

1                   A bill to be entitled  
2       An act relating to administrative procedures; amending s.  
3       11.60, F.S.; revising duties of the Administrative  
4       Procedures Committee with respect to its review of  
5       statutes; amending s. 57.111, F.S.; redefining the term  
6       "small business party" to include certain individuals  
7       whose net worth does not exceed a specified amount;  
8       amending s. 120.54, F.S.; requiring an agency to file a  
9       notice of rule change with the Administrative Procedures  
10      Committee; revising times for filing rules for adoption;  
11      providing an exception to the term "administrative  
12      determination" for purposes of rule adoption; providing  
13      for the form and provisions of bonds; providing an  
14      additional type of uniform rules of procedure to be  
15      adopted by the commission; providing requirements with  
16      respect to the contents thereof; providing an additional  
17      requirement with respect to specified uniform rules of  
18      procedure; amending s. 120.55, F.S.; requiring that  
19      certain information be included in forms incorporated by  
20      reference in rules; requiring the Florida Administrative  
21      Weekly to be published electronically on an Internet  
22      website; providing additional duties of the Department of  
23      State with respect to publication of notices; providing  
24      requirements for the Florida Administrative Weekly  
25      Internet website; providing that publication of specified  
26      material on the website does not preclude other  
27      publication; amending s. 120.551, F.S.; postponing the  
28      repeal of provisions relating to Internet publication of

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29 specified notices; amending s. 120.56, F.S.; revising  
30 provisions relating to challenged proposed rules that are  
31 declared invalid; amending s. 120.569, F.S.; prescribing  
32 circumstances under which the time for filing a petition  
33 for hearing must be extended; amending s. 120.57, F.S.;  
34 requiring a final order to include an explicit ruling on  
35 each exception to the recommended order; requiring that  
36 additional information be included in notices relating to  
37 protests of contract solicitations or awards; amending s.  
38 120.65, F.S.; requiring the Division of Administrative  
39 Hearings to include certain recommendations and  
40 information in its annual report to the Administrative  
41 Procedures Committee and the Administration Commission;  
42 amending s. 120.74, F.S.; requiring agency reports to be  
43 filed with the Administrative Procedures Committee;  
44 requiring that the annual report filed by an agency  
45 identify the types of cases or disputes in which it is  
46 involved which should be conducted under the summary  
47 hearing process; requiring the Department of State to  
48 provide certain assistance to agencies in their transition  
49 to publishing on the Florida Administrative Weekly  
50 Internet website; providing effective dates.

51  
52 Be It Enacted by the Legislature of the State of Florida:

53  
54 Section 1. Subsection (4) of section 11.60, Florida  
55 Statutes, is amended to read:

56 11.60 Administrative Procedures Committee; creation;

57 membership; powers; duties.--

58 (4) The committee shall ~~undertake and~~ maintain a  
 59 ~~systematic and~~ continuous review of statutes that authorize  
 60 agencies to adopt rules and shall make recommendations to the  
 61 appropriate standing committees of the Senate and the House of  
 62 Representatives as to the advisability of considering changes to  
 63 the delegated legislative authority to adopt rules in specific  
 64 circumstances. The annual report submitted pursuant to paragraph  
 65 (2)(f) shall include ~~a schedule for the required systematic~~  
 66 ~~review of existing statutes, a summary of the status of this~~  
 67 ~~review, and~~ any recommendations provided to the standing  
 68 committees during the preceding year.

