HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:	HB 7023	**FINAL HOUSE FLOOR ACTION:**	
SPONSOR(S):	Rulemaking Oversight & Repeal Subcommittee, Ray	118 **Y's**	0 **N's**
COMPANION BILLS:	CS/SB 7056	**GOVERNOR'S ACTION:**	Pending

SUMMARY ANALYSIS

HB 7023 passed the House on April 22, 2015, and subsequently passed the Senate on April 28, 2015.

Agencies must review their existing rules to identify and correct deficiencies, improve efficiencies, reduce paperwork and costs, clarify and simplify text, and revise or delete rules that become obsolete, unnecessary, or are redundant of statute. Biennially, each agency head is required to file a report with the Speaker of the House of Representatives, President of the Senate, and the Legislature's Joint Administrative Procedures Committee (JAPC) summarizing the results of this review and revision, suggesting certain legislative changes, and addressing the economic impact of the rules on small business. In 2011, the Legislature suspended biennial reporting for that year and required all agencies to review and report on the economic effect of all then-existing rules by the end of 2013. In the same act, the Legislature required agencies to file a separate annual "regulatory plan" outlining all rulemaking the agency intended to implement in the next fiscal year, except emergency rulemaking.

When a newly-enacted law requires an agency to adopt new or amend current administrative rules for proper implementation, current law requires the agency charged with enforcing that law to formally propose such rules within 180 days of the effective date of the law. While agencies generally comply with this deadline, there are numerous examples of agencies failing to act within 180 days or interpreting the new law as not requiring rulemaking for proper implementation. In some instances this delay or inaction persists for several years.

The bill replaces the current reporting with an expanded, annual regulatory plan requiring each agency to determine whether new laws will require new or amended agency rules. If so, the agency must initiate rulemaking by a specific time. If not, the agency must state concisely why the law may be implemented without additional rulemaking. The regulatory plan also must state each existing law on which the agency will initiate rulemaking in the current fiscal year. The plan must be certified by the agency head and general counsel and published on the agency's internet website, with a copy of the certification filed with JAPC. The existing 180-day requirement is revised to coincide with the specific publishing requirements.

The bill requires agencies to respond in writing within 15 days to any request from JAPC or any legislative committee chair seeking an explanation when the agency fails to comply with the new planning and rulemaking requirements. The bill also rescinds any rulemaking sanctions inadvertently resulting from a recently repealed rule study and repeals a law pertaining to an online regulatory survey. Finally, the bill exempts educational units from the new requirements.

The bill may have an insignificant fiscal impact on state agencies.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2015.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Agency Rulemaking and Reporting Requirements

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.[1] The effect of an agency statement determines whether it meets the statutory definition of a rule, regardless of how the agency characterizes the statement.[2] If an agency statement generally requires compliance, creates certain rights while adversely affecting others, or otherwise has the direct and consistent effect of law, it is a rule.[3]

Rulemaking authority is delegated by the Legislature[4] by law authorizing an agency to "adopt, develop, establish, or otherwise create"[5] a rule. Agencies do not have discretion whether to engage in rulemaking.[6] To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.[7] The grant of rulemaking authority itself need not be detailed.[8] The particular statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the agency from exercising unbridled discretion in creating policy or applying the law.[9] A delegation of authority to an administrative agency by a law that is vague, uncertain, or so broad as to give no notice of what actions would violate the law, may unconstitutionally allow the agency to make the law.[10] Because of this constitutional limitation on delegated rulemaking, the Legislature must provide minimal standards and guidelines in the law creating a program to provide for its proper administration by the agency. As such, the Legislature may delegate rulemaking authority to agencies but not the authority to determine what should be the law.

