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A bill to be entitled

An act relating to administrative procedures; amending s. 120.55, F.S.; requiring forms incorporated by reference to display specified information; requiring electronic publication of the Florida Administrative Weekly on an Internet website managed by the Department of State; prescribing content and website search requirements; providing for free public access to such website; providing guidelines for publishing, revising guidelines for distributing, and specifying the funding source for the print version of the Florida Administrative Weekly; amending s. 120.551, F.S.; postponing the repeal of such section; requiring the Department of State to provide for training courses for agencies currently publishing materials in the Florida Administrative Weekly; providing effective dates.

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

Section 1. Effective December 31, 2005, section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

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

Supplementation shall be made as often as practicable, but at

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30 least monthly. The department may contract with a publishing  
 31 firm for the publication, in a timely and useful form, of the  
 32 Florida Administrative Code; however, the department shall  
 33 retain responsibility for the code as provided in this section.

34 This publication shall be the official compilation of the  
 35 administrative rules of this state. The Department of State  
 36 shall retain the copyright over the Florida Administrative Code.

37 2. Rules general in form but applicable to only one school  
 38 district, community college district, or county, or a part  
 39 thereof, or state university rules relating to internal  
 40 personnel or business and finance shall not be published in the  
 41 Florida Administrative Code. Exclusion from publication in the  
 42 Florida Administrative Code shall not affect the validity or  
 43 effectiveness of such rules.

44 3. At the beginning of the section of the code dealing  
 45 with an agency that files copies of its rules with the  
 46 department, the department shall publish the address and  
 47 telephone number of the executive offices of each agency, the  
 48 manner by which the agency indexes its rules, a listing of all  
 49 rules of that agency excluded from publication in the code, and  
 50 a statement as to where those rules may be inspected.

51 4. Forms shall not be published in the Florida  
 52 Administrative Code; but any form which an agency uses in its  
 53 dealings with the public, along with any accompanying  
 54 instructions, shall be filed with the committee before it is  
 55 used. Any form or instruction which meets the definition of  
 56 "rule" provided in s. 120.52 shall be incorporated by reference  
 57 into the appropriate rule. The reference shall specifically  
 58 state that the form is being incorporated by reference and shall

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59 include the number, title, and effective date of the form and an  
 60 explanation of how the form may be obtained. Each form created  
 61 by an agency which is incorporated by reference in a rule  
 62 noticed pursuant to s. 120.54(3)(a) after December 31, 2005,  
 63 must clearly display the number, title, and effective date of  
 64 the form and the number of the rule in which the form is  
 65 incorporated.

66 (b) Electronically publish on an Internet website, managed  
 67 by the department, a weekly publication entitled the "Florida  
 68 Administrative Weekly," which shall serve as the official  
 69 Internet website for such publication and shall contain:

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

72 2. All notices required by s. 120.54(3)(a), showing the  
 73 text of all rules proposed for consideration ~~or a reference to~~  
 74 ~~the location in the Florida Administrative Weekly where the text~~  
 75 ~~of the proposed rules is published.~~

76 3. All notices of public meetings, hearings, and workshops  
 77 conducted in accordance with the provisions of s. 120.525,  
 78 including a statement of the manner in which a copy of the  
 79 agenda may be obtained.

80 4. A notice of each request for authorization to amend or  
 81 repeal an existing uniform rule or for the adoption of new  
 82 uniform rules.

83 5. Notice of petitions for declaratory statements or  
 84 administrative determinations.

85 6. A summary of each objection to any rule filed by the  
 86 Administrative Procedures Committee during the preceding week.

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87 7. A cumulative list of all rules that have been proposed  
 88 but not filed for adoption.

89 ~~8.7.~~ Any other material required or authorized by law or  
 90 deemed useful by the department.

91  
 92 The department may contract with a publishing firm for printed  
 93 publication of the Florida Administrative Weekly and make copies  
 94 available on an annual subscription basis. All costs related to  
 95 the printed publication of the Florida Administrative Weekly  
 96 shall be funded solely by annual subscription revenue.

97 (c) Review notices for compliance with format and  
 98 numbering requirements before publishing them on the Florida  
 99 Administrative Weekly Internet website.

100 (d)(e) Prescribe by rule the style and form required for  
 101 rules submitted for filing and establish the form for their  
 102 certification.