69 Section 2. Paragraph (d) of subsection (3) of section  
 70 57.111, Florida Statutes, is amended to read:

71 57.111 Civil actions and administrative proceedings  
 72 initiated by state agencies; attorneys' fees and costs.--

73 (3) As used in this section:

74 (d) The term "small business party" means:

75 1.a. A sole proprietor of an unincorporated business,  
 76 including a professional practice, whose principal office is in  
 77 this state, who is domiciled in this state, and whose business  
 78 or professional practice has, at the time the action is  
 79 initiated by a state agency, not more than 25 full-time  
 80 employees or a net worth of not more than \$2 million, including  
 81 both personal and business investments; ~~or~~

82 b. A partnership or corporation, including a professional  
 83 practice, which has its principal office in this state and has  
 84 at the time the action is initiated by a state agency not more

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85 than 25 full-time employees or a net worth of not more than \$2  
86 million; or

87 c. An individual whose net worth did not exceed \$2 million  
88 at the time the action is initiated by a state agency when the  
89 action is brought against that individual's license to engage in  
90 the practice or operation of a business, profession, or trade;  
91 or

92 2. Any ~~Either~~ small business party as defined in  
93 subparagraph 1., without regard to the number of its employees  
94 or its net worth, in any action under s. 72.011 or in any  
95 administrative proceeding under that section to contest the  
96 legality of any assessment of tax imposed for the sale or use of  
97 services as provided in chapter 212, or interest thereon, or  
98 penalty therefor.

99 Section 3. Paragraphs (d) and (e) of subsection (3) and  
100 paragraph (b) of subsection (5) of section 120.54, Florida  
101 Statutes, are amended to read:

102 120.54 Rulemaking.--

103 (3) ADOPTION PROCEDURES.--

104 (d) Modification or withdrawal of proposed rules.--

105 1. After the final public hearing on the proposed rule, or  
106 after the time for requesting a hearing has expired, if the rule  
107 has not been changed from the rule as previously filed with the  
108 committee, or contains only technical changes, the adopting  
109 agency shall file a notice to that effect with the committee at  
110 least 7 days prior to filing the rule for adoption. Any change,  
111 other than a technical change that does not affect the substance  
112 of the rule, must be supported by the record of public hearings

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113 held on the rule, must be in response to written material  
114 received on or before the date of the final public hearing, or  
115 must be in response to a proposed objection by the committee. In  
116 addition, when any change is made in a proposed rule, other than  
117 a technical change, the adopting agency shall provide a copy of  
118 a notice of change by certified mail or actual delivery to any  
119 person who requests it in writing no later than 21 days after  
120 the notice required in paragraph (a). The agency shall file the  
121 notice of change with the committee, along with the reasons for  
122 the ~~sueh~~ change, and provide the notice of change to persons  
123 requesting it, at least 21 days prior to filing the rule for  
124 adoption. The notice of change shall be published in the Florida  
125 Administrative Weekly at least 21 days prior to filing the rule  
126 for adoption. This subparagraph does not apply to emergency  
127 rules adopted pursuant to subsection (4).

128 2. After the notice required by paragraph (a) and prior to  
129 adoption, the agency may withdraw the rule in whole or in part.

130 3. After adoption and before the effective date, a rule  
131 may be modified or withdrawn only in response to an objection by  
132 the committee or may be modified to extend the effective date by  
133 not more than 60 days when the committee has notified the agency  
134 that an objection to the rule is being considered.

135 4. The agency shall give notice of its decision to  
136 withdraw or modify a rule in the first available issue of the  
137 publication in which the original notice of rulemaking was  
138 published, shall notify those persons described in subparagraph  
139 (a)3. in accordance with the requirements of that subparagraph,  
140 and shall notify the Department of State if the rule is required

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141 to be filed with the Department of State.

142 5. After a rule has become effective, it may be repealed  
143 or amended only through the rulemaking procedures specified in  
144 this chapter.

145 (e) Filing for final adoption; effective date.--

146 1. If the adopting agency is required to publish its rules  
147 in the Florida Administrative Code, it shall file with the  
148 Department of State three certified copies of the rule it  
149 proposes to adopt, a summary of the rule, a summary of any  
150 hearings held on the rule, and a detailed written statement of  
151 the facts and circumstances justifying the rule. Agencies not  
152 required to publish their rules in the Florida Administrative  
153 Code shall file one certified copy of the proposed rule, and the  
154 other material required by this subparagraph, in the office of  
155 the agency head, and such rules shall be open to the public.

