

By the Committees on Appropriations; Governmental Oversight  
and Productivity; and Senator Bennett

309-2560-04

1                                   A bill to be entitled  
2           An act relating to administrative procedure;  
3           amending s. 120.55, F.S.; requiring forms  
4           incorporated by reference to display specified  
5           information; requiring electronic publication  
6           of the Florida Administrative Weekly on an  
7           Internet website managed by the Department of  
8           State; prescribing content and website search  
9           requirements; providing for free public access  
10          to such website; providing guidelines for  
11          publishing, revising guidelines for  
12          distributing, and specifying the funding source  
13          for the print version of the Florida  
14          Administrative Weekly; amending s. 120.551,  
15          F.S.; postponing the repeal of such section;  
16          providing for training courses for agencies  
17          currently publishing materials in the Florida  
18          Administrative Weekly; providing effective  
19          dates.

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

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23           Section 1. Effective December 31, 2005, section  
24 120.55, Florida Statutes, is amended to read:  
25           120.55 Publication.--  
26           (1) The Department of State shall:  
27           (a)1. Publish in a permanent compilation entitled  
28 "Florida Administrative Code" all rules adopted by each  
29 agency, citing the specific rulemaking authority pursuant to  
30 which each rule was adopted, all history notes as authorized  
31 in s. 120.545(9), and complete indexes to all rules contained

1 in the code. Supplementation shall be made as often as  
2 practicable, but at least monthly. The department may  
3 contract with a publishing firm for the publication, in a  
4 timely and useful form, of the Florida Administrative Code;  
5 however, the department shall retain responsibility for the  
6 code as provided in this section. This publication shall be  
7 the official compilation of the administrative rules of this  
8 state. The Department of State shall retain the copyright  
9 over the Florida Administrative Code.

10           2. Rules general in form but applicable to only one  
11 school district, community college district, or county, or a  
12 part thereof, or state university rules relating to internal  
13 personnel or business and finance shall not be published in  
14 the Florida Administrative Code. Exclusion from publication in  
15 the Florida Administrative Code shall not affect the validity  
16 or effectiveness of such rules.

17           3. At the beginning of the section of the code dealing  
18 with an agency that files copies of its rules with the  
19 department, the department shall publish the address and  
20 telephone number of the executive offices of each agency, the  
21 manner by which the agency indexes its rules, a listing of all  
22 rules of that agency excluded from publication in the code,  
23 and a statement as to where those rules may be inspected.

24           4. Forms shall not be published in the Florida  
25 Administrative Code; but any form which an agency uses in its  
26 dealings with the public, along with any accompanying  
27 instructions, shall be filed with the committee before it is  
28 used. Any form or instruction which meets the definition of  
29 "rule" provided in s. 120.52 shall be incorporated by  
30 reference into the appropriate rule. The reference shall  
31 specifically state that the form is being incorporated by

1 reference and shall include the number, title, and effective  
2 date of the form and an explanation of how the form may be  
3 obtained. Each form created by an agency which is incorporated  
4 by reference in a rule noticed pursuant to s. 120.54(3)(a)  
5 after December 31, 2005, must clearly display the number,  
6 title, and effective date of the form and the number of the  
7 rule in which the form is incorporated.

8 (b) Electronically publish on an Internet website,  
9 managed by the department, a weekly publication entitled the  
10 "Florida Administrative Weekly," which shall serve as the  
11 official Internet website for such publication and shall  
12 contain:

13 1. Notice of adoption of, and an index to, all rules  
14 filed during the preceding week.

15 2. All notices required by s. 120.54(3)(a), showing  
16 the text of all rules proposed for consideration ~~or a~~  
17 ~~reference to the location in the Florida Administrative Weekly~~  
18 ~~where the text of the proposed rules is published.~~

19 3. All notices of public meetings, hearings, and  
20 workshops conducted in accordance with the provisions of s.  
21 120.525, including a statement of the manner in which a copy  
22 of the agenda may be obtained.

