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1                   A bill to be entitled  
2     An act relating to administrative procedures; amending  
3     s. 120.54, F.S.; requiring an agency's notice of rule  
4     development to indicate whether the rule may have an  
5     adverse impact on small businesses; requiring that the  
6     agency also notify the Small Business Regulatory  
7     Advisory Council if the rule may have an adverse  
8     impact; authorizing the council to propose regulatory  
9     alternatives to the agency within a specified period;  
10    requiring an agency to send a statement to the council  
11    and the Administrative Procedures Committee if the  
12    agency does not adopt the proposed alternatives;  
13    revising the duties of the Office of Program Policy  
14    Analysis and Government Accountability with respect to  
15    its review of proposed alternative rules; revising  
16    certain procedures for an agency in filing a rule for  
17    final adoption; amending s. 120.541, F.S.; conforming  
18    provisions to changes made by the act; revising  
19    provisions relating to an agency's response to a  
20    proposal by a substantially affected person for a  
21    lower cost regulatory alternative to a proposed rule;  
22    revising the grounds for declaring a rule invalid due  
23    to the agency's failure to prepare a statement of  
24    estimated regulatory costs or to respond to a written  
25    lower cost regulatory alternative; providing that a  
26    rule that imposes regulatory costs that could be  
27    reduced under certain circumstances may be declared  
28    invalid if certain requirements are not met; requiring  
29    that a rule impact analysis for small businesses

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30 include the agency's basis for not implementing  
31 alternatives to a proposed rule; amending s. 120.56,  
32 F.S.; providing for revised statements of estimated  
33 regulatory costs as a basis for challenging a rule;  
34 amending s. 120.60, F.S.; authorizing an agency to  
35 provide by rule for the time period for submitting  
36 additional information needed for a license  
37 application; requiring that certain requests to  
38 receive notice relating to a license application be  
39 submitted in writing; providing an effective date.

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

42  
43 Section 1. Paragraph (a) of subsection (2) and paragraphs  
44 (a), (b), and (e) of subsection (3) of section 120.54, Florida  
45 Statutes, are amended to read:

46 120.54 Rulemaking.—

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

48 (a) Except when the intended action is the repeal of a  
49 rule, agencies shall provide notice of the development of  
50 proposed rules by publication of a notice of rule development in  
51 the Florida Administrative Weekly before providing notice of the  
52 ~~a~~ proposed rule as required by paragraph (3) (a). The notice of  
53 rule development must ~~shall~~ indicate the subject area to be  
54 addressed by rule development, provide a short, plain  
55 explanation of the purpose and effect of the proposed rule, cite  
56 the specific legal authority for the proposed rule, indicate  
57 that the rule does not have or that it may have an adverse  
58 impact on small businesses and briefly describe that impact, and

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59 include the preliminary text of the proposed rule ~~rules~~, if  
60 available, or a statement of how a person may promptly obtain,  
61 without cost, a copy of the any preliminary text ~~draft~~, if  
62 available. If the rule being developed may have an adverse  
63 impact on small businesses, the notice must also be sent  
64 electronically or in writing to the Small Business Regulatory  
65 Advisory Council.

66 (3) ADOPTION PROCEDURES.—

67 (a) *Notices.*—

68 1. Before ~~Prior~~ to the adoption, amendment, or repeal of  
69 any rule other than an emergency rule, an agency, upon approval  
70 of the agency head, shall give notice of its intended action,  
71 setting forth a short, plain explanation of the purpose and  
72 effect of the proposed action; the full text of the proposed  
73 rule or amendment and a summary thereof; a reference to the  
74 grant of rulemaking authority pursuant to which the rule is  
75 adopted; and a reference to the section or subsection of the  
76 Florida Statutes or the Laws of Florida being implemented or  
77 interpreted. The notice must include a summary of the agency's  
78 statement of ~~the~~ estimated regulatory costs, if one has been  
79 prepared, based on the factors set forth in s. 120.541(2), and a  
80 statement that any person who wishes to provide the agency with  
81 information regarding the statement of estimated regulatory  
82 costs, or to provide a proposal for a lower cost regulatory  
83 alternative as provided by s. 120.541(1), must do so in writing  
84 within 21 days after publication of the notice. The notice must  
85 state the procedure for requesting a public hearing on the  
86 proposed rule. Except when the intended action is the repeal of  
87 a rule, the notice must include a reference ~~both~~ to the date ~~on~~

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88 ~~which and to the~~ place where the notice of rule development  
89 which ~~that~~ is required under ~~by~~ subsection (2) appeared.