156 2. A rule may not be filed for adoption less than 28 days  
157 or more than 90 days after the notice required by paragraph (a),  
158 until 21 days after the notice of change required by paragraph  
159 (d), until 14 days after the final public hearing, until 21 days  
160 after preparation of a statement of estimated regulatory costs  
161 required under s. 120.541, or until the administrative law judge  
162 has rendered a decision under s. 120.56(2), whichever applies.  
163 ~~Filings shall be made no less than 28 days nor more than 90 days~~  
164 ~~after the notice required by paragraph (a).~~ When a required  
165 notice of change is published prior to the expiration of the  
166 time to file the rule for adoption, the period during which a  
167 rule must be filed for adoption is extended to 45 days after the  
168 date of publication. If notice of a public hearing is published

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169 prior to the expiration of the time to file the rule for  
170 adoption, the period during which a rule must be filed for  
171 adoption is extended to 45 days after adjournment of the final  
172 hearing on the rule, 21 days after receipt of all material  
173 authorized to be submitted at the hearing, or 21 days after  
174 receipt of the transcript, if one is made, whichever is latest.  
175 The term "public hearing" includes any public meeting held by  
176 any agency at which the rule is considered. If a petition for an  
177 administrative determination under s. 120.56(2) is filed, the  
178 period during which a rule must be filed for adoption is  
179 extended to 60 days after the administrative law judge files the  
180 final order with the clerk or until 60 days after subsequent  
181 judicial review is complete. ~~The filing of a petition for an~~  
182 ~~administrative determination under the provisions of s.~~  
183 ~~120.56(2) shall toll the 90 day period during which a rule must~~  
184 ~~be filed for adoption until the administrative law judge has~~  
185 ~~filed the final order with the clerk.~~

186 3. At the time a rule is filed, the agency shall certify  
187 that the time limitations prescribed by this paragraph have been  
188 complied with, that all statutory rulemaking requirements have  
189 been met, and that there is no administrative determination  
190 pending on the rule.

191 4. At the time a rule is filed, the committee shall  
192 certify whether the agency has responded in writing to all  
193 material and timely written comments or written inquiries made  
194 on behalf of the committee. The department shall reject any rule  
195 not filed within the prescribed time limits; that does not  
196 satisfy all statutory rulemaking requirements; upon which an

197 agency has not responded in writing to all material and timely  
 198 written inquiries or written comments; upon which an  
 199 administrative determination is pending; or which does not  
 200 include a statement of estimated regulatory costs, if required.

201 5. If a rule has not been adopted within the time limits  
 202 imposed by this paragraph or has not been adopted in compliance  
 203 with all statutory rulemaking requirements, the agency proposing  
 204 the rule shall withdraw the rule and give notice of its action  
 205 in the next available issue of the Florida Administrative  
 206 Weekly.

207 6. The proposed rule shall be adopted on being filed with  
 208 the Department of State and become effective 20 days after being  
 209 filed, on a later date specified in the rule, or on a date  
 210 required by statute. Rules not required to be filed with the  
 211 Department of State shall become effective when adopted by the  
 212 agency head or on a later date specified by rule or statute. If  
 213 the committee notifies an agency that an objection to a rule is  
 214 being considered, the agency may postpone the adoption of the  
 215 rule to accommodate review of the rule by the committee. When  
 216 an agency postpones adoption of a rule to accommodate review by  
 217 the committee, the 90-day period for filing the rule is tolled  
 218 until the committee notifies the agency that it has completed  
 219 its review of the rule.

220  
 221 For the purposes of this paragraph, the term "administrative  
 222 determination" does not include subsequent judicial review.

