

## CHAMBER ACTION

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1 The State Administration Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to administrative procedures; amending s.  
8 11.60, F.S.; revising duties of the Administrative  
9 Procedures Committee with respect to its review of  
10 statutes; amending s. 57.111, F.S.; redefining the term  
11 "small business party" to include certain specified  
12 individuals whose net worth does not exceed a specified  
13 amount; amending s. 120.54, F.S.; requiring an agency to  
14 file a notice of change with the Administrative Procedures  
15 Committee; revising times for filing rules for adoption;  
16 providing an exception to the term "administrative  
17 determination" for purposes of rule adoption; providing  
18 for the form and provisions of bonds; providing additional  
19 content for uniform rules; amending s. 120.55, F.S.;  
20 requiring that certain information be included in forms  
21 incorporated by reference in rules; requiring information  
22 to be published electronically on an Internet website;  
23 providing that such publication does not preclude other

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24 | publications; providing additional duties of the  
25 | Department of State with respect to publications;  
26 | providing requirements for the Internet website; amending  
27 | s. 120.56, F.S.; revising provisions relating to  
28 | withdrawal of challenged rules; amending s. 120.569, F.S.;  
29 | providing for equitable tolling as a defense to the  
30 | untimely filing of a petition; amending s. 120.57, F.S.;  
31 | requiring a final order to include an explicit ruling on  
32 | each exception to the recommended order; requiring that  
33 | additional information be included in notices relating to  
34 | protests of contract solicitations or awards; amending s.  
35 | 120.65, F.S.; requiring the Division of Administrative  
36 | Hearings to include certain recommendations and  
37 | information in its annual report to the Administrative  
38 | Procedures Committee; amending s. 120.74, F.S.; requiring  
39 | agency reports to be filed with the Administrative  
40 | Procedures Committee; requiring that the annual report  
41 | filed by an agency identify the types of cases or disputes  
42 | in which it is involved which should be conducted under  
43 | the summary hearing process; requiring the Department of  
44 | State to provide certain assistance to agencies in their  
45 | transition to publishing on the Florida Administrative  
46 | Weekly Internet website; providing effective dates.

47 |  
48 | Be It Enacted by the Legislature of the State of Florida:

49 |  
50 | Section 1. Subsection (4) of section 11.60, Florida  
51 | Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 11.60 Administrative Procedures Committee; creation;  
53 membership; powers; duties.--

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

65 Section 2. Paragraph (d) of subsection (3) of section  
66 57.111, Florida Statutes, is amended to read:

67 57.111 Civil actions and administrative proceedings  
68 initiated by state agencies; attorneys' fees and costs.--

69 (3) As used in this section:

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

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

78 b. A partnership or corporation, including a professional  
79 practice, which has its principal office in this state and has

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80 | at the time the action is initiated by a state agency not more  
81 | than 25 full-time employees or a net worth of not more than \$2  
82 | million; or

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

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

95 | Section 3. Paragraphs (d) and (e) of subsection (3) and  
96 | paragraph (