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CHAMBER ACTION

The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to administrative procedures; amending s. 120.55, F.S.; providing for electronic publication of the Florida Administrative Weekly on an Internet website in lieu of paper publication; amending content requirements for the Florida Administrative Weekly; requiring the Department of State to review notices; eliminating fees associated with the Florida Administrative Weekly; providing website search and archiving requirements; providing for free agency and public access to the Florida Administrative Weekly Internet website; eliminating trust fund provisions; amending s. 120.551, F.S.; extending the time for the Department of Environmental Protection's Internet publication pilot project; amending s. 287.042, F.S.; eliminating obsolete provisions; providing for future repeal of s. 120.551, F.S., relating to an Internet publication pilot project; providing for discontinuation of the paper version of the Florida Administrative Weekly;



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28 requiring notice of discontinuation; providing for agency
29 training courses; providing effective dates.

30

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

32

33 Section 1. Effective January 1, 2004, section 120.55,
34 Florida Statutes, is amended to read:

35 120.55 Publication.--

36 (1) The Department of State shall:

37 (a)1. Publish in a permanent compilation entitled "Florida
38 Administrative Code" all rules adopted by each agency, citing
39 the specific rulemaking authority pursuant to which each rule
40 was adopted, all history notes as authorized in s. 120.545(9),
41 and complete indexes to all rules contained in the code.

42 Supplementation shall be made as often as practicable, but at
43 least monthly. The department may contract with a publishing
44 firm for the publication, in a timely and useful form, of the
45 Florida Administrative Code; however, the department shall
46 retain responsibility for the code as provided in this section.
47 This publication shall be the official compilation of the
48 administrative rules of this state. The Department of State
49 shall retain the copyright over the Florida Administrative Code.

50 2. Rules general in form but applicable to only one school
51 district, community college district, or county, or a part
52 thereof, or state university rules relating to internal
53 personnel or business and finance shall not be published in the
54 Florida Administrative Code. Exclusion from publication in the



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55 Florida Administrative Code shall not affect the validity or
56 effectiveness of such rules.

57 3. At the beginning of the section of the code dealing
58 with an agency that files copies of its rules with the
59 department, the department shall publish the address and
60 telephone number of the executive offices of each agency, the
61 manner by which the agency indexes its rules, a listing of all
62 rules of that agency excluded from publication in the code, and
63 a statement as to where those rules may be inspected.

64 4. Forms shall not be published in the Florida
65 Administrative Code; but any form which an agency uses in its
66 dealings with the public, along with any accompanying
67 instructions, shall be filed with the committee before it is
68 used. Any form or instruction that ~~which~~ meets the definition of
69 "rule" provided in s. 120.52 shall be incorporated by reference
70 into the appropriate rule. The reference shall specifically
71 state that the form is being incorporated by reference and shall
72 include the number, title, and effective date of the form and an
73 explanation of how the form may be obtained.

74 (b) Electronically publish on an Internet website,
75 established and maintained by the State Technology Office, a
76 weekly publication entitled the "Florida Administrative Weekly,"
77 which shall contain:

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

80 2. All notices required by s. 120.54(3)(a), showing the
81 text of all rules proposed for consideration ~~or a reference to~~



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82 | ~~the location in the Florida Administrative Weekly where the text~~
83 | ~~of the proposed rules is published.~~

84 | 3. All notices of public meetings, hearings, and workshops
85 | conducted in accordance with the provisions of s. 120.525,
86 | including a statement of the manner in which a copy of the
87 | agenda may be obtained.

88 | 4. A notice of each request for authorization to amend or
89 | repeal an existing uniform rule or for the adoption of new
90 | uniform rules.

91 | 5. Notice of petitions for declaratory statements or
92 | administrative determinations.

93 | 6. A summary of each objection to any rule filed by the
94 | Administrative Procedures Committee during the preceding week.

95 | 7. Any other material required or authorized by law or
96 | deemed useful by the department.

97 |

98 | ~~The department may contract with a publishing firm for~~
99 | ~~publication of the Florida Administrative Weekly.~~

100 | (c) Review notices for compliance with format and
101 | numbering requirements prior to publishing on the Florida
102 | Administrative Weekly Internet website.

