

By the Committee on Governmental Oversight and Productivity;  
and Senator Bennett

302-2132-04

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

21  
22 Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Effective December 31, 2005, section  
25 120.55, Florida Statutes, is amended to read:  
26           120.55 Publication.--  
27           (1) The Department of State shall:  
28           (a)1. Publish in a permanent compilation entitled  
29 "Florida Administrative Code" all rules adopted by each  
30 agency, citing the specific rulemaking authority pursuant to  
31 which each rule was adopted, all history notes as authorized

1 in s. 120.545(9), and complete indexes to all rules contained  
2 in the code. Supplementation shall be made as often as  
3 practicable, but at least monthly. The department may  
4 contract with a publishing firm for the publication, in a  
5 timely and useful form, of the Florida Administrative Code;  
6 however, the department shall retain responsibility for the  
7 code as provided in this section. This publication shall be  
8 the official compilation of the administrative rules of this  
9 state. The Department of State shall retain the copyright  
10 over the Florida Administrative Code.

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

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

25           4. Forms shall not be published in the Florida  
26 Administrative Code; but any form which an agency uses in its  
27 dealings with the public, along with any accompanying  
28 instructions, shall be filed with the committee before it is  
29 used. Any form or instruction which meets the definition of  
30 "rule" provided in s. 120.52 shall be incorporated by  
31 reference into the appropriate rule. The reference shall

1 specifically state that the form is being incorporated by  
2 reference and shall include the number, title, and effective  
3 date of the form and an explanation of how the form may be  
4 obtained. Each form created by an agency which is incorporated  
5 by reference after December 31, 2005, must clearly display the  
6 number, title, and effective date of the form and the number  
7 of the rule in which the form is incorporated.

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

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

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

18 3. All notices of public meetings, hearings, and  
19 workshops conducted in accordance with the provisions of s.  
20 120.525, including a statement of the manner in which a copy  
21 of the agenda may be obtained.

22 4. A notice of each request for authorization to amend  
23 or repeal an existing uniform rule or for the adoption of new  
24 uniform rules.

25 5. Notice of petitions for declaratory statements or  
26 administrative determinations.

27 6. A summary of each objection to any rule filed by  
28 the Administrative Procedures Committee during the preceding  
29 week.

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

1           8.7. Any other material required or authorized by law  
2 or deemed useful by the department.

3  
4 The department may contract with a publishing firm for printed  
5 publication of the Florida Administrative Weekly and make  
6 copies available on an annual subscription basis. All costs  
7 related to the printed publication of the Florida  
8 Administrative Weekly shall be funded solely by annual  
9 subscription revenue.

10           (c) Review notices for compliance with format and  
11 numbering requirements before publishing them on the Florida  
12 Administrative Weekly Internet website.

13           (d)(e) Prescribe by rule the style and form required  
14 for rules submitted for filing and establish the form for  
15 their certification.

16           (e)(d) Correct grammatical, typographical, and like  
17 errors not affecting the construction or meaning of the rules,  
18 after having obtained the advice and consent of the  
19 appropriate agency, and insert history notes.

20           ~~(e) Make copies of the Florida Administrative Weekly~~  
21 ~~available on an annual subscription basis computed to cover a~~  
22 ~~pro rata share of 50 percent of the costs related to the~~  
23 ~~publication of the Florida Administrative Weekly.~~

24           (f) Charge each agency using the Florida  
25 Administrative Weekly a space rate ~~computed~~ to cover ~~a pro~~  
26 ~~rata share of 50 percent of~~ the costs related to the Florida  
27 Administrative Weekly and the Florida Administrative Code.

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

30           (2) The Florida Administrative Weekly Internet website  
31 must allow users to:

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

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

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

7       (d) Access agency forms incorporated by reference in  
8 rules.

9       (3)(2) Each agency shall provide copies of its rules  
10 upon request, with citations to the grant of rulemaking  
11 authority and the specific law implemented for each rule ~~print~~  
12 ~~or distribute copies of its rules, citing the specific~~  
13 ~~rulemaking authority pursuant to which each rule was adopted.~~

14       (4)(3) Any publication of a proposed rule promulgated  
15 by an agency, whether published in the Florida Administrative  
16 Code or elsewhere, shall include, along with the rule, the  
17 name of the person or persons originating such rule, the name  
18 of the supervisor or person who approved the rule, and the  
19 date upon which the rule was approved.