90 2. The notice shall be published in the Florida  
91 Administrative Weekly at least ~~not less than~~ 28 days before  
92 ~~prior to~~ the intended action. The proposed rule must ~~shall~~ be  
93 available for inspection and copying by the public at the time  
94 of the publication of notice.

95 3. The notice shall be mailed to all persons named in the  
96 proposed rule and to all persons who, at least 14 days before  
97 ~~prior to~~ such mailing, ~~have made~~ a request to ~~requests of~~ the  
98 agency for advance notice of its proceedings. The agency shall  
99 also give such notice, as is ~~is~~ prescribed by rule, to those  
100 particular classes of persons to whom the intended action is  
101 directed.

102 4. The adopting agency shall file with the committee, at  
103 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
104 of each rule it proposes to adopt; a copy of any material  
105 incorporated by reference in the rule; a detailed written  
106 statement of the facts and circumstances justifying the proposed  
107 rule; a copy of any statement of estimated regulatory costs  
108 which ~~that~~ has been prepared pursuant to s. 120.541; a statement  
109 of the extent to which the proposed rule relates to federal  
110 standards or rules on the same subject; and the notice required  
111 by subparagraph 1.

112 (b) *Special matters to be considered in rule adoption.*—

113 1. Statement of estimated regulatory costs.—Before ~~Prior to~~  
114 the adoption, amendment, or repeal of any rule other than an  
115 emergency rule, an agency is encouraged to prepare a statement  
116 of estimated regulatory costs of the proposed rule, as provided

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117 by s. 120.541. However, an agency must ~~shall~~ prepare a statement  
118 of estimated regulatory costs of the proposed rule, as provided  
119 by s. 120.541, if the proposed rule will have an adverse impact  
120 on small business.

121 2. Small businesses, small counties, and small cities.—

122 a. Each agency, before the adoption, amendment, or repeal  
123 of a rule, shall consider the impact of the rule on small  
124 businesses as defined by s. 288.703 and the impact of the rule  
125 on small counties or small cities as defined by s. 120.52. If  
126 ~~Whenever~~ practicable, an agency shall tier its rules to reduce  
127 disproportionate impacts on small businesses, small counties, or  
128 small cities to avoid regulating small businesses, small  
129 counties, or small cities that do not contribute significantly  
130 to the problem the rule is designed to address. An agency may  
131 define "small business" to include businesses employing more  
132 than 200 persons, may define "small county" to include those  
133 with populations of more than 75,000, and may define "small  
134 city" to include those with populations of more than 10,000, if  
135 it finds that such a definition is necessary to adapt a rule to  
136 the needs and problems of small businesses, small counties, or  
137 small cities. The agency shall consider each of the following  
138 methods for reducing the impact of the proposed rule on small  
139 businesses, small counties, and small cities, or any combination  
140 of these entities:

141 (I) Establishing less stringent compliance or reporting  
142 requirements in the rule.

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

145 (III) Consolidating or simplifying the rule's compliance or

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146 reporting requirements.

147 (IV) Establishing performance standards or best management  
148 practices to replace design or operational standards in the  
149 rule.

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

152 b.~~(I)~~ If the agency determines that the proposed action  
153 will adversely impact ~~affect~~ small businesses as defined by the  
154 agency ~~as provided~~ in sub-subparagraph a., the agency shall send  
155 an electronic or written notice of the rule and a statement of  
156 the estimated regulatory costs of the proposed rule to the Small  
157 Business Regulatory Advisory Council and the Office of Tourism,  
158 Trade, and Economic Development, with a copy provided to the  
159 committee, at least 45 ~~not less than 28~~ days before ~~prior to~~ the  
160 intended action.