223 (5) UNIFORM RULES.--

224 (b) The uniform rules of procedure adopted by the



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225 commission pursuant to this subsection shall include, but are  
226 not limited to:

227 1. Uniform rules for the scheduling of public meetings,  
228 hearings, and workshops.

229 2. Uniform rules for use by each state agency that provide  
230 procedures for conducting public meetings, hearings, and  
231 workshops, and for taking evidence, testimony, and argument at  
232 such public meetings, hearings, and workshops, in person and by  
233 means of communications media technology. The rules shall  
234 provide that all evidence, testimony, and argument presented  
235 shall be afforded equal consideration, regardless of the method  
236 of communication. If a public meeting, hearing, or workshop is  
237 to be conducted by means of communications media technology, or  
238 if attendance may be provided by such means, the notice shall so  
239 state. The notice for public meetings, hearings, and workshops  
240 utilizing communications media technology shall state how  
241 persons interested in attending may do so and shall name  
242 locations, if any, where communications media technology  
243 facilities will be available. Nothing in this paragraph shall be  
244 construed to diminish the right to inspect public records under  
245 chapter 119. Limiting points of access to public meetings,  
246 hearings, and workshops subject to the provisions of s. 286.011  
247 to places not normally open to the public shall be presumed to  
248 violate the right of access of the public, and any official  
249 action taken under such circumstances is void and of no effect.  
250 Other laws relating to public meetings, hearings, and workshops,  
251 including penal and remedial provisions, shall apply to public  
252 meetings, hearings, and workshops conducted by means of

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253 | communications media technology, and shall be liberally  
254 | construed in their application to such public meetings,  
255 | hearings, and workshops. As used in this subparagraph,  
256 | "communications media technology" means the electronic  
257 | transmission of printed matter, audio, full-motion video,  
258 | freeze-frame video, compressed video, and digital video by any  
259 | method available.

260 |         3. Uniform rules of procedure for the filing of notice of  
261 | protests and formal written protests. The Administration  
262 | Commission may prescribe the form and substantive provisions of  
263 | a required bond.

264 |         4. Uniform rules of procedure for the filing of petitions  
265 | for administrative hearings pursuant to s. 120.569 or s. 120.57.  
266 | Such rules shall require the petition to include:

267 |         a. The identification of the petitioner.

268 |         b. A statement of when and how the petitioner received  
269 | notice of the agency's action or proposed action.

270 |         c. An explanation of how the petitioner's substantial  
271 | interests are or will be affected by the action or proposed  
272 | action.

273 |         d. A statement of all material facts disputed by the  
274 | petitioner or a statement that there are no disputed facts.

275 |         e. A statement of the ultimate facts alleged, including a  
276 | statement of the specific facts the petitioner contends warrant  
277 | reversal or modification of the agency's proposed action.

278 |         f. A statement of the specific rules or statutes that the  
279 | petitioner contends require reversal or modification of the  
280 | agency's proposed action, including an explanation of how the

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281 alleged facts relate to the specific rules or statutes.

282 g. A statement of the relief sought by the petitioner,  
283 stating precisely the action the petitioner wishes the agency to  
284 take with respect to the proposed action.

285 5. Uniform rules for the filing of a request for  
286 administrative hearing by a respondent in agency enforcement and  
287 disciplinary actions. Such rules shall require a request to  
288 include:

289 a. The name, address, and telephone number of the party  
290 making the request and the name, address, and telephone number  
291 of the party's counsel or qualified representative upon whom  
292 service of pleadings and other papers shall be made.

293 b. A statement that the respondent is requesting an  
294 administrative hearing and disputes the material facts alleged  
295 by the petitioner, in which case the respondent shall identify  
296 those material facts that are in dispute, or that the respondent  
297 is requesting an administrative hearing and does not dispute the  
298 material facts alleged by the petitioner.

299 c. A reference by file number to the administrative  
300 complaint that the party has received from the agency and the  
301 date on which the agency pleading was received.