Section 120.54(1)(b), F.S.: The "180 Day" Requirement

An agency may not delay implementation of a statute pending adoption of specific rules unless there is an express provision prohibiting application of the statute before the implementing rules are adopted.[11] If a law is enacted that requires agency rulemaking for proper implementation, "such rules shall be drafted and formally proposed as provided in [s. 120.54, F.S.] within 180 days after the effective date of

[1] Section 120.52(16), F.S.; *Florida Dept. of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1st DCA 2007).
[2] *Dept. of Administration v. Harvey*, 356 So. 2d 323, 325 (Fla. 1st DCA 1977).
[3] *McDonald v. Dept. of Banking & Fin.*, 346 So.2d 569, 581 (Fla. 1st DCA 1977), articulated this principle subsequently cited in numerous cases. *See State of Florida, Dept. of Administration v. Stevens*, 344 So. 2d 290 (Fla. 1st DCA 1977); *Dept. of Administration v. Harvey*, 356 So. 2d 323 (Fla. 1st DCA 1977); *Balsam v. Dept. of Health and Rehabilitative Services*, 452 So.2d 976, 977–978 (Fla. 1st DCA 1984); *Dept. of Transp. v. Blackhawk Quarry Co.*, 528 So. 2d 447, 450 (Fla. 5th DCA 1988), rev. den. 536 So.2d 243 (Fla.1988); *Dept. of Natural Resources v. Wingfield*, 581 So. 2d 193, 196 (Fla. 1st DCA 1991); *Dept. of Revenue v. Vanjaria Enterprises, Inc.*, 675 So. 2d 252, 255 (Fla. 5th DCA 1996); *Volusia County School Board v. Volusia Homes Builders Association, Inc.*, 946 So. 2d 1084 (Fla. 5th DCA 2007); *Florida Dept. of Financial Services v. Capital Collateral Regional Counsel*, 969 So. 2d 527 (Fla. 1st DCA 2007); *Coventry First, LLC v. State of Florida, Office of Insurance Regulation*, 38 So. 3d 200 (Fla. 1st DCA 2010).
[4] *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1st DCA 2000).
[5] Section 120.52(17), F.S.
[6] Section 120.54(1)(a), F.S.
[7] Sections 120.52(8) & 120.536(1), F.S. In 1996, the Legislature extensively revised agency rulemaking under the Administrative Procedure Act to require both the express grant of rulemaking authority and a specific law to be implemented by rule. Chapter 96-159, L.O.F.
[8] *Save the Manatee Club, Inc.*, supra at 599.
[9] *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1st DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1st DCA 2001).
[10] *Conner v. Joe Hatton, Inc.*, 216 So. 2d 209 (Fla.1968).
[11] Section 120.54(1)(c), F.S.

the act, unless the act provides otherwise."[12] This "180-day requirement" predates the 1996 APA revisions.[13]

The statute does not require complete adoption of rules within 180 days. An agency may comply with the statute merely by publishing a notice of proposed rule.[14] Proposed rules can be repeatedly, substantially revised based on public input and may also be withdrawn. Consequently, the 180-day requirement does not ensure prompt rulemaking.

JAPC Monitoring and Agency Compliance

The Joint Administrative Procedures Committee (JAPC) monitors agency compliance with the 180-day requirement in furtherance of its rulemaking oversight duties.[15] JAPC staff reviews legislation enacted each session to identify new or changed laws that appear to require the adoption of new rules or the amendment or repeal of existing rules. Where the law appears to mandate new rulemaking[16] or restates an existing mandate for rulemaking, JAPC sends a letter reminding the agency of the 180-day requirement. If the text of proposed rules is not published, at least as part of a notice of rule development, within the 180-days, JAPC will follow with an inquiry as to when the agency will initiate public rulemaking on that issue.

Agencies generally comply with the 180-day requirement as a matter of maintaining an effective working relationship between the executive and legislative offices even though JAPC has no power to compel compliance. In recent years, JAPC has identified several agencies that had not proposed rules within 180 days of the enactment of laws appearing to mandate new rulemaking during the period of 2007-2011. At its meeting on February 18, 2013, JAPC heard presentations from 13 different agencies on whether rulemaking was necessary to implement particular laws and, if so, explanations for the lack of progress. Some members of JAPC asked whether these agencies treated the statute as a "suggestion" instead of a mandatory rulemaking requirement. Again, on February 2, 2015, JAPC received a report from committee staff reflecting continuing related problems.

