



1 A bill to be entitled
2 An act relating to agency rules; amending s. 120.551,
3 F.S.; providing that the Department of Environmental
4 Protection on its own behalf and on behalf of the Board of
5 Trustees of the Internal Improvement Trust Fund shall
6 publish its notices on the Internet rather than by
7 publication in the Florida Administrative Weekly;
8 requiring the Department of State to publish the specific
9 URL or Internet address for such notices; eliminating a
10 duplicative pilot project which is scheduled to terminate;
11 amending s. 120.54, F.S.; providing that subsequent
12 amendments to certain rules of the Department of
13 Environmental Protection or water management districts
14 which were incorporated by the other agency into its rules
15 are not automatically incorporated into such rules;
16 providing notice and procedures for such additional
17 incorporation; providing for the filing of objections by
18 affected persons; providing notice and procedures for
19 filing such objections; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 120.551 Internet publication pilot project.--

26 ~~(1) On or before December 31, 2001,~~ The Department of
27 Environmental Protection on its own behalf and acting as staff
28 to the Board of Trustees of the Internal Improvement Trust Fund



29 | ~~shall publish and the State Technology Office shall establish~~
30 | ~~and commence a pilot project to determine the cost-effectiveness~~
31 | ~~of publication of notices on the Internet in lieu of complete~~
32 | ~~publication in the Florida Administrative Weekly. The pilot~~
33 | ~~project shall end on July 1, 2003. Under this pilot project,~~
34 | Notwithstanding any other provision of law, whenever notices are
35 | published on the Internet in lieu of ~~the Department of~~
36 | ~~Environmental Protection is required to publish notices in the~~
37 | Florida Administrative Weekly, the Department of State shall
38 | ~~Environmental Protection instead may publish a summary of such~~
39 | ~~notice~~ in the Florida Administrative Weekly ~~along with the~~
40 | specific URL or Internet address where the complete agency
41 | notice required by law shall be published. ~~The Department of~~
42 | ~~Environmental Protection shall publish~~ All other notices shall
43 | be published in the manner prescribed by law. Notices published
44 | on the Internet under this section shall clearly state the date
45 | the notice was first posted on the Internet and shall be
46 | initially posted only on the same days the Florida
47 | Administrative Weekly is published. Notices related to
48 | rulemaking published on the Internet under this provision shall
49 | be maintained on the Internet for a period of at least 12 months
50 | after the effective date of the rule or at least 3 months after
51 | the publication of a notice of withdrawal of the proposed rule.
52 | All other notices published on the Internet under this provision
53 | shall be maintained on the Internet for a period of at least 3
54 | months after the date first posted. A searchable database or
55 | other electronic system shall ~~to~~ be permanently maintained on
56 | the Internet for the purpose of archiving all notices published



57 on the Internet and allowing citizens permanent electronic
58 access to such archived records ~~shall also be established by the~~
59 ~~pilot project~~. No notice posted on the Internet shall be removed
60 until the searchable database is implemented.

61 ~~(2) The Department of State shall publish notice of this~~
62 ~~pilot project in each weekly publication of the Florida~~
63 ~~Administrative Weekly. The notice shall state: "Under a~~
64 ~~temporary pilot project, in conjunction with the State~~
65 ~~Technology Office, to determine the cost-effectiveness of~~
66 ~~Internet publication of notices in lieu of complete publication~~
67 ~~in the Florida Administrative Weekly, summaries of notices of~~
68 ~~the Department of Environmental Protection are being published~~
69 ~~in the Florida Administrative Weekly along with a reference to~~
70 ~~the specific Internet URL or address where the complete notice~~
71 ~~required by law shall be published."~~

72 ~~(3) No later than January 31, 2003, the Department of~~
73 ~~Environmental Protection, the State Technology Office, and the~~
74 ~~Department of State shall submit a report to the Governor, the~~
75 ~~President of the Senate, and the Speaker of the House of~~
76 ~~Representatives containing findings on the cost-effectiveness of~~
77 ~~publication of notices on the Internet in lieu of publication in~~
78 ~~the Florida Administrative Weekly, and recommendations,~~
79 ~~including legislative or rule changes, for modifications to the~~
80 ~~process necessary to effectuate publication of notices on the~~
81 ~~Internet.~~

82 Section 2. Paragraph (i) of subsection (1) of section
83 120.54, Florida Statutes, is amended to read:

84 120.54 Rulemaking.--



85 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
86 EMERGENCY RULES.--

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

91 2. Notwithstanding any provision in this section to the
92 contrary, when an adopted rule of the Department of
93 Environmental Protection or a water management district is
94 incorporated by reference in the other agency's rule to
95 implement a provision of chapter 373, subsequent amendments to
96 the rule are not effective as to the incorporating rule unless
97 the agency incorporating by reference notifies the committee and
98 the Department of State of its intent to adopt the subsequent
99 amendment, publishes notice of such intent in the Florida
100 Administrative Weekly, and files with the Department of State a
101 copy of the amended rule incorporated by reference. Changes in
102 the rule incorporated by reference are effective 20 days after
103 the date of the published notice and filing with the Department
104 of State. The Department of State shall amend the history note
105 of the incorporating rule to show the effective date of such
106 change. Any substantially affected person may, within 14 days
107 after the date of publication of the notice of intent in the
108 Florida Administrative Weekly, file an objection to rulemaking
109 with the agency. The objection shall specify the portions of the
110 rule incorporated by reference to which the person objects and
111 the reasons for the objection. The agency shall not have the
112 authority under this subparagraph to adopt those portions of the



113 rule specified in such objection. Objections which are frivolous
114 or which duplicate those previously filed during the initial
115 adoption of the rule incorporated by reference shall not be
116 considered sufficient to prohibit the agency from adopting rules
117 under this subparagraph. The agency shall publish notice of the
118 objection, and its action in response, in the next available
119 issue of the Florida Administrative Weekly.

120 3. A rule may not be amended by reference only. Amendments
121 must set out the amended rule in full in the same manner as
122 required by the State Constitution for laws. The Department of
123 State may prescribe by rule requirements for incorporating
124 materials by reference pursuant to this paragraph.

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