

STATE BOARD OF EDUCATION RULE PROCEDURE  
UNDER CHAPTER 120 OF THE FLORIDA STATUTES

The Department of Education is currently undergoing a complete review of all of its rules following the passage of the new school code. Each program area within the department is reviewing its rules and providing the General Counsel's office with its recommendations as to rules that need to be amended, repealed or promulgated.

These program areas are being asked to categorize existing rules by separating those which no longer have statutory authority, those that require modification, and those that may have statutory authority, but may not be necessary. Finally, the program areas are being asked to provide new rules where the new school code requires them.

The administrative steps required to implement department rules are set forth below.

1. **Notice of Rule Development** pursuant to Section 120.54(2)(a), F.S.
  - When a new rule is being promulgated or an existing rule is being amended, the department must draft a Notice of Rule Development to be published in the Florida Administrative Weekly.
  - The notice must include a date for a rule development workshop or a statement that such a workshop will be held if requested in writing for date to be determined later.
2. **Notice of intended rule adoption** pursuant to Section 120.54(3)(a), F.S.
  - Once the rule language is approved by the department's office of the general counsel, it is then forwarded to the office of the agency clerk for advertisement.
  - The notice must be published at least 28 days prior to Board meeting at which they are presented for adoption.
3. **State Board of Education approval/ adoption of the proposed rule.**
  - The State Board votes to approve the rule as presented, approve the rule with modifications, or to withdraw the rule.
  - If the rule is approved as presented, it may be filed with the Department of State no less than 14 days later.
  - Upon filing with the Department of State, the rule becomes effective 20 days later pursuant to Section 120.54(3)(e), F.S.

- If the State Board approves the rule with modifications, it must again be advertised in the Florida Administrative Weekly. 21 days after such advertisement, the rule may be filed with the Department of State. See Section 120.54(3)(d), F.S.
- 4. **Emergency rule process** pursuant to Section 120.54(4), F.S., is available where the State Board finds an immediate danger to the public health, safety, or welfare.

### **TIMELINE FOR RULE PROCESS**

Day 1 – rule development filed by Wednesday deadline for Florida Administrative Weekly (FAW) for publication a week from the following Friday.

Day 10 – notice of rule development published in FAW.

Day 24 – earliest date upon which any workshops relating to the rule may take place.

Day 29 – deadline for earliest opportunity to file notice of intended rule adoption with FAW.

Day 39 – notice of intended rule adoption published in FAW.

Day 67 – earliest date in which the State Board may vote to approve the rule as presented.

#### **If State Board approves rule as presented:**

Day 81 – earliest date in which the approved rule may be filed with the Department of State.

Day 101 – approved rule takes effect.

#### **If State Board approves rule with modifications:**

Day 68 – file modified rule with FAW.

Day 78 – modified rule published in FAW.

Day 99 – modified rule may be filed with Department of State.

Day 119 – modified rule takes effect.