"Directive" vs. "Mandate"

Courts generally interpret words in statutes such as "shall" or "must" as mandating a particular action where the alternative to the action is a possible deprivation of some right. However, use of such otherwise-mandatory terms where there is no effective consequence for the failure to act renders them *directory*, not compulsory.[17] A person regulated by an agency or having a substantial interest in an agency rule may petition that agency to adopt, amend, or repeal a rule,[18] including when the agency does not act within the 180-day requirement. The Administrative Procedure Act (APA) provides no other process to enforce the 180-day requirement, no legal sanction for failure to comply, nor the authority for any specific entity to compel compliance.

Section 120.74, F.S.: Biennial Reporting

1996 Reporting Requirement

As part of the comprehensive revision of the APA in 1996, agencies were required to review all rules adopted before October 1, 1996, identify those exceeding the rulemaking authority permitted under the revised APA, and report the results to JAPC. JAPC would prepare and submit a combined report of all

[12] Section 120.54(1)(b), F.S.
[13] The 180 requirement was enacted as chapter 85-104, s. 7, L.O.F.
[14] Section 120.54(3)(a), F.S. This is the common interpretation of the 180 day requirement. An alternative interpretation would be that a notice of rule development published under s. 120.54(2), F.S., including a *preliminary* draft of proposed rules, may be sufficient to comply.
[15] Joint Rule 4.6.
[16] Such as stating that the agency "shall adopt rules" or "shall establish" or "must establish" a particular standard or policy.
[17] *S.R. v. State*, 346 So.2d 1018, 1019 (Fla. 1977); *Reid v. Southern Development Co.*, 42 So. 206, 208, 52 Fla. 595, 603 (Fla. 1906); *Ellsworth v. State*, 89 So.3d 1076, 1079 (Fla. 2d DCA 2012); *Kinder v. State*, 779 So.2d 512, 514 (Fla. 2d DCA 2000).
[18] Section 120.54(7)(a), F.S. If the agency denies the petition, the requesting party may seek judicial review of that decision. Sections 120.52(2) and 120.68, F.S.

agency reviews to the President of the Senate and Speaker of the House of Representatives for legislative consideration.[19]

Another 1996 revision required ongoing agency rulemaking review, revision, and reporting.[20] Under that law, as amended, each agency must review its rules every two years and amend or repeal rules as necessary to comply with specific requirements.[21] Biennially, the agency head must report the results and other required information to the President of the Senate, Speaker of the House of Representatives, JAPC, and "each appropriate standing committee of the Legislature" on October 1.[22]

Limited Utility of s. 120.74, F.S., Reports

Agencies as defined in the APA,[23] including school districts, comply with the requirements of s. 120.74, F.S., typically by filing summary reports that verify the agency performed the required reviews, list rules identified in the review for amendment or repeal, and state a finding of no undue economic impact on small businesses (a required subject of the report). For example, a 2009 report from a school district identified the following changes to the student code of conduct:

> The Code of Student Conduct is reviewed and revised annually and serves as the School Board's policies and procedures for governing student behavior on school grounds, at school activities, and while being transported to and from school. The majority of the recommended changes for 2008-09 are minor revisions in punctuation, spelling, language, or order of paragraphs.[24]

The 2013 report for the same school district states the following as "what & why the policy changed" for the student code of conduct:

> The Code of Student Conduct is reviewed and revised annually and serves as the School Board's policies and procedures for governing student behavior on school grounds, at school activities, and while being transported to and from school.[25]

A different school district submitted substantially the same reports for 2009 and 2013, commenting only on that district's review and management of forms. That district's reports included no information on whether any rules were identified as requiring revision or repeal due to changes in law.[26]

Educational units were exempted from the biennial reporting requirement in 2014.[27]

Reports by state agencies have reflected inconsistent application of the requirement for the report to "specify any changes made to [the agency's] rules as a result of the review. . ."[28] One agency's 2009 report identified each rule requiring repeal or amendment and new rules required by program changes,

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[19] Chapter 96-159, s. 9(2), L.O.F.

