



HB 1157

2003

1 A bill to be entitled

2 An act relating to administrative procedures; amending s.  
3 120.551, F.S.; providing for publication of notices on the  
4 Internet in lieu of publication in the Florida  
5 Administrative Weekly; providing criteria for publication  
6 on the Internet; deleting reference to a pilot project;  
7 providing an effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Section 120.551, Florida Statutes, is amended  
12 to read:

13 120.551 Internet publication of notices in lieu of  
14 publication in the Florida Administrative Weekly ~~pilot~~  
15 ~~project~~--

16 (1) Notwithstanding any other provision of law, whenever  
17 an agency is required to publish notices in the Florida  
18 Administrative Weekly, in lieu of publication in the Florida  
19 Administrative Weekly, the agency may elect to publish such  
20 notices on the Internet. Notices published on the Internet under  
21 this section shall clearly state the date the notice was first  
22 posted on the Internet, shall be posted only on the same days  
23 the Florida Administrative Weekly is published, and shall comply  
24 with the rules relating to such noticing requirements as adopted  
25 by the Department of State. ~~On or before December 31, 2001, the~~  
26 ~~Department of Environmental Protection and the State Technology~~  
27 ~~Office shall establish and commence a pilot project to determine~~  
28 ~~the cost-effectiveness of publication of notices on the Internet~~  
29 ~~in lieu of complete publication in the Florida Administrative~~  
30 ~~Weekly. The pilot project shall end on July 1, 2003. Under this~~



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

59 (2) If an agency elects to publish notices on the  
60 Internet, the agency shall publish notice of that election in



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61 each weekly publication of the Florida Administrative Weekly  
62 beginning at least 90 days before the implementation of such  
63 election, provided, however, the Department of Environmental  
64 Protection may continue to publish notices on the Internet  
65 without such prior notice of that election. Upon commencement of  
66 publication on the Internet under such election, the agency  
67 shall publish in each weekly publication of the Florida  
68 Administrative Weekly a notice stating: "Pursuant to section  
69 120.551, Florida Statutes, the [name of agency] has elected to  
70 publish notices on the Internet at the following Internet URL or  
71 address: [state URL or Internet address]." The Department of  
72 State shall establish in the Florida Administrative Weekly a  
73 specific section for all such notices. The Department of State  
74 ~~shall publish notice of this pilot project in each weekly~~  
75 ~~publication of the Florida Administrative Weekly. The notice~~  
76 ~~shall state: "Under a temporary pilot project, in conjunction~~  
77 ~~with the State Technology Office, to determine the cost-~~  
78 ~~effectiveness of Internet publication of notices in lieu of~~  
79 ~~complete publication in the Florida Administrative Weekly,~~  
80 ~~summaries of notices of the Department of Environmental~~  
81 ~~Protection are being published in the Florida Administrative~~  
82 ~~Weekly along with a reference to the specific Internet URL or~~  
83 ~~address where the complete notice required by law shall be~~  
84 ~~published."~~

85 ~~(3) No later than January 31, 2003, the Department of~~  
86 ~~Environmental Protection, the State Technology Office, and the~~  
87 ~~Department of State shall submit a report to the Governor, the~~  
88 ~~President of the Senate, and the Speaker of the House of~~  
89 ~~Representatives containing findings on the cost-effectiveness of~~  
90 ~~publication of notices on the Internet in lieu of publication in~~



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91 ~~the Florida Administrative Weekly, and recommendations,~~  
92 ~~including legislative or rule changes, for modifications to the~~  
93 ~~process necessary to effectuate publication of notices on the~~  
94 ~~Internet.~~

95 Section 2. This act shall take effect July 1, 2003.