302  
303 The agency may provide an election-of-rights form for the  
304 respondent's use in requesting a hearing, so long as any form  
305 provided by the agency calls for the information in sub-  
306 subparagraphs a.-c. and does not impose any additional  
307 requirements on a respondent in order to request a hearing,  
308 unless such requirements are specifically authorized by law.

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309        ~~6.5.~~ Uniform rules of procedure for the filing and prompt  
310 disposition of petitions for declaratory statements. The rules  
311 shall also describe the contents of the notices that must be  
312 published in the Florida Administrative Weekly under s. 120.565,  
313 including any applicable time limit for the filing of petitions  
314 to intervene or petitions for administrative hearing by persons  
315 whose substantial interests may be affected.

316        ~~7.6.~~ Provision of a method by which each agency head shall  
317 provide a description of the agency's organization and general  
318 course of its operations.

319        ~~8.7.~~ Uniform rules establishing procedures for granting or  
320 denying petitions for variances and waivers pursuant to s.  
321 120.542.

322        Section 4. Effective December 31, 2007, section 120.55,  
323 Florida Statutes, is amended to read:

324        120.55 Publication.--

325        (1) The Department of State shall:

326        (a)1. Through a continuous revision system, compile and  
327 publish the "Florida Administrative Code." The Florida  
328 Administrative Code shall contain all rules adopted by each  
329 agency, citing the specific rulemaking authority pursuant to  
330 which each rule was adopted, all history notes as authorized in  
331 s. 120.545(9), and complete indexes to all rules contained in  
332 the code. Supplementation shall be made as often as practicable,  
333 but at least monthly. The department may contract with a  
334 publishing firm for the publication, in a timely and useful  
335 form, of the Florida Administrative Code; however, the  
336 department shall retain responsibility for the code as provided

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337 in this section. This publication shall be the official  
338 compilation of the administrative rules of this state. The  
339 Department of State shall retain the copyright over the Florida  
340 Administrative Code.

341 2. Rules general in form but applicable to only one school  
342 district, community college district, or county, or a part  
343 thereof, or state university rules relating to internal  
344 personnel or business and finance shall not be published in the  
345 Florida Administrative Code. Exclusion from publication in the  
346 Florida Administrative Code shall not affect the validity or  
347 effectiveness of such rules.

348 3. At the beginning of the section of the code dealing  
349 with an agency that files copies of its rules with the  
350 department, the department shall publish the address and  
351 telephone number of the executive offices of each agency, the  
352 manner by which the agency indexes its rules, a listing of all  
353 rules of that agency excluded from publication in the code, and  
354 a statement as to where those rules may be inspected.

355 4. Forms shall not be published in the Florida  
356 Administrative Code; but any form which an agency uses in its  
357 dealings with the public, along with any accompanying  
358 instructions, shall be filed with the committee before it is  
359 used. Any form or instruction which meets the definition of  
360 "rule" provided in s. 120.52 shall be incorporated by reference  
361 into the appropriate rule. The reference shall specifically  
362 state that the form is being incorporated by reference and shall  
363 include the number, title, and effective date of the form and an  
364 explanation of how the form may be obtained. Each form created

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365 by an agency which is incorporated by reference in a rule notice  
 366 of which is given under s. 120.54(3)(a) after December 31, 2007,  
 367 must clearly display the number, title, and effective date of  
 368 the form and the number of the rule in which the form is  
 369 incorporated.

370 (b) Electronically publish on an Internet website managed  
 371 by the department ~~publish~~ a weekly publication entitled the  
 372 "Florida Administrative Weekly," which shall serve as the  
 373 official Internet website for such publication and must contain:

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

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

380 3. All notices of public meetings, hearings, and workshops  
 381 conducted in accordance with the provisions of s. 120.525,  
 382 including a statement of the manner in which a copy of the  
 383 agenda may be obtained.

384 4. A notice of each request for authorization to amend or  
 385 repeal an existing uniform rule or for the adoption of new  
 386 uniform rules.