103 | (d)+(e) Prescribe by rule the style and form required for
104 | rules submitted for filing and establish the form for their
105 | certification.

106 | (e)+(d) Correct grammatical, typographical, and like errors
107 | not affecting the construction or meaning of the rules, after
108 | having obtained the advice and consent of the appropriate
109 | agency, and insert history notes.



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110 ~~(e) Make copies of the Florida Administrative Weekly~~
111 ~~available on an annual subscription basis computed to cover a~~
112 ~~pro rata share of 50 percent of the costs related to the~~
113 ~~publication of the Florida Administrative Weekly.~~

114 ~~(f) Charge each agency using the Florida Administrative~~
115 ~~Weekly a space rate computed to cover a pro rata share of 50~~
116 ~~percent of the costs related to the Florida Administrative~~
117 ~~Weekly.~~

118 (2) The Florida Administrative Weekly Internet website
119 shall allow users to:

120 (a) Search for notices by type, publication date, program
121 area, rule number, or agency.

122 (b) Search by word or subject.

123 (c) Search a permanent database that archives all notices
124 published on the website.

125 (d) Subscribe to an automated e-mail notification of
126 selected notices.

127 ~~(3)(2)~~ Each agency shall print or distribute copies of its
128 rules, citing the specific rulemaking authority pursuant to
129 which each rule was adopted.

130 ~~(4)(3)~~ Any publication of a proposed rule promulgated by
131 an agency, whether published in the Florida Administrative Code
132 or elsewhere, shall include, along with the rule, the name of
133 the person or persons originating such rule, the name of the
134 supervisor or person who approved the rule, and the date upon
135 which the rule was approved.

136 (5) Agencies shall not be assessed any charge for
137 publishing in the Florida Administrative Weekly, and access to



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138 the Florida Administrative Weekly Internet website and its
139 contents, including the e-mail notification service, shall be
140 free for agencies and the public.

141 ~~(4)(a) Each year the Department of State shall furnish the~~
142 ~~Florida Administrative Weekly, without charge and upon request,~~
143 ~~as follows:~~

144 1. ~~One subscription to each federal and state court having~~
145 ~~jurisdiction over the residents of the state; the Legislative~~
146 ~~Library; each state university library; the State Library; each~~
147 ~~depository library designated pursuant to s. 257.05; and each~~
148 ~~standing committee of the Senate and House of Representatives~~
149 ~~and each state legislator.~~

150 2. ~~Two subscriptions to each state department.~~

151 3. ~~Three subscriptions to the library of the Supreme Court~~
152 ~~of Florida, the library of each state district court of appeal,~~
153 ~~the division, the library of the Attorney General, each law~~
154 ~~school library in Florida, the Secretary of the Senate, and the~~
155 ~~Clerk of the House of Representatives.~~

156 4. ~~Ten subscriptions to the committee.~~

157 ~~(b) The Department of State shall furnish one copy of the~~
158 ~~Florida Administrative Weekly, at no cost, to each clerk of the~~
159 ~~circuit court and each state department, for posting for public~~
160 ~~inspection.~~

161 ~~(5)(a) There is hereby created in the State Treasury a~~
162 ~~revolving fund to be known as the "Publication Revolving Trust~~
163 ~~Fund" of the Department of State.~~

164 ~~(b) All fees and moneys collected by the Department of~~
165 ~~State under this chapter shall be deposited in the revolving~~



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166 ~~trust fund for the purpose of paying for the publication and~~
167 ~~distribution of the Florida Administrative Code and the Florida~~
168 ~~Administrative Weekly and for associated costs incurred by the~~
169 ~~department in carrying out this chapter.~~

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

173 ~~(d) It is the intent of the Legislature that the Florida~~
174 ~~Administrative Weekly be supported entirely from funds collected~~
175 ~~for subscriptions to and advertisements in the Florida~~
176 ~~Administrative Weekly. To that end, the Department of State is~~
177 ~~authorized to add a surcharge of 10 percent to any charge~~
178 ~~relating to the Florida Administrative Weekly until such time as~~
179 ~~the Publication Revolving Trust Fund has transferred to the~~
180 ~~General Revenue Fund an amount equal to all funds appropriated~~
181 ~~to the trust fund.~~

