

By Senator Bennett

21-1187A-04

1 A bill to be entitled
 2 An act relating to administrative procedure;
 3 amending s. 120.55, F.S.; requiring electronic
 4 publication of the Florida Administrative
 5 Weekly on an Internet website managed by the
 6 Department of State in collaboration with the
 7 State Technology Office; prescribing content
 8 and website search requirements; providing for
 9 free public access to such website; providing
 10 guidelines for publishing, and revising
 11 guidelines for distributing, the print version
 12 of the Florida Administrative Weekly; amending
 13 s. 120.551, F.S.; postponing the repeal of such
 14 section; providing for training courses for
 15 agencies currently publishing materials in the
 16 print version of the Florida Administrative
 17 Weekly; providing effective dates.

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

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 21 Section 1. Effective July 1, 2005, section 120.55,
 22 Florida Statutes, is amended to read:

23 120.55 Publication.--

24 (1) The Department of State shall:

25 (a)1. Publish in a permanent compilation entitled
 26 "Florida Administrative Code" all rules adopted by each
 27 agency, citing the specific rulemaking authority pursuant to
 28 which each rule was adopted, all history notes as authorized
 29 in s. 120.545(9), and complete indexes to all rules contained
 30 in the code. Supplementation shall be made as often as
 31 practicable, but at least monthly. The department may

1 contract with a publishing firm for the publication, in a
2 timely and useful form, of the Florida Administrative Code;
3 however, the department shall retain responsibility for the
4 code as provided in this section. This publication shall be
5 the official compilation of the administrative rules of this
6 state. The Department of State shall retain the copyright
7 over the Florida Administrative Code.

8 2. Rules general in form but applicable to only one
9 school district, community college district, or county, or a
10 part thereof, or state university rules relating to internal
11 personnel or business and finance shall not be published in
12 the Florida Administrative Code. Exclusion from publication in
13 the Florida Administrative Code shall not affect the validity
14 or effectiveness of such rules.

15 3. At the beginning of the section of the code dealing
16 with an agency that files copies of its rules with the
17 department, the department shall publish the address and
18 telephone number of the executive offices of each agency, the
19 manner by which the agency indexes its rules, a listing of all
20 rules of that agency excluded from publication in the code,
21 and a statement as to where those rules may be inspected.

22 4. Forms shall not be published in the Florida
23 Administrative Code; but any form which an agency uses in its
24 dealings with the public, along with any accompanying
25 instructions, shall be filed with the committee before it is
26 used. Any form or instruction which meets the definition of
27 "rule" provided in s. 120.52 shall be incorporated by
28 reference into the appropriate rule. The reference shall
29 specifically state that the form is being incorporated by
30 reference and shall include the number, title, and effective
31 date of the form and an explanation of how the form may be

1 obtained. Each form created by an agency which is incorporated
2 by reference after July 1, 2005, must clearly display the
3 number, title, and effective date of the form and the number
4 of the rule in which the form is incorporated.

5 (b) Electronically publish on an Internet website,
6 managed by the department and hosted by the State Technology
7 Office, a weekly publication entitled the "Florida
8 Administrative Weekly," which shall contain:

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

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

15 3. All notices of public meetings, hearings, and
16 workshops conducted in accordance with the provisions of s.
17 120.525, including a statement of the manner in which a copy
18 of the agenda may be obtained.

19 4. A notice of each request for authorization to amend
20 or repeal an existing uniform rule or for the adoption of new
21 uniform rules.

22 5. Notice of petitions for declaratory statements or
23 administrative determinations.

24 6. A summary of each objection to any rule filed by
25 the Administrative Procedures Committee during the preceding
26 week.

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

29 ~~8.7.~~ Any other material required or authorized by law
30 or deemed useful by the department.

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1 The department may contract with a publishing firm for printed
2 publication of the Florida Administrative Weekly and make
3 copies available on an annual subscription basis.

4 (c) Review notices for compliance with format and
5 numbering requirements before publishing them on the Florida
6 Administrative Weekly Internet website.

7 (d)(c) Prescribe by rule the style and form required
8 for rules submitted for filing and establish the form for
9 their certification.

10 (e)(d) Correct grammatical, typographical, and like
11 errors not affecting the construction or meaning of the rules,
12 after having obtained the advice and consent of the
13 appropriate agency, and insert history notes.

14 ~~(e) Make copies of the Florida Administrative Weekly~~
15 ~~available on an annual subscription basis computed to cover a~~
16 ~~pro rata share of 50 percent of the costs related to the~~
17 ~~publication of the Florida Administrative Weekly.~~

18 (f) Charge each agency using the Florida
19 Administrative Weekly a space rate ~~computed~~ to cover a ~~pro~~
20 ~~rata share of 50 percent of the costs related to the Florida~~
21 ~~Administrative Weekly and the Florida Administrative Code.~~

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

24 (2) The Florida Administrative Weekly Internet website
25 must allow users to:

26 (a) Search for notices by type, publication date, rule
27 number, word, subject, or agency;

28 (b) Search a database that makes available all notices
29 published on the website for a period of at least 5 years;

30 (c) Subscribe to an automated e-mail notification of
31 selected notices; and

1 (d) Access agency forms incorporated by reference in
2 rules.