103 (e)(d) Correct grammatical, typographical, and like errors  
 104 not affecting the construction or meaning of the rules, after  
 105 having obtained the advice and consent of the appropriate  
 106 agency, and insert history notes.

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

111 (f) Charge each agency using the Florida Administrative  
 112 Weekly a space rate ~~computed to cover a pro rata share of 50~~  
 113 ~~percent~~ of the costs related to the Florida Administrative  
 114 Weekly and the Florida Administrative Code.

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115 (g) Maintain a permanent record of all notices published  
 116 in the Florida Administrative Weekly.

117 (2) The Florida Administrative Weekly Internet website  
 118 must allow users to:

119 (a) Search for notices by type, publication date, rule  
 120 number, word, subject, or agency.

121 (b) Search a database that makes available all notices  
 122 published on the website for a period of at least 5 years.

123 (c) Subscribe to an automated e-mail notification of  
 124 selected notices.

125 (d) View agency forms incorporated by reference in  
 126 proposed rules.

127 (3)+(2) Each agency shall provide copies of its rules upon  
 128 request, with citations to the grant of rulemaking authority and  
 129 the specific law implemented for each rule ~~print or distribute~~  
 130 ~~copies of its rules, citing the specific rulemaking authority~~  
 131 ~~pursuant to which each rule was adopted.~~

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

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

141 (6)+(4) If the Florida Administrative Weekly is made  
 142 available by the Department of State as a printed publication,  
 143 the department shall furnish:

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144 (a) Copies of ~~Each year the Department of State shall~~  
 145 ~~furnish~~ the Florida Administrative Weekly, without charge and  
 146 upon request, as follows:

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

153 2. Two subscriptions to each state department.

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

159 4. Ten subscriptions to the committee.

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

164 (7)(5)(a) There is hereby created in the State Treasury a  
 165 revolving fund to be known as the "Publication Revolving Trust  
 166 Fund" of the Department of State.

167 (b) All fees and moneys collected by the Department of  
 168 State under this chapter shall be deposited in the revolving  
 169 trust fund for the purpose of paying for ~~the publication and~~  
 170 ~~distribution of the Florida Administrative Code and the Florida~~  
 171 ~~Administrative Weekly and for associated~~ costs incurred by the  
 172 department in carrying out this chapter.

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173 (c) The unencumbered balance in the revolving trust fund  
 174 at the beginning of each fiscal year may ~~shall~~ not exceed  
 175 \$300,000, and any excess shall be transferred to the General  
 176 Revenue Fund.

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

186 Section 2. Section 120.551, Florida Statutes, is amended  
 187 to read:

188 120.551 Internet publication.--

189 (1) For purposes of this section, the term:

190 (a) "Agency" means the Department of Environmental  
 191 Protection and the Board of Trustees of the Internal Improvement  
 192 Trust Fund.

193 (b) "Internet website" means a centralized Internet  
 194 website that is established and maintained by the Department of  
 195 Environmental Protection, is provided to the public without  
 196 charge, and permits the public to:

197 1. Search notices by type, publication date, program area,  
 198 or rule number;

199 2. Search a permanent database that archives all notices  
 200 published on the website; and

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201 3. Subscribe to an automated e-mail notification of  
 202 selected notice types.

203 (2) Whenever the agency is required to publish notices in  
 204 the Florida Administrative Weekly, the agency shall instead  
 205 publish the complete notice on the Internet website. Notices  
 206 published on the Internet website shall clearly state the date  
 207 the notice was first published and shall be published only on  
 208 the same days as the Florida Administrative Weekly is published.  
 209 The Department of State shall publish a statement in the Florida  
 210 Administrative Weekly that indicates the specific URL or address  
 211 for the Internet website. The agency shall publish all other  
 212 notices in the manner prescribed by law.

213 (3) This section is repealed effective December 31, 2005  
 214 ~~July 1, 2004, unless reviewed and reenacted by the Legislature~~  
 215 ~~before that date.~~

216 Section 3. The Department of State shall, before December  
 217 31, 2005, make available to all agencies required on the  
 218 effective date of this act to publish materials in the Florida  
 219 Administrative Weekly training courses for the purpose of  
 220 assisting the agencies with their transition to publishing on  
 221 the Florida Administrative Weekly Internet website. The training  
 222 courses may be provided in the form of workshops or software  
 223 packages that allow self-training by agency personnel.

224 Section 4. Except as otherwise expressly provided in this  
 225 act, this act shall take effect July 1, 2004.