161 (I)~~(II)~~ The council may propose regulatory alternatives to  
162 the agency, electronically or in writing, with a copy provided  
163 to the committee, within 44 days after the council's receipt of  
164 the statement of estimated regulatory costs. The proposal may  
165 include the alternative of not adopting a rule if the proposal  
166 explains how the lower costs and objectives of the law will be  
167 achieved by not adopting a rule. The agency shall consider the  
168 proposed small business regulatory alternatives in a public  
169 hearing, revise its prior statement of estimated regulatory  
170 costs, if appropriate, and adopt the alternative or provide a  
171 statement of the reasons for rejecting the alternative in favor  
172 of the proposed rule. Each agency shall adopt those regulatory  
173 ~~alternatives offered by the Small Business Regulatory Advisory~~  
174 ~~Council and provided to the agency no later than 21 days after~~

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175 ~~the council's receipt of the written notice of the rule which it~~  
176 ~~finds are feasible and consistent with the stated objectives of~~  
177 ~~the proposed rule and which would reduce the impact on small~~  
178 ~~businesses. If ~~When~~ regulatory alternatives are offered by the~~  
179 ~~Small Business Regulatory Advisory council or the agency issues~~  
180 ~~a revised statement of estimated regulatory costs, the time ~~90-~~~~  
181 ~~day period for filing the rule in subparagraph (e)2. is extended~~  
182 ~~for 45 ~~a period of 21~~ days.~~

183 ~~(II)-(III)~~ If an agency does not adopt all alternatives  
184 offered pursuant to this sub-subparagraph, it must ~~shall, prior~~  
185 ~~to rule adoption or amendment and pursuant to subparagraph~~  
186 ~~(d)1.7, file a detailed electronic or written statement with the~~  
187 ~~committee explaining the reasons for not adopting ~~failure to~~~~  
188 ~~adopt such alternatives before rule adoption or amendment and~~  
189 ~~pursuant to subparagraph (d)1. Within 3 working days after ~~of~~~~  
190 ~~the filing of such notice, the agency shall send an electronic~~  
191 ~~or written a copy of such notice to the Small Business~~  
192 ~~Regulatory Advisory Council. The ~~Small Business Regulatory~~~~  
193 ~~Advisory council may make a request of the President of the~~  
194 ~~Senate and the Speaker of the House of Representatives that the~~  
195 ~~presiding officers direct the Office of Program Policy Analysis~~  
196 ~~and Government Accountability to determine whether the rejected~~  
197 ~~alternatives substantially accomplish the objectives of the law~~  
198 ~~being implemented and reduce the adverse impact on small~~  
199 ~~businesses ~~business while meeting the stated objectives of the~~~~  
200 ~~proposed rule. Within 60 days after the date of the directive~~  
201 ~~from the presiding officers, the office of ~~Program Policy~~~~  
202 ~~Analysis and Government Accountability shall report its findings~~  
203 ~~to the ~~Administrative Procedures~~ committee ~~its findings as to~~~~

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204 ~~whether an alternative reduces the impact on small business~~  
205 ~~while meeting the stated objectives of the proposed rule. The~~  
206 ~~office must, at a minimum, of Program Policy Analysis and~~  
207 ~~Government Accountability shall~~ consider the proposed rule, the  
208 economic impact statement, the written statement of the agency,  
209 the proposed alternatives, and any comment submitted during the  
210 comment period on the proposed rule. The office ~~of Program~~  
211 ~~Policy Analysis and Government Accountability~~ shall submit a  
212 report of its findings and recommendations to the Governor, the  
213 President of the Senate, ~~and~~ the Speaker of the House of  
214 Representatives, and the committee. The ~~Administrative~~  
215 ~~Procedures~~ committee shall report such findings to the agency,  
216 and the agency shall respond in writing to the ~~Administrative~~  
217 ~~Procedures~~ committee if the office ~~of Program Policy Analysis~~  
218 ~~and Government Accountability~~ found that a rejected the  
219 alternative substantially accomplishes the objectives of the law  
220 being implemented and reduces ~~reduced~~ the adverse impact on  
221 small businesses ~~business while meeting the stated objectives of~~  
222 ~~the proposed rule~~. If the agency does ~~will~~ not adopt the  
223 alternative, it must also provide a detailed written statement  
224 to the committee as to why it is not adopting ~~will not adopt~~ the  
225 alternative.

