

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Murzin offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. Section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication pilot project.--

~~(1) On or before December 31, 2001, The Department of Environmental Protection on its own behalf and acting as staff to the Board of Trustees of the Internal Improvement Trust Fund shall publish and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, Notwithstanding any other provision of law, whenever notices are published on the Internet in lieu of the Department of~~

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28 ~~Environmental Protection is required to publish notices in the~~  
29 Florida Administrative Weekly, the Department of State shall  
30 ~~Environmental Protection instead may publish a summary of such~~  
31 notice in the Florida Administrative Weekly ~~along with the~~  
32 specific URL or Internet address where the complete agency  
33 notice required by law shall be published. ~~The Department of~~  
34 ~~Environmental Protection shall publish~~ All other notices shall  
35 be published in the manner prescribed by law. Notices published  
36 on the Internet under this section shall clearly state the date  
37 the notice was first posted on the Internet and shall be  
38 initially posted only on the same days the Florida  
39 Administrative Weekly is published. Notices related to  
40 rulemaking published on the Internet under this provision shall  
41 be maintained on the Internet for a period of at least 12 months  
42 after the effective date of the rule or at least 3 months after  
43 the publication of a notice of withdrawal of the proposed rule.  
44 All other notices published on the Internet under this provision  
45 shall be maintained on the Internet for a period of at least 3  
46 months after the date first posted. A searchable database or  
47 other electronic system shall ~~to~~ be permanently maintained on  
48 the Internet for the purpose of archiving all notices published  
49 on the Internet and allowing citizens permanent electronic  
50 access to such archived records ~~shall also be established by the~~  
51 ~~pilot project~~. No notice posted on the Internet shall be removed  
52 until the searchable database is implemented.

53 ~~(2) The Department of State shall publish notice of this~~  
54 ~~pilot project in each weekly publication of the Florida~~  
55 ~~Administrative Weekly. The notice shall state: "Under a~~  
56 ~~temporary pilot project, in conjunction with the State~~

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57 ~~Technology Office, to determine the cost-effectiveness of~~  
58 ~~Internet publication of notices in lieu of complete publication~~  
59 ~~in the Florida Administrative Weekly, summaries of notices of~~  
60 ~~the Department of Environmental Protection are being published~~  
61 ~~in the Florida Administrative Weekly along with a reference to~~  
62 ~~the specific Internet URL or address where the complete notice~~  
63 ~~required by law shall be published."~~

64 ~~(3) No later than January 31, 2003, the Department of~~  
65 ~~Environmental Protection, the State Technology Office, and the~~  
66 ~~Department of State shall submit a report to the Governor, the~~  
67 ~~President of the Senate, and the Speaker of the House of~~  
68 ~~Representatives containing findings on the cost-effectiveness of~~  
69 ~~publication of notices on the Internet in lieu of publication in~~  
70 ~~the Florida Administrative Weekly, and recommendations,~~  
71 ~~including legislative or rule changes, for modifications to the~~  
72 ~~process necessary to effectuate publication of notices on the~~  
73 ~~Internet.~~

74 Section 2. Paragraph (i) of subsection (1) of section  
75 120.54, Florida Statutes, is amended to read:

76 120.54 Rulemaking.--

77 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN  
78 EMERGENCY RULES.--

79 (i)1. A rule may incorporate material by reference but  
80 only as the material exists on the date the rule is adopted. For  
81 purposes of the rule, changes in the material are not effective  
82 unless the rule is amended to incorporate the changes.

83 2. Notwithstanding any provision in this section to the  
84 contrary, when an adopted rule of the Department of  
85 Environmental Protection or a water management district is

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86 incorporated by reference in the other agency's rule to  
87 implement a provision of chapter 373, subsequent amendments to  
88 the rule are not effective as to the incorporating rule unless  
89 the agency incorporating by reference notifies the committee and  
90 the Department of State of its intent to adopt the subsequent  
91 amendment, publishes notice of such intent in the Florida  
92 Administrative Weekly, and files with the Department of State a  
93 copy of the amended rule incorporated by reference. Changes in  
94 the rule incorporated by reference are effective 20 days after  
95 the date of the published notice and filing with the Department  
96 of State. The Department of State shall amend the history note  
97 of the incorporating rule to show the effective date of such  
98 change. Any substantially affected person may, within 14 days  
99 after the date of publication of the notice of intent in the  
100 Florida Administrative Weekly, file an objection to rulemaking  
101 with the agency. The objection shall specify the portions of the  
102 rule incorporated by reference to which the person objects and  
103 the reasons for the objection. The agency shall not have the  
104 authority under this subparagraph to adopt those portions of the  
105 rule specified in such objection. Objections which are frivolous  
106 or which duplicate those previously filed during the initial  
107 adoption of the rule incorporated by reference shall not be  
108 considered sufficient to prohibit the agency from adopting rules  
109 under this subparagraph. The agency shall publish notice of the  
110 objection, and its action in response, in the next available  
111 issue of the Florida Administrative Weekly.

112 3. A rule may not be amended by reference only. Amendments  
113 must set out the amended rule in full in the same manner as  
114 required by the State Constitution for laws. The Department of

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115 State may prescribe by rule requirements for incorporating  
116 materials by reference pursuant to this paragraph.

117 Section 3. This act shall take effect upon becoming a law.

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119 ===== T I T L E A M E N D M E N T =====

120 Remove the entire title, and insert:

121 A bill to be entitled

122 An act relating to agency rules; amending s. 120.551,  
123 F.S.; providing that the Department of Environmental  
124 Protection on its own behalf and on behalf of the Board of  
125 Trustees of the Internal Improvement Trust Fund shall  
126 publish its notices on the Internet rather than by  
127 publication in the Florida Administrative Weekly;  
128 requiring the Department of State to publish the specific  
129 URL or Internet address for such notices; eliminating a  
130 duplicative pilot project which is scheduled to terminate;  
131 amending s. 120.54, F.S.; providing that subsequent  
132 amendments to certain rules of the Department of  
133 Environmental Protection or water management districts  
134 which were incorporated by the other agency into its rules  
135 are not automatically incorporated into such rules;  
136 providing notice and procedures for such additional  
137 incorporation; providing for the filing of objections by  
138 affected persons; providing notice and procedures for  
139 filing such objections; providing an effective date.