(5); or

565 4. A report on an economic estimate of regulatory costs
566 and economic impact published pursuant to s. 120.745(9)(b).

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

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

571 1. Is likely to have an adverse impact on economic growth,
572 private sector job creation or employment, or private sector

573 investment in excess of \$1 million in the aggregate within 5
 574 years after the implementation of the rule;

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

581 3. Is likely to increase regulatory costs, including all
 582 ~~any transactional~~ costs and impacts estimated in the statement,
 583 in excess of \$1 million in the aggregate within 5 years after
 584 the implementation of the rule.

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

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

593 (d) A good faith estimate of the compliance ~~transactional~~
 594 costs likely to be incurred by individuals and entities,
 595 including local government entities, required to comply with the
 596 requirements of the rule. ~~As used in this section,~~
 597 ~~"transactional costs" are direct costs that are readily~~
 598 ~~ascertainable based upon standard business practices, and~~

599 ~~include filing fees, the cost of obtaining a license, the cost~~
 600 ~~of equipment required to be installed or used or procedures~~
 601 ~~required to be employed in complying with the rule, additional~~
 602 ~~operating costs incurred, the cost of monitoring and reporting,~~
 603 ~~and any other costs necessary to comply with the rule.~~

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

610 (f) Any additional information that the agency determines
 611 may be useful.

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

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

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

625 (a) Federal standards pursuant to s. 120.54(6).

626 (b) Triennial updates of and amendments to the Florida

627 Building Code which are expressly authorized by s. 553.73.

628 (c) Triennial updates of and amendments to the Florida

629 Fire Prevention Code which are expressly authorized by s.

630 633.202.

631 (5) (a) For purposes of subsections (2) and (3), impacts

632 and costs incurred within 5 years after implementation of the

633 rule shall include the applicable costs and impacts estimated to

634 be incurred within the first 5 years after the effective date of

635 the rule. However, if any provisions of the rule are not fully

636 implemented and enforceable upon the effective date of the rule,

637 the impacts and costs must be adjusted to include any additional

638 costs and impacts estimated to be incurred within 5 years after

639 the implementation and enforcement of the provisions of the rule

640 that were not fully implemented upon the effective date of the

641 rule.

642 (b) In evaluating the impacts described in paragraphs

643 (2)(a) and (2)(e), an agency shall include good faith estimates

644 of market impacts likely to result from compliance with the

645 rule, including:

646 1. Increased customer charges for goods and services.

647 2. Decreased market value of goods and services produced,

648 provided, or sold.

649 3. Increased costs resulting from the purchase of

650 substitute or alternative products or services.

651 4. The reasonable value of time to be expended by owners,
 652 officers, operators, and managers to understand and comply,
 653 including, but not limited to, time expended to complete
 654 required education, training, or testing.

655 5. Capital costs.

656 6. Any other impacts suggested by the rules ombudsman, the
 657 agency head's appointing authority, or interested persons.

658 (c) In estimating the information required in paragraphs
 659 (2)(b)-(e), the agency may use reasonably applicable surveys of
 660 individuals, businesses, business organizations and
 661 representatives, cities, and counties to collect data helpful to
 662 estimate the costs and impacts. The agency shall also solicit
 663 helpful information in each notice related to the proposed rule.
 664 The rules ombudsman and the committee may recommend survey
 665 instruments and methods to assist agencies in administering this
 666 section. Such recommendations and agency decisions regarding
 667 surveys and methods do not constitute rules or agency actions
 668 under this chapter.

669 (d) In estimating compliance costs under paragraph (2)(d),
 670 the agency shall consider, among other matters, all direct and
 671 indirect costs necessary to comply with the rule that are
 672 readily ascertainable based upon standard business practices,
 673 including, but not limited to, costs related to:

- 674 1. Filing fees.
- 675 2. Obtaining a license.
- 676 3. Necessary equipment.

- 677 4. Installation, utilities, and maintenance of necessary
- 678 equipment.
- 679 5. Necessary operations and procedures.
- 680 6. Accounting, financial, information and management
- 681 systems, and other administrative processes.
- 682 7. Other processes.
- 683 8. Labor based on relevant rates of wages, salaries and
- 684 benefits.
- 685 9. Materials and supplies.
- 686 10. Capital expenditures including financing costs.
- 687 11. Professional and technical services, including
- 688 contracted services necessary to implement and maintain
- 689 compliance.
- 690 12. Monitoring and reporting.
- 691 13. Qualifying and recurring education, training, and
- 692 testing.
- 693 14. Travel.
- 694 15. Insurance and surety requirements.
- 695 16. A fair and reasonable allocation of administrative
- 696 costs and other overhead.
- 697 17. Reduced sales or other revenues.
- 698 18. Other items suggested by the rules ombudsman, the
- 699 committee, or any interested person, business organization, or
- 700 business representative.

701 Section 3. Paragraph (a) of subsection (1) of section

702 190.005, Florida Statutes, is amended to read:

703 190.005 Establishment of district.-

704 (1) The exclusive and uniform method for the establishment
 705 of a community development district with a size of 1,000 acres
 706 or more shall be pursuant to a rule, adopted under chapter 120
 707 by the Florida Land and Water Adjudicatory Commission, granting
 708 a petition for the establishment of a community development
 709 district.

710 (a) A petition for the establishment of a community
 711 development district shall be filed by the petitioner with the
 712 Florida Land and Water Adjudicatory Commission. The petition
 713 shall contain:

714 1. A metes and bounds description of the external
 715 boundaries of the district. Any real property within the
 716 external boundaries of the district which is to be excluded from
 717 the district shall be specifically described, and the last known
 718 address of all owners of such real property shall be listed. The
 719 petition shall also address the impact of the proposed district
 720 on any real property within the external boundaries of the
 721 district which is to be excluded from the district.

722 2. The written consent to the establishment of the
 723 district by all landowners whose real property is to be included
 724 in the district or documentation demonstrating that the
 725 petitioner has control by deed, trust agreement, contract, or
 726 option of 100 percent of the real property to be included in the
 727 district, and when real property to be included in the district
 728 is owned by a governmental entity and subject to a ground lease

729 as described in s. 190.003(14), the written consent by such
 730 governmental entity.

731 3. A designation of five persons to be the initial members
 732 of the board of supervisors, who shall serve in that office
 733 until replaced by elected members as provided in s. 190.006.

734 4. The proposed name of the district.

735 5. A map of the proposed district showing current major
 736 trunk water mains and sewer interceptors and outfalls if in
 737 existence.

738 6. Based upon available data, the proposed timetable for
 739 construction of the district services and the estimated cost of
 740 constructing the proposed services. These estimates shall be
 741 submitted in good faith but are not binding and may be subject
 742 to change.

743 7. A designation of the future general distribution,
 744 location, and extent of public and private uses of land proposed
 745 for the area within the district by the future land use plan
 746 element of the effective local government comprehensive plan of
 747 which all mandatory elements have been adopted by the applicable
 748 general-purpose local government in compliance with the
 749 Community Planning Act.

750 8. A statement explaining the prospective economic impact
 751 of establishment of the proposed district ~~of estimated~~
 752 ~~regulatory costs in accordance with the requirements of s.~~
 753 ~~120.541.~~

754 Section 4. This act shall take effect July 1, 2015.