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

227 1. If the adopting agency is required to publish its rules  
228 in the Florida Administrative Code, the agency, upon approval of  
229 the agency head, shall file with the Department of State three  
230 certified copies of the rule it proposes to adopt; one copy of  
231 any material incorporated by reference in the rule, certified by  
232 the agency; a summary of the rule; a summary of any hearings



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233 held on the rule; and a detailed written statement of the facts  
234 and circumstances justifying the rule. Agencies not required to  
235 publish their rules in the Florida Administrative Code shall  
236 file one certified copy of the proposed rule, and the other  
237 material required by this subparagraph, in the office of the  
238 agency head, and such rules shall be open to the public.

239 2. A rule may not be filed for adoption less than 28 days  
240 or more than 90 days after the notice required by paragraph (a),  
241 until 21 days after the notice of change required by paragraph  
242 (d), until 14 days after the final public hearing, until 45 ~~21~~  
243 days after a statement of estimated regulatory costs or a  
244 revised statement of estimated regulatory costs has been  
245 prepared and made available as required under s. 120.541 ~~has~~  
246 ~~been provided to all persons who submitted a lower cost~~  
247 ~~regulatory alternative and made available to the public, or~~  
248 until the administrative law judge has rendered a decision under  
249 s. 120.56(2), whichever applies. If a statement of estimated  
250 regulatory costs or a revised statement of estimated regulatory  
251 costs has been prepared and made available as provided in s.  
252 120.541(1) (d), the period during which a rule may be filed for  
253 adoption is extended to 45 days after the statement has been  
254 made available. If ~~when~~ a required notice of change is published  
255 before ~~prior to the expiration of the time for filing to file~~  
256 the rule for adoption ~~has expired~~, the period during which a  
257 rule must be filed for adoption is extended to 45 days after the  
258 date of publication. If notice of a public hearing is published  
259 before ~~prior to the expiration of the time for filing to file~~  
260 the rule for adoption ~~has expired~~, the period during which a  
261 rule must be filed for adoption is extended to 45 days after

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262 adjournment of the final hearing on the rule, 21 days after  
263 receipt of all material authorized to be submitted at the  
264 hearing, or 21 days after receipt of the transcript, if one is  
265 made, whichever is latest. The term "public hearing" includes  
266 any public meeting held by any agency at which the rule is  
267 considered. If a petition for an administrative determination  
268 under s. 120.56(2) is filed, the period during which a rule must  
269 be filed for adoption is extended to 60 days after the  
270 administrative law judge files the final order with the clerk or  
271 until 60 days after subsequent judicial review is complete.

272 3. At the time a rule is filed, the agency shall certify  
273 that the time limitations prescribed by this paragraph have been  
274 complied with, that all statutory rulemaking requirements have  
275 been met, and that there is no administrative determination  
276 pending on the rule.

277 4. At the time a rule is filed, the committee shall certify  
278 whether the agency has responded in writing to all material and  
279 timely written comments or written inquiries made on behalf of  
280 the committee. The Department of State shall reject any rule  
281 that is not filed within the prescribed time limits; that does  
282 not comply with all statutory rulemaking requirements and rules  
283 of the department; upon which an agency has not responded in  
284 writing to all material and timely written inquiries or written  
285 comments; upon which an administrative determination is pending;  
286 or which does not include a statement of estimated regulatory  
287 costs, if required.

288 5. If a rule has not been adopted within the time limits  
289 imposed by this paragraph or has not been adopted in compliance  
290 with all statutory rulemaking requirements, the agency proposing

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291 the rule shall withdraw the rule and give notice of its action  
292 in the next available issue of the Florida Administrative  
293 Weekly.