182 Section 2. Subsection (1) of section 120.551, Florida
183 Statutes, is amended to read:

184 120.551 Internet publication pilot project.--

185 (1) On or before December 31, 2001, the Department of
186 Environmental Protection and the State Technology Office shall
187 establish and commence a pilot project to determine the cost-
188 effectiveness of publication of notices on the Internet in lieu
189 of complete publication in the Florida Administrative Weekly.
190 The pilot project shall end on December 31 ~~July 1~~, 2003. Under
191 this pilot project, notwithstanding any other provision of law,
192 whenever the Department of Environmental Protection is required
193 to publish notices in the Florida Administrative Weekly, the



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194 Department of Environmental Protection instead may publish a
195 summary of such notice in the Florida Administrative Weekly
196 along with the specific URL or Internet address where the
197 complete notice required by law shall be published. The
198 Department of Environmental Protection shall publish all other
199 notices in the manner prescribed by law. Notices published on
200 the Internet under this section shall clearly state the date the
201 notice was first posted on the Internet and shall be initially
202 posted only on the same days the Florida Administrative Weekly
203 is published. Notices related to rulemaking published on the
204 Internet under this provision shall be maintained on the
205 Internet for a period of at least 12 months after the effective
206 date of the rule or at least 3 months after the publication of a
207 notice of withdrawal of the proposed rule. All other notices
208 published on the Internet under this provision shall be
209 maintained on the Internet for a period of at least 3 months
210 after the date first posted. A searchable database or other
211 electronic system to be permanently maintained on the Internet
212 for the purpose of archiving all notices published on the
213 Internet and allowing citizens permanent electronic access to
214 such archived records shall also be established by the pilot
215 project. No notice posted on the Internet shall be removed until
216 the searchable database is implemented.

217 Section 3. Paragraph (b) of subsection (3) of section
218 287.042, Florida Statutes, is amended to read:

219 287.042 Powers, duties, and functions.--The department
220 shall have the following powers, duties, and functions:



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221 (3) To establish a system of coordinated, uniform
222 procurement policies, procedures, and practices to be used by
223 agencies in acquiring commodities and contractual services,
224 which shall include, but not be limited to:

225 (b)1. Development of procedures for advertising
226 solicitations. These procedures must provide for electronic
227 posting of solicitations for at least 10 days before the date
228 set for receipt of bids, proposals, or replies, unless the
229 department or other agency determines in writing that a shorter
230 period of time is necessary to avoid harming the interests of
231 the state. The Office of Supplier Diversity may consult with the
232 department regarding the development of solicitation
233 distribution procedures to ensure that maximum distribution is
234 afforded to certified minority business enterprises as defined
235 in s. 288.703.

236 2. Development of procedures for electronic posting. The
237 department shall designate a centralized website on the Internet
238 for the department and other agencies to electronically post
239 solicitations, decisions or intended decisions, and other
240 matters relating to procurement. ~~From July 1, 2002, until July~~
241 ~~1, 2003, the department shall publish a notice in each edition~~
242 ~~of the Florida Administrative Weekly which indicates the~~
243 ~~specific URL or Internet address for the centralized website.~~

244 Section 4. Effective December 31, 2003, section 120.551,
245 Florida Statutes, is repealed.

246 Section 5. Publication of the paper version of the Florida
247 Administrative Weekly shall be discontinued as of December 31,
248 2003. Beginning October 1, 2003, each Florida Administrative



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249 Weekly issue published shall include a notice indicating that
250 the paper version of the Florida Administrative Weekly will no
251 longer be published as of the date established in this section
252 and indicating the specific Internet URL or address for the
253 future Florida Administrative Weekly Internet website.

254 Section 6. The Department of State, with the assistance of
255 the State Technology Office, shall, prior to December 31, 2003,
256 make training courses available to all agencies currently
257 required to publish in the paper version of the Florida
258 Administrative Weekly. The training courses shall be for the
259 purpose of assisting the agencies with their transition to
260 publishing on the Florida Administrative Weekly Internet website
261 and may be provided in the form of workshops or self-training
262 software packages.

263 Section 7. Except as otherwise provided herein, this act
264 shall take effect upon becoming law.
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