387 5. Notice of petitions for declaratory statements or  
 388 administrative determinations.

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

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

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393 8.7. Any other material required or authorized by law or  
394 deemed useful by the department.

395

396 The department shall publish a printed version of the Florida  
397 Administrative Weekly and make copies available on an annual  
398 subscription basis. The department may contract with a  
399 publishing firm for printed publication of the Florida  
400 Administrative Weekly.

401 (c) Review notices for compliance with format and  
402 numbering requirements before publishing them on the Florida  
403 Administrative Weekly Internet website.

404 (d)~~(e)~~ Prescribe by rule the style and form required for  
405 rules submitted for filing and establish the form for their  
406 certification.

407 (e)~~(d)~~ Correct grammatical, typographical, and like errors  
408 not affecting the construction or meaning of the rules, after  
409 having obtained the advice and consent of the appropriate  
410 agency, and insert history notes.

411 ~~(e) Make copies of the Florida Administrative Weekly~~  
412 ~~available on an annual subscription basis computed to cover a~~  
413 ~~pro rata share of 50 percent of the costs related to the~~  
414 ~~publication of the Florida Administrative Weekly.~~

415 (f) Charge each agency using the Florida Administrative  
416 Weekly a space rate ~~computed to cover a pro rata share of 50~~  
417 ~~percent of the costs related to the Florida Administrative~~  
418 Weekly and the Florida Administrative Code.

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

421           (2) The Florida Administrative Weekly Internet website  
 422 must allow users to:

423           (a) Search for notices by type, publication date, rule  
 424 number, word, subject, and agency.

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

427           (c) Subscribe to an automated e-mail notification of  
 428 selected notices.

429           (d) View agency forms incorporated by reference in  
 430 proposed rules.

431           (e) Comment on proposed rules.

432           (3) Publication of material required by paragraph (1) (b)  
 433 on the Florida Administrative Weekly Internet website does not  
 434 preclude publication of such material on an agency's website or  
 435 by other means.

436           (4)-(2) Each agency shall provide copies of its rules upon  
 437 request, with citations to the grant of rulemaking authority and  
 438 the specific law implemented for each rule ~~print or distribute~~  
 439 ~~copies of its rules, citing the specific rulemaking authority~~  
 440 ~~pursuant to which each rule was adopted.~~

441           (5)-(3) Any publication of a proposed rule promulgated by  
 442 an agency, whether published in the Florida Administrative Code  
 443 or elsewhere, shall include, along with the rule, the name of  
 444 the person or persons originating such rule, the name of the  
 445 supervisor or person who approved the rule, and the date upon  
 446 which the rule was approved.

447           (6) Access to the Florida Administrative Weekly Internet  
 448 website and its contents, including the e-mail notification



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449 service, shall be free for the public.

450 (7) (a)~~(4) (a)~~ Each year the Department of State shall  
451 furnish the Florida Administrative Weekly, without charge and  
452 upon request, as follows:

453 1. One subscription to each federal and state court having  
454 jurisdiction over the residents of the state; the Legislative  
455 Library; each state university library; the State Library; each  
456 depository library designated pursuant to s. 257.05; and each  
457 standing committee of the Senate and House of Representatives  
458 and each state legislator.

459 2. Two subscriptions to each state department.

460 3. Three subscriptions to the library of the Supreme Court  
461 of Florida, the library of each state district court of appeal,  
462 the division, the library of the Attorney General, each law  
463 school library in Florida, the Secretary of the Senate, and the  
464 Clerk of the House of Representatives.

465 4. Ten subscriptions to the committee.

466 (b) The Department of State shall furnish one copy of the  
467 Florida Administrative Weekly, at no cost, to each clerk of the  
468 circuit court and each state department, for posting for public  
469 inspection.