294 6. The proposed rule shall be adopted on being filed with  
295 the Department of State and become effective 20 days after being  
296 filed, on a later date specified in the notice required by  
297 subparagraph (a)1., or on a date required by statute. Rules not  
298 required to be filed with the Department of State are ~~shall~~  
299 ~~become~~ effective when adopted by the agency head or on a later  
300 date specified by rule or statute. If the committee notifies an  
301 agency that an objection to a rule is being considered, the  
302 agency may postpone the adoption of the rule to accommodate  
303 review of the rule by the committee. If ~~When~~ an agency postpones  
304 adoption of a rule to accommodate committee review ~~by the~~  
305 ~~committee~~, the 90-day period for filing the rule is tolled until  
306 the committee notifies the agency that it has completed its  
307 review ~~of the rule~~.

308  
309 For the purposes of this paragraph, the term "administrative  
310 determination" does not include subsequent judicial review.

311 Section 2. Subsection (1) and paragraphs (d) and (f) of  
312 subsection (2) of section 120.541, Florida Statutes, are amended  
313 to read:

314 120.541 Statement of estimated regulatory costs.—

315 (1) (a) ~~A substantially affected person,~~ Within 21 days  
316 after publication of the notice required ~~provided~~ under s.  
317 120.54(3) (a), a substantially affected person may submit to an  
318 agency a good faith written proposal for a lower cost regulatory  
319 alternative to a proposed rule which substantially accomplishes

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320 the objectives of the law being implemented. The proposal may  
321 include the alternative of not adopting any rule ~~if, so long as~~  
322 the proposal explains how the lower costs and objectives of the  
323 law will be achieved by not adopting any rule. If such a  
324 proposal is submitted, the time period for filing the rule under  
325 s. 120.54(3)(e)2. ~~90-day period for filing the rule~~ is extended  
326 45 ~~21~~ days.

327 ~~(b)~~ Upon the submission of the lower cost regulatory  
328 alternative, the agency shall prepare a statement of estimated  
329 regulatory costs ~~as provided in subsection (2),~~ or shall revise  
330 its prior statement of estimated regulatory costs, and ~~either~~  
331 adopt the alternative or provide ~~give~~ a statement of the reasons  
332 for rejecting the alternative in favor of the proposed rule. ~~The~~  
333 ~~failure of the agency to prepare or revise the statement of~~  
334 ~~estimated regulatory costs as provided in this paragraph is a~~  
335 ~~material failure to follow the applicable rulemaking procedures~~  
336 ~~or requirements set forth in this chapter. An agency required to~~  
337 ~~prepare or revise a statement of estimated regulatory costs as~~  
338 ~~provided in this paragraph shall make it available to the person~~  
339 ~~who submits the lower cost regulatory alternative and to the~~  
340 ~~public prior to filing the rule for adoption.~~

341 (b) If a proposed rule will have an adverse impact on small  
342 businesses, the agency shall prepare a statement of estimated  
343 regulatory costs as required by s. 120.54(3)(b).

344 (c) The agency shall revise a statement of estimated  
345 regulatory costs if any change to the rule made under s.  
346 120.54(3)(d) increases the regulatory costs of the rule.

347 (d) At least 45 days before filing the rule for adoption,  
348 an agency that is required to prepare or revise a statement of

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349 estimated regulatory costs shall provide the statement to the  
350 person who submitted the lower cost regulatory alternative and  
351 to the committee, and provide notice on the agency's website  
352 that it is available to the public.

353 (e) Notwithstanding s. 120.56(1)(c), the failure of the  
354 agency to prepare a statement of estimated regulatory costs or  
355 to respond to a written lower cost regulatory alternative as  
356 provided in this subsection is a material failure to follow the  
357 applicable rulemaking procedures or requirements set forth in  
358 this chapter.