[20] Chapter 96-399, s. 46, L.O.F, codified as s. 120.74, F.S. In both 2006 and 2008, the Legislature added substantive provisions to this section. Chapters 2006-82, s. 9, and 2008-149, s. 8, L.O.F.

[21] Identify and correct deficiencies; clarify and simply its rules; delete rules that are obsolete, unnecessary, or merely repeat statutory language; improve efficiency, reduce paperwork, decrease costs to private sector and government; coordinate rules with agencies having concurrent or overlapping jurisdiction. Section 120.74(1), F.S.

[22] Section 120.74(2), F.S.

[23] Section 120.52(1), F.S.

[24] School Board of Manatee County, "Section 120.74 Report" (Sept. 29, 2009), received by JAPC on Nov. 3, 2009 (on file with the Rulemaking Oversight and Repeal Subcommittee).

[25] School Board of Manatee County, "Section 120.74 Report" (Sept. 24, 2013), received by the House on Oct. 3, 2013 (on file with the Rulemaking Oversight and Repeal Subcommittee).

[26] School Board of Santa Rosa County, 2009 Report received by JAPC on Sept. 30, 2009, and 2013 Report received by the House on Aug. 26, 2013 (on file with the Rulemaking Oversight and Repeal Subcommittee).

[27] Section 2, ch. 2014-39, L.O.F.; codified as s. 120.74(5), F.S.

[28] Section 120.74(2), F.S.

including a brief explanation of the reason for the amendment or adoption.[29] In contrast, a different agency simply identified obsolete rules for repeal, without stating why the rules were obsolete, and listed a rule for amendment to update documents incorporated by reference, without identifying the documents so referenced.[30] Some agencies provided lengthy lists of rules identified for amendment or repeal with little explanation other than repeating the terms of the review statute as to the reason for such proposed action.[31]

Regulatory Plans
In 2011, the reporting requirements were amended to require that each agency file an annual regulatory plan in addition to the biennial reports.[32] The regulatory plan identifies those rules the agency intends to adopt, amend, or repeal during the next fiscal year. These reports have not proven any more substantive than the biennial reports described above.

Effect of the Bill
The bill retains the requirement that agencies identify and proceed with rulemaking necessitated by changes in newly-enacted law, but revises the deadlines, method for compliance, and reporting requirements in the APA.

The bill replaces the biennial reporting with an expanded annual regulatory plan. The regulatory plan requires each agency to identify those laws enacted or amended during the previous 12 months that created or modified the duties or authority of the agency. The plan may exclude any law affecting all or most agencies, if the law is identified as such by letter to JAPC from the Governor or the Attorney General. The plan also must identify whether rulemaking is necessary to implement the newly-enacted provisions.

For each law identified in the regulatory plan as requiring rulemaking, the agency must state whether a notice of rule development has been published, and the date by which the agency expects to publish the notice of proposed rule.

The bill imposes specific deadlines for the agency to publish the Notice of Rule Development and Notice of Proposed Rule. Specifically, the bill requires agencies to publish a Notice of Rule Development by November 1 for each law identified in the regulatory plan for which rulemaking is necessary to implement.

The bill requires an agency to move forward with rulemaking by publishing a Notice of Proposed Rule by April 1 of the year after the submission of the regulatory plan. If the agency is unable to publish the notice by April 1, the agency may extend the deadline to the following October 1, which is the deadline for the next regulatory plan. The Notice of Extension must be published in the Florida Administrative Register (FAR) and reference the published Notice of Rule Development. If the agency needs additional time, the agency must re-list the law on the next regulatory plan. Re-listing the law on a subsequent regulatory plan further extends the deadline for the Notice of Proposed Rule.