470 (8) (a)~~(5) (a)~~ All fees and moneys collected by the  
471 Department of State under this chapter shall be deposited in the  
472 Records Management Trust Fund for the purpose of paying for ~~the~~  
473 ~~publication and distribution of the Florida Administrative Code~~  
474 ~~and the Florida Administrative Weekly and for associated costs~~  
475 incurred by the department in carrying out this chapter.

476 (b) The unencumbered balance in the Records Management

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477 Trust Fund for fees collected pursuant to this chapter may ~~shall~~  
 478 not exceed \$300,000 at the beginning of each fiscal year, and  
 479 any excess shall be transferred to the General Revenue Fund.

480 ~~(c) It is the intent of the Legislature that the Florida~~  
 481 ~~Administrative Weekly be supported entirely from funds collected~~  
 482 ~~for subscriptions to and advertisements in the Florida~~  
 483 ~~Administrative Weekly.~~

484 Section 5. Subsection (3) of section 120.551, Florida  
 485 Statutes, is amended to read:

486 120.551 Internet publication.--

487 (3) This section is repealed effective December 31, 2007  
 488 ~~July 1, 2006, unless reviewed and reenacted by the Legislature~~  
 489 ~~before that date.~~

490 Section 6. Paragraph (b) of subsection (2) of section  
 491 120.56, Florida Statutes, is amended to read:

492 120.56 Challenges to rules.--

493 (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.--

494 (b) The administrative law judge may declare the proposed  
 495 rule wholly or partly invalid. Unless the decision of the  
 496 administrative law judge is reversed on appeal, the proposed  
 497 rule or provision of a proposed rule declared invalid shall ~~be~~  
 498 ~~withdrawn by the adopting agency and shall not be adopted. No~~  
 499 ~~rule shall be filed for adoption until 28 days after the notice~~  
 500 ~~required by s. 120.54(3)(a), until 21 days after the notice~~  
 501 ~~required by s. 120.54(3)(d), until 14 days after the public~~  
 502 ~~hearing, until 21 days after preparation of a statement of~~  
 503 ~~estimated regulatory costs required pursuant to s. 120.541, or~~  
 504 ~~until the administrative law judge has rendered a decision,~~

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505 ~~whichever applies.~~ However, the agency may proceed with all  
506 other steps in the rulemaking process, including the holding of  
507 a factfinding hearing. In the event part of a proposed rule is  
508 declared invalid, the adopting agency may, in its sole  
509 discretion, withdraw the proposed rule in its entirety. The  
510 agency whose proposed rule has been declared invalid in whole or  
511 part shall give notice of the decision in the first available  
512 issue of the Florida Administrative Weekly.

513 Section 7. Paragraph (c) of subsection (2) of section  
514 120.569, Florida Statutes, is amended to read:

515 120.569 Decisions which affect substantial interests.--  
516 (2)

517 (c) Unless otherwise provided by law, a petition or  
518 request for hearing shall include those items required by the  
519 uniform rules adopted pursuant to s. 120.54(5)(b)4. Upon the  
520 receipt of a petition or request for hearing, the agency shall  
521 carefully review the petition to determine if it contains all of  
522 the required information. A petition shall be dismissed if it  
523 is not in substantial compliance with these requirements or it  
524 has been untimely filed. Dismissal of a petition shall, at  
525 least once, be without prejudice to petitioner's filing a timely  
526 amended petition curing the defect, unless it conclusively  
527 appears from the face of the petition that the defect cannot be  
528 cured. The agency shall promptly give written notice to all  
529 parties of the action taken on the petition, shall state with  
530 particularity its reasons if the petition is not granted, and  
531 shall state the deadline for filing an amended petition if  
532 applicable. The time for filing a petition shall be extended for

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533 an appropriate time if the petitioner demonstrates that the  
534 petitioner has been misled or guided into inaction by the agency  
535 or has in some extraordinary way been prevented from asserting  
536 his or her rights by the agency.