359 (f) ~~(e)~~ An agency's failure to prepare a statement of  
360 estimated regulatory costs or to respond to a written lower cost  
361 regulatory alternative may not be raised in a proceeding  
362 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
363 ~~No rule shall be declared invalid because it imposes regulatory~~  
364 ~~costs on the regulated person, county, or city which could be~~  
365 ~~reduced by the adoption of less costly alternatives that~~  
366 ~~substantially accomplish the statutory objectives, and no rule~~  
367 ~~shall be declared invalid based upon a challenge to the agency's~~  
368 ~~statement of estimated regulatory costs, unless:~~

369 ~~1. The issue is~~ Raised in a petition filed no later than an  
370 ~~administrative proceeding within~~ 1 year after the effective date  
371 of the rule; and

372 ~~2. Raised by a person whose substantial interests are~~  
373 affected by the rule's regulatory costs. The substantial  
374 ~~interests of the person challenging the agency's rejection of,~~  
375 ~~or failure to consider, the lower cost regulatory alternative~~  
376 ~~are materially affected by the rejection; and~~

377 ~~3.a. The agency has failed to prepare or revise the~~

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378 ~~statement of estimated regulatory costs as required by paragraph~~  
379 ~~(b); or~~

380 ~~b. the challenge is to the agency's rejection under~~  
381 ~~paragraph (b) of a lower cost regulatory alternative submitted~~  
382 ~~under paragraph (a).~~

383 (g) A rule that is challenged by a substantially affected  
384 person pursuant to s. 120.52(8) (f) because the rule imposes  
385 regulatory costs on the regulated person, county, or city which  
386 could be reduced by the adoption of less costly alternatives  
387 that substantially accomplish the statutory objectives may not  
388 be declared invalid unless:

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

391 2. The challenge is to the agency's rejection of a lower  
392 cost regulatory alternative offered under paragraph (a) or s.  
393 120.54(3) (b)2.b.; and

394 3. The substantial interests of the person challenging the  
395 agency are materially affected by the rejection.

396 (2) A statement of estimated regulatory costs shall  
397 include:

398 (d) An analysis of the impact on small businesses as  
399 defined by s. 288.703, and an analysis of the impact on small  
400 counties and small cities as defined in ~~by~~ s. 120.52. The impact  
401 analysis for small businesses must include the basis for the  
402 agency's decision not to implement alternatives that would  
403 reduce adverse impacts on small businesses.

404 (f) In the statement or revised statement, whichever  
405 applies, a description of any regulatory alternatives ~~good faith~~  
406 ~~written proposal~~ submitted under paragraph (1) (a) and ~~either~~ a

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407 statement adopting the alternative or a statement of the reasons  
408 for rejecting the alternative in favor of the proposed rule.

409 Section 3. Paragraph (a) of subsection (2) and paragraph  
410 (d) of subsection (4) of section 120.56, Florida Statutes, are  
411 amended to read:

412 120.56 Challenges to rules.—

413 (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

414 (a) A ~~Any~~ substantially affected person may seek an  
415 administrative determination of the invalidity of a ~~any~~ proposed  
416 rule by filing a petition seeking such a determination with the  
417 division within 21 days after the date of publication of the  
418 notice required by s. 120.54(3) (a); ~~7~~ within 10 days after the  
419 final public hearing is held on the proposed rule as provided by  
420 s. 120.54(3) (e)2.; ~~7~~ within 44 ~~20~~ days after the statement of  
421 estimated regulatory costs or revised statement of estimated  
422 regulatory costs, if applicable, has been prepared and made  
423 available as provided in s. 120.541(1) (d); ~~required pursuant to~~  
424 ~~s. 120.541, if applicable, has been provided to all persons who~~  
425 ~~submitted a lower cost regulatory alternative and made available~~  
426 ~~to the public,~~ or within 20 days after the date of publication  
427 of the notice required by s. 120.54(3) (d). The petition must  
428 ~~shall~~ state with particularity the objections to the proposed  
429 rule and the reasons that the proposed rule is an invalid  
430 exercise of delegated legislative authority. The petitioner has  
431 the burden of going forward. The agency then has the burden to  
432 prove by a preponderance of the evidence that the proposed rule  
433 is not an invalid exercise of delegated legislative authority as  
434 to the objections raised. A ~~Any~~ person who is substantially  
435 affected by a change in the proposed rule may seek a

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436 determination of the validity of such change. A ~~Any~~ person who  
437 is not substantially affected by the proposed rule as initially  
438 noticed, but who is substantially affected by the rule as a  
439 result of a change, may challenge any provision of the rule and  
440 is not limited to challenging the change to the proposed rule.