If the agency states rulemaking is not necessary to implement the new law, the regulatory plan must contain a concise written explanation supporting that conclusion. An agency also is required to identify all other laws the agency expects to implement by rulemaking, except emergency rulemaking, before the following July 1. For each law listed, the agency must indicate whether the rulemaking is intended

[29] Dept. of Children and Families, "Biennial rule review report required by section 120.74, Florida Statutes" (Oct. 1, 2009), received by JAPC on Oct. 7, 2009.
[30] Dept. of Agriculture and Consumer Services, "August 20, 2009 Memorandum regarding §120.74, Florida Statutes, Rule Review" (Oct. 1, 2009), received by JAPC on Oct. 1, 2009.
[31] Dept. of Business & Professional Regulation, "Section 120.74, Florida Statutes Biennial Report to the Legislature" (Oct. 1, 2009), received by JAPC on Oct. 5, 2009; Dept. of Environmental Protection, 2009 Report received by JAPC on Oct. 2, 2009.
[32] Chapter 2011-225, s. 4, L.O.F. The bill also suspended reporting in 2011 and 2013 under s. 120.74(1) and (2), F.S., to avoid duplication with the economic reviews and reports under s. 120.745, F.S.

to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.

The regulatory plan must verify that the agency continuously reviews and revises its rules to maintain conformity with applicable law. The regulatory plan must be certified by both the agency head and the agency's primary lawyer. Copies of the certification will be delivered to JAPC.

The agency is responsible for publishing its regulatory plan on its website or another state website established for publication of administrative law records. The agency must publish notice of publication in the FAR along with a hyperlink to the regulatory plan.

The bill further requires an agency to file with JAPC a certification of compliance with the publishing requirement for the Notice of Rule Development and for each Notice of Extension or regulatory plan correction filed. A copy of each Notice of Proposed Rule will continue to be delivered to JAPC.

By October 15 of each year:

- The Department of Business and Professional Regulation must file with JAPC a certification that it has reviewed the regulatory plan for each board established under s. 20.165(4), F.S., and any other board or commission receiving administrative support from the department.
- The Department of Health must file with JAPC a certification that the department has reviewed the regulatory plan for each board established under s. 20.43(3), F.S.

A certification by the Department of Business and Professional Regulation or the Department of Health may relate to more than one board.

An agency is required to supplement its regulatory plan if a law enacted during a special session affects the agency's duties or authority. The supplement must be completed within 30 days after a bill becomes a law if the law is enacted before the next regular legislative session and the law modifies the agency's specifically legislated duties.

To enhance oversight of compliance with the law, the bill requires agencies to respond in writing within 15 days to any request from JAPC or any legislative committee chair seeking an explanation when the agency fails to comply with new planning and rulemaking requirements.

Educational entities, such as school districts, are exempted entirely from the requirements in the bill.

Retrospective Economic Review of Rules

Background

In November 2010, the Legislature enacted HB 1565 (2010)[33] overriding a gubernatorial veto. The law created a new limitation on agency rulemaking: any rule adopted after the date of the act, whether a new or amended rule, that may likely have a significant economic impact, could not go into effect unless first ratified by the Legislature.[34] The law requires an agency to prepare a full Statement of Estimated Regulatory Costs (SERC) if the proposed rule either will have an adverse impact on small businesses or if the rule is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in the first year after the rule is implemented.[35] Additionally, the SERC must include an economic analysis addressing whether the rule is likely to have one of three specific impacts, directly or indirectly, in excess of $1 million in the aggregate within 5 years of going into effect.[36]

[33] Chapter 2010-279, L.O.F.
[34] Section 120.541(3), F.S.
[35] Sections 120.54(3)(b)1. and 120.541(1)(b), F.S.
[36] Section 120.541(2)(a), F.S. The three impacts are whether the rule will have 1) an adverse impact on economic growth, private sector job creation or employment, or private sector employment; 2) an adverse impact on business competitiveness, including

The requirements of chapter 2010-279, L.O.F., applied only to rules which had not become effective as of November 17, 2010, or were proposed for adoption after that date. Existing rules were not subject to the ratification requirement. In 2011 the Legislature passed CS/CS/CS/HB 993 & HB 7239, including a provision requiring a retrospective economic analysis of those existing rules.[37] All agencies required to publish their rules in the Florida Administrative Code (F.A.C.)[38] were required to review their rules, identify those potentially having one of the impacts described in s. 120.541(2)(a), F.S., over a five year period, complete a comprehensive economic review of such rules, and publicly publish the results and certify their compliance with the statute to JAPC. In 2011, all agencies were to publish the results of their initial reviews and identify existing rules likely to have significant economic impacts.[39] At the agency's discretion, the agency could submit its compliance economic reviews in two approximately equal groups: Group 1 reviews were to be published by December 1, 2012, and the remaining reviews in Group 2 were to be published by December 1, 2013.[40]