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

23       (6)(4)(a) If the Florida Administrative Weekly is made  
24 available by the Department of State as a printed publication,  
25 the department shall furnish:

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

29           1. One subscription to each federal and state court  
30 having jurisdiction over the residents of the state; the  
31 Legislative Library; each state university library; the State

1 Library; each depository library designated pursuant to s.  
2 257.05; and each standing committee of the Senate and House of  
3 Representatives and each state legislator.

4 2. Two subscriptions to each state department.

5 3. Three subscriptions to the library of the Supreme  
6 Court of Florida, the library of each state district court of  
7 appeal, the division, the library of the Attorney General,  
8 each law school library in Florida, the Secretary of the  
9 Senate, and the Clerk of the House of Representatives.

10 4. Ten subscriptions to the committee.

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

15 (7)(5)(a) There is hereby created in the State  
16 Treasury a revolving fund to be known as the "Publication  
17 Revolving Trust Fund" of the Department of State.

18 (b) All fees and moneys collected by the Department of  
19 State under this chapter shall be deposited in the revolving  
20 trust fund for the purpose of paying for ~~the publication and~~  
21 ~~distribution of the Florida Administrative Code and the~~  
22 ~~Florida Administrative Weekly and for associated costs~~  
23 incurred by the department in carrying out this chapter.

24 (c) The unencumbered balance in the revolving trust  
25 fund at the beginning of each fiscal year may ~~shall~~ not exceed  
26 \$300,000, and any excess shall be transferred to the General  
27 Revenue Fund.

28 ~~(d) It is the intent of the Legislature that the~~  
29 ~~Florida Administrative Weekly be supported entirely from funds~~  
30 ~~collected for subscriptions to and advertisements in the~~  
31 ~~Florida Administrative Weekly. To that end, the Department of~~

1 ~~State is authorized to add a surcharge of 10 percent to any~~  
2 ~~charge relating to the Florida Administrative Weekly until~~  
3 ~~such time as the Publication Revolving Trust Fund has~~  
4 ~~transferred to the General Revenue Fund an amount equal to all~~  
5 ~~funds appropriated to the trust fund.~~

6 Section 2. Section 120.551, Florida Statutes, is  
7 amended to read:

8 120.551 Internet publication.--

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

10 (a) "Agency" means the Department of Environmental  
11 Protection and the Board of Trustees of the Internal  
12 Improvement Trust Fund.

13 (b) "Internet website" means a centralized Internet  
14 website that is established and maintained by the Department  
15 of Environmental Protection, is provided to the public without  
16 charge, and permits the public to:

17 1. Search notices by type, publication date, program  
18 area, or rule number;

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

21 3. Subscribe to an automated e-mail notification of  
22 selected notice types.

23 (2) Whenever the agency is required to publish notices  
24 in the Florida Administrative Weekly, the agency shall instead  
25 publish the complete notice on the Internet website. Notices  
26 published on the Internet website shall clearly state the date  
27 the notice was first published and shall be published only on  
28 the same days as the Florida Administrative Weekly is  
29 published. The Department of State shall publish a statement  
30 in the Florida Administrative Weekly that indicates the  
31 specific URL or address for the Internet website. The agency

1 shall publish all other notices in the manner prescribed by  
2 law.

3 (3) This section is repealed effective December 31,  
4 ~~2005 July 1, 2004, unless reviewed and reenacted by the~~  
5 ~~Legislature before that date.~~

6 Section 3. The Department of State shall, before  
7 December 31, 2005, make available to all agencies required on  
8 the effective date of this act to publish materials in the  
9 Florida Administrative Weekly training courses for the purpose  
10 of assisting the agencies with their transition to publishing  
11 on the Florida Administrative Weekly Internet website. The  
12 training courses may be provided in the form of workshops or  
13 software packages that allow self-training by agency  
14 personnel.

15 Section 4. Except as otherwise expressly provided in  
16 this act, this act shall take effect upon becoming a law.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 2340

21 The committee substitute extends the implementation date for  
22 the Florida Administrative Weekly website from July 1, 2005,  
23 to December 31, 2005. It adds that costs associated with the  
24 printed version of the Florida Administrative Weekly must be  
25 funded by subscription revenue.  
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