537 Section 8. Paragraphs (k) and (m) of subsection (1) and  
538 paragraph (a) of subsection (3) of section 120.57, Florida  
539 Statutes, are amended to read:

540 120.57 Additional procedures for particular cases.--

541 (1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING  
542 DISPUTED ISSUES OF MATERIAL FACT.--

543 (k) The presiding officer shall complete and submit to the  
544 agency and all parties a recommended order consisting of  
545 findings of fact, conclusions of law, and recommended  
546 disposition or penalty, if applicable, and any other information  
547 required by law to be contained in the final order. All  
548 proceedings conducted under ~~pursuant to~~ this subsection shall be  
549 de novo. The agency shall allow each party 15 days in which to  
550 submit written exceptions to the recommended order. The final  
551 order shall include an explicit ruling on each exception, but an  
552 agency need not rule on an exception that does not clearly  
553 identify the disputed portion of the recommended order by page  
554 number or paragraph, that does not identify the legal basis for  
555 the exception, or that does not include appropriate and specific  
556 citations to the record.

557 (m) If a recommended order is submitted to an agency, the  
558 agency shall provide a copy of its final order and any  
559 exceptions to the division within 15 days after the order is  
560 filed with the agency clerk.

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561 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO  
562 CONTRACT SOLICITATION OR AWARD.--Agencies subject to this  
563 chapter shall use the uniform rules of procedure, which provide  
564 procedures for the resolution of protests arising from the  
565 contract solicitation or award process. Such rules shall at  
566 least provide that:

567 (a) The agency shall provide notice of a decision or  
568 intended decision concerning a solicitation, contract award, or  
569 exceptional purchase by electronic posting. This notice shall  
570 contain the following statement: "Failure to file a protest  
571 within the time prescribed in section 120.57(3), Florida  
572 Statutes, or failure to post the bond or other security required  
573 by law within the time allowed for filing a bond shall  
574 constitute a waiver of proceedings under chapter 120, Florida  
575 Statutes."

576 Section 9. Paragraphs (c) and (d) are added to subsection  
577 (10) of section 120.65, Florida Statutes, to read:

578 120.65 Administrative law judges.--

579 (10) Not later than February 1 of each year, the division  
580 shall issue a written report to the Administrative Procedures  
581 Committee and the Administration Commission, including at least  
582 the following information:

583 (c) Recommendations as to those types of cases or disputes  
584 which should be conducted under the summary hearing process  
585 described in s. 120.574.

586 (d) A report regarding each agency's compliance with the  
587 filing requirement in s. 120.57(1)(m).

588 Section 10. Subsection (2) of section 120.74, Florida

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589 Statutes, is amended to read:

590 120.74 Agency review, revision, and report.--

591 (2) Beginning October 1, 1997, and by October 1 of every  
592 other year thereafter, the head of each agency shall file a  
593 report with the President of the Senate, ~~and~~ the Speaker of the  
594 House of Representatives, and the committee, with a copy to each  
595 appropriate standing committee of the Legislature, which  
596 certifies that the agency has complied with the requirements of  
597 this subsection. The report must specify any changes made to its  
598 rules as a result of the review and, when appropriate, recommend  
599 statutory changes that will promote efficiency, reduce  
600 paperwork, or decrease costs to government and the private  
601 sector. The report must identify the types of cases or disputes  
602 in which the agency is involved which should be conducted under  
603 the summary hearing process described in s. 120.574.

604 Section 11. The Department of State shall, before December  
605 31, 2007, make available, to all agencies required on the  
606 effective date of this act to publish materials in the Florida  
607 Administrative Weekly, training courses for the purpose of  
608 assisting the agencies with their transition to publishing on  
609 the Florida Administrative Weekly Internet website. The training  
610 courses may be provided in the form of workshops or software  
611 packages that allow self-training by agency personnel.

612 Section 12. Except as otherwise expressly provided in this  
613 act, this act shall take effect July 1, 2006.