Effect of the Bill

In December 2013, the retrospective economic reviews of all agency rules were completed with the publication of the required compliance economic reviews. S. 120.745, F.S., was repealed in a reviser's bill enacted earlier in the 2015 Regular Session. Effective upon becoming law, this bill rescinds any suspension of rulemaking authority that may have arisen under s. 120.745.

Your Voice Survey

Background

As part of the increased oversight of agency rulemaking enacted in 2011, the Legislature sought public participation and input about the effect of agency rules through use of an online survey. Those wanting to comment on any rule could log in to the survey form,[41] respond to a series of questions intended to identify the particular rule and the context of the comment, and provide as much information as the participant thought necessary. Access to the online form was directed primarily through the website of the Florida House of Representatives and was known as the "Your Voice Survey."

To encourage public participation and obtain as wide a variety of comments as possible during the period of July 1, 2011 through July 1, 2014, s. 120.7455, F.S.,[42] was enacted to provide certain limited protections from enforcement actions based on any response to the survey. Specifically, a person reporting or providing information solicited by the Legislature in conformity with the law is immune from any enforcement action or prosecution based on such reporting.[43] If a person was subject to a penalty in excess of the minimum provided by law or rule, and such person proved the enforcement action was in retaliation for providing or withholding any information in response to the survey, the penalty would be limited to the minimum provided for each separate violation.[44]

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competition with interstate firms, productivity, or innovation; or 3) an increase in regulatory costs, including transactional costs as defined by s. 120.541(2)(d), F.S.

[37] Chapter 2011-225, s. 5, L.O.F, codified as s. 120.745, F.S.

[38] A provision in the act designed specifically to *de facto* exclude educational units (defined in s. 120.52(6), F.S.) which do not publish their rules in the F.A.C. pursuant to s. 120.55(1)(a)2., F.S. Certain other publication requirements also do not apply to educational units. Section 120.81(1), F.S.

[39] Section 120.745(2), F.S. The statute required each agency to publish the number of its rules implementing or affecting state revenues (revenue rules), requiring submission of information or data by third parties (data collection rules), rules to be repealed, rules to be amended to reduce economic impacts, and those rules that would be reported in Groups 1 or 2.

[40] Section 120.745(5), F.S.

[41] At http://www.surveymonkey.com/s/FloridaRegReformSurvey (last accessed March 24, 2015).

[42] Chapter 2011-225, s. 6, L.O.F.

[43] Section 120.7455(3), F.S. The protection also extends to the non-reporting of such information or the use of information provided in response to the survey.

[44] Section 120.7455(4), F.S.

The survey was initiated in October 2011, and received 2,723 responses through October 22, 2013. No response appeared to place the participant in jeopardy of prosecution or administrative enforcement. However, the survey responses were of limited value. Many respondents voiced support or disapproval for issues outside the scope of the survey, such as federal laws, regulations or policies, unrelated state statutes, or local ordinances. Fewer than 200 respondents directly addressed a particular agency rule, and of those, no more than 40 respondents provided information about the economic or policy impacts of the rule. Because the limited protection in the statute proved to be unnecessary, no apparent purpose is served by continuing the statute.

Effect of the Bill

The bill repeals s. 120.7455, F.S., effective upon the bill becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires agencies to publish in the FAR a notice identifying the date of publication along with a hyperlink to the regulatory plan, which has an associated cost. There is an increased workload on state agencies to adhere to the annual reporting requirements and action deadlines prescribed in the bill. The additional publication requirements and increased workload will have an insignificant fiscal impact on agencies and can be handled within existing resources. Regulatory plans have been published for the past three years without significant costs incurred.