441 (4) CHALLENGING AGENCY STATEMENTS DEFINED AS RULES; SPECIAL  
442 PROVISIONS.—

443 (d) If an administrative law judge enters a final order  
444 that all or part of an agency statement violates s.  
445 120.54(1) (a), the agency must ~~shall~~ immediately discontinue all  
446 reliance upon the statement or any substantially similar  
447 statement as a basis for agency action. ~~This paragraph shall not~~  
448 ~~be construed to impair the obligation of contracts existing at~~  
449 ~~the time the final order is entered.~~

450 Section 4. Subsections (1) and (3) of section 120.60,  
451 Florida Statutes, are amended to read:

452 120.60 Licensing.—

453 (1) Upon receipt of ~~an application for~~ a license  
454 application, an agency shall examine the application and, within  
455 30 days after such receipt, notify the applicant of any apparent  
456 errors or omissions and request any additional information the  
457 agency is permitted by law to require. An agency may ~~shall~~ not  
458 deny a license for failure to correct an error or omission or to  
459 supply additional information unless the agency timely notified  
460 the applicant within this 30-day period. The agency may  
461 establish by rule the time period for submitting any additional  
462 information requested by the agency. For good cause shown, the  
463 agency shall grant a request for an extension of time for  
464 submitting the additional information. If the applicant believes



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465 the agency's request for additional information is not  
466 authorized by law or rule, the agency, at the applicant's  
467 request, shall proceed to process the application. An  
468 application is ~~shall be considered~~ complete upon receipt of all  
469 requested information and correction of any error or omission  
470 for which the applicant was timely notified or when the time for  
471 such notification has expired. An ~~Every~~ application for a  
472 license must ~~shall~~ be approved or denied within 90 days after  
473 receipt of a completed application unless a shorter period of  
474 time for agency action is provided by law. The 90-day time  
475 period is ~~shall be~~ tolled by the initiation of a proceeding  
476 under ss. 120.569 and 120.57. Any application for a license  
477 which ~~that~~ is not approved or denied within the 90-day or  
478 shorter time period, within 15 days after conclusion of a public  
479 hearing held on the application, or within 45 days after a  
480 recommended order is submitted to the agency and the parties,  
481 whichever action and timeframe is latest and applicable, is  
482 considered approved unless the recommended order recommends that  
483 the agency deny the license. Subject to the satisfactory  
484 completion of an examination if required as a prerequisite to  
485 licensure, any license that is considered approved shall be  
486 issued and may include such reasonable conditions as are  
487 authorized by law. Any applicant for licensure seeking to claim  
488 licensure by default under this subsection shall notify the  
489 agency clerk of the licensing agency, in writing, of the intent  
490 to rely upon the default license provision of this subsection,  
491 and may ~~shall~~ not take any action based upon the default license  
492 until after receipt of such notice by the agency clerk.

493 (3) Each applicant shall be given written notice, either ~~either~~

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494 personally or by mail, that the agency intends to grant or deny,  
495 or has granted or denied, the application for license. The  
496 notice must state with particularity the grounds or basis for  
497 the issuance or denial of the license, except when issuance is a  
498 ministerial act. Unless waived, a copy of the notice shall be  
499 delivered or mailed to each party's attorney of record and to  
500 each person who has made a written request for ~~requested~~ notice  
501 of agency action. Each notice must ~~shall~~ inform the recipient of  
502 the basis for the agency decision, ~~shall~~ inform the recipient of  
503 any administrative hearing pursuant to ss. 120.569 and 120.57 or  
504 judicial review pursuant to s. 120.68 which may be available,  
505 ~~shall~~ indicate the procedure that ~~which~~ must be followed, and  
506 ~~shall~~ state the applicable time limits. The issuing agency shall  
507 certify the date the notice was mailed or delivered, and the  
508 notice and the certification must ~~shall~~ be filed with the agency  
509 clerk.

510 Section 5. This act shall take effect July 1, 2010.