3 ~~(3)(2)~~ Each agency shall provide copies of its rules
4 upon request, with citations to the grant of rulemaking
5 authority and the specific law implemented for each rule print
6 ~~or distribute copies of its rules, citing the specific~~
7 ~~rulemaking authority pursuant to which each rule was adopted.~~

8 ~~(4)(3)~~ Any publication of a proposed rule promulgated
9 by an agency, whether published in the Florida Administrative
10 Code or elsewhere, shall include, along with the rule, the
11 name of the person or persons originating such rule, the name
12 of the supervisor or person who approved the rule, and the
13 date upon which the rule was approved.

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

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

20 ~~1. One subscription to each federal and state court~~
21 ~~having jurisdiction over the residents of the state; the~~
22 ~~Legislative Library; each state university library; the State~~
23 ~~Library; each depository library designated pursuant to s.~~
24 ~~257.05; and each standing committee of the Senate and House of~~
25 ~~Representatives and each state legislator.~~

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

27 ~~3. Three subscriptions to the library of the Supreme~~
28 ~~Court of Florida, the library of each state district court of~~
29 ~~appeal, the division, the library of the Attorney General,~~
30 ~~each law school library in Florida, the Secretary of the~~
31 ~~Senate, and the Clerk of the House of Representatives.~~

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

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

6 (6)~~(5)~~(a) There is hereby created in the State
7 Treasury a revolving fund to be known as the "Publication
8 Revolving Trust Fund" of the Department of State.

9 (b) All fees and moneys collected by the Department of
10 State under this chapter shall be deposited in the revolving
11 trust fund for the purpose of paying for ~~the publication and~~
12 ~~distribution of the Florida Administrative Code and the~~
13 ~~Florida Administrative Weekly and for associated costs~~
14 incurred by the department in carrying out this chapter.

15 (c) The unencumbered balance in the revolving trust
16 fund at the beginning of each fiscal year may ~~shall~~ not exceed
17 \$300,000, and any excess shall be transferred to the General
18 Revenue Fund.

19 ~~(d) It is the intent of the Legislature that the~~
20 ~~Florida Administrative Weekly be supported entirely from funds~~
21 ~~collected for subscriptions to and advertisements in the~~
22 ~~Florida Administrative Weekly. To that end, the Department of~~
23 ~~State is authorized to add a surcharge of 10 percent to any~~
24 ~~charge relating to the Florida Administrative Weekly until~~
25 ~~such time as the Publication Revolving Trust Fund has~~
26 ~~transferred to the General Revenue Fund an amount equal to all~~
27 ~~funds appropriated to the trust fund.~~

28 Section 2. Section 120.551, Florida Statutes, is
29 amended to read:

30 120.551 Internet publication.--

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

1 (a) "Agency" means the Department of Environmental
2 Protection and the Board of Trustees of the Internal
3 Improvement Trust Fund.

4 (b) "Internet website" means a centralized Internet
5 website that is established and maintained by the Department
6 of Environmental Protection, is provided to the public without
7 charge, and permits the public to:

8 1. Search notices by type, publication date, program
9 area, or rule number;

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

12 3. Subscribe to an automated e-mail notification of
13 selected notice types.

14 (2) Whenever the agency is required to publish notices
15 in the Florida Administrative Weekly, the agency shall instead
16 publish the complete notice on the Internet website. Notices
17 published on the Internet website shall clearly state the date
18 the notice was first published and shall be published only on
19 the same days as the Florida Administrative Weekly is
20 published. The Department of State shall publish a statement
21 in the Florida Administrative Weekly that indicates the
22 specific URL or address for the Internet website. The agency
23 shall publish all other notices in the manner prescribed by
24 law.

25 (3) This section is repealed effective July 1, 2005
26 ~~2004, unless reviewed and reenacted by the Legislature before~~
27 ~~that date.~~

28 Section 3. The Department of State shall, before July
29 1, 2005, make available to all agencies required on the
30 effective date of this act to publish materials in the paper
31 version of the Florida Administrative Weekly training courses

1 for the purpose of assisting the agencies with their
2 transition to publishing on the Florida Administrative Weekly
3 Internet website. The training courses may be provided in the
4 form of workshops or software packages that allow
5 self-training by agency personnel.

6 Section 4. Except as otherwise specifically provided
7 in this act, this act shall take effect upon becoming a law.

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10 SENATE SUMMARY

11 Requires that the Florida Administrative Weekly be made
12 available electronically on an Internet website July 1,
13 2005. Provides requirements for materials that must be
14 available and for search capabilities on that website.
15 Deletes provisions for free distribution of the printed
16 version of the weekly to specified entities.
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