23 4. A notice of each request for authorization to amend  
24 or repeal an existing uniform rule or for the adoption of new  
25 uniform rules.

26 5. Notice of petitions for declaratory statements or  
27 administrative determinations.

28 6. A summary of each objection to any rule filed by  
29 the Administrative Procedures Committee during the preceding  
30 week.

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1           7. A cumulative list of all rules that have been  
2 proposed but not filed for adoption.

3           8.7. Any other material required or authorized by law  
4 or deemed useful by the department.

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6 The department may contract with a publishing firm for printed  
7 publication of the Florida Administrative Weekly and make  
8 copies available on an annual subscription basis. All costs  
9 related to the printed publication of the Florida  
10 Administrative Weekly shall be funded solely by annual  
11 subscription revenue.

12           (c) Review notices for compliance with format and  
13 numbering requirements before publishing them on the Florida  
14 Administrative Weekly Internet website.

15           (d)~~(c)~~ Prescribe by rule the style and form required  
16 for rules submitted for filing and establish the form for  
17 their certification.

18           (e)~~(d)~~ Correct grammatical, typographical, and like  
19 errors not affecting the construction or meaning of the rules,  
20 after having obtained the advice and consent of the  
21 appropriate agency, and insert history notes.

22           ~~(e) Make copies of the Florida Administrative Weekly~~  
23 ~~available on an annual subscription basis computed to cover a~~  
24 ~~pro rata share of 50 percent of the costs related to the~~  
25 ~~publication of the Florida Administrative Weekly.~~

26           (f) Charge each agency using the Florida  
27 Administrative Weekly a space rate ~~computed to cover a pro~~  
28 ~~rata share of 50 percent of the costs related to the Florida~~  
29 ~~Administrative Weekly and the Florida Administrative Code.~~

30           (g) Maintain a permanent record of all notices  
31 published in the Florida Administrative Weekly.

1           (2) The Florida Administrative Weekly Internet website  
2 must allow users to:

3           (a) Search for notices by type, publication date, rule  
4 number, word, subject, or agency;

5           (b) Search a database that makes available all notices  
6 published on the website for a period of at least 5 years;

7           (c) Subscribe to an automated e-mail notification of  
8 selected notices; and

9           (d) View agency forms incorporated by reference in  
10 proposed rules.

11           (3)(2) Each agency shall provide copies of its rules  
12 upon request, with citations to the grant of rulemaking  
13 authority and the specific law implemented for each rule print  
14 or distribute copies of its rules, citing the specific  
15 rulemaking authority pursuant to which each rule was adopted.

16           (4)(3) Any publication of a proposed rule promulgated  
17 by an agency, whether published in the Florida Administrative  
18 Code or elsewhere, shall include, along with the rule, the  
19 name of the person or persons originating such rule, the name  
20 of the supervisor or person who approved the rule, and the  
21 date upon which the rule was approved.

22           (5) Access to the Florida Administrative Weekly  
23 Internet website and its contents, including the e-mail  
24 notification service, shall be free for the public.

25           (6)(4)(a) If the Florida Administrative Weekly is made  
26 available by the Department of State as a printed publication,  
27 the department shall furnish:

28           (a) Copies of ~~Each year the Department of State shall~~  
29 ~~furnish~~ the Florida Administrative Weekly, without charge and  
30 upon request, as follows:

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1           1. One subscription to each federal and state court  
2 having jurisdiction over the residents of the state; the  
3 Legislative Library; each state university library; the State  
4 Library; each depository library designated pursuant to s.  
5 257.05; and each standing committee of the Senate and House of  
6 Representatives and each state legislator.

7           2. Two subscriptions to each state department.

8           3. Three subscriptions to the library of the Supreme  
9 Court of Florida, the library of each state district court of  
10 appeal, the division, the library of the Attorney General,  
11 each law school library in Florida, the Secretary of the  
12 Senate, and the Clerk of the House of Representatives.

13           4. Ten subscriptions to the committee.

14           (b) ~~The Department of State shall furnish~~ One copy of  
15 the Florida Administrative Weekly, at no cost, to each clerk  
16 of the circuit court and each state department, for posting  
17 for public inspection.

18           (7)(5)(a) There is hereby created in the State  
19 Treasury a revolving fund to be known as the "Publication  
20 Revolving Trust Fund" of the Department of State.

21           (b) All fees and moneys collected by the Department of  
22 State under this chapter shall be deposited in the revolving  
23 trust fund for the purpose of paying for ~~the publication and~~  
24 ~~distribution of the Florida Administrative Code and the~~  
25 ~~Florida Administrative Weekly and for associated costs~~  
26 incurred by the department in carrying out this chapter.

27           (c) The unencumbered balance in the revolving trust  
28 fund at the beginning of each fiscal year may ~~shall~~ not exceed  
29 \$300,000, and any excess shall be transferred to the General  
30 Revenue Fund.

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1           ~~(d) It is the intent of the Legislature that the~~  
2 ~~Florida Administrative Weekly be supported entirely from funds~~  
3 ~~collected for subscriptions to and advertisements in the~~  
4 ~~Florida Administrative Weekly. To that end, the Department of~~  
5 ~~State is authorized to add a surcharge of 10 percent to any~~  
6 ~~charge relating to the Florida Administrative Weekly until~~  
7 ~~such time as the Publication Revolving Trust Fund has~~  
8 ~~transferred to the General Revenue Fund an amount equal to all~~  
9 ~~funds appropriated to the trust fund.~~

10           Section 2. Section 120.551, Florida Statutes, is  
11 amended to read:

12           120.551 Internet publication.--

13           (1) For purposes of this section, the term:

14           (a) "Agency" means the Department of Environmental  
15 Protection and the Board of Trustees of the Internal  
16 Improvement Trust Fund.

17           (b) "Internet website" means a centralized Internet  
18 website that is established and maintained by the Department  
19 of Environmental Protection, is provided to the public without  
20 charge, and permits the public to:

21           1. Search notices by type, publication date, program  
22 area, or rule number;

23           2. Search a permanent database that archives all  
24 notices published on the website; and

25           3. Subscribe to an automated e-mail notification of  
26 selected notice types.

27           (2) Whenever the agency is required to publish notices  
28 in the Florida Administrative Weekly, the agency shall instead  
29 publish the complete notice on the Internet website. Notices  
30 published on the Internet website shall clearly state the date  
31 the notice was first published and shall be published only on

1 the same days as the Florida Administrative Weekly is  
2 published. The Department of State shall publish a statement  
3 in the Florida Administrative Weekly that indicates the  
4 specific URL or address for the Internet website. The agency  
5 shall publish all other notices in the manner prescribed by  
6 law.

7 (3) This section is repealed effective December 31,  
8 2005 ~~July 1, 2004, unless reviewed and reenacted by the~~  
9 ~~legislature before that date.~~

10 Section 3. The Department of State shall, before  
11 December 31, 2005, make available to all agencies required on  
12 the effective date of this act to publish materials in the  
13 Florida Administrative Weekly training courses for the purpose  
14 of assisting the agencies with their transition to publishing  
15 on the Florida Administrative Weekly Internet website. The  
16 training courses may be provided in the form of workshops or  
17 software packages that allow self-training by agency  
18 personnel.

19 Section 4. Except as otherwise expressly provided in  
20 this act, this act shall take effect July 1, 2004.

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
23 COMMITTEE SUBSTITUTE FOR  
24 CS/SB 2340

25 The committee substitute changes the requirement in the bill  
26 that the Department of State website allow internet access to  
27 agency forms incorporated in rules to instead require that the  
28 website allow viewing of agency forms incorporated in proposed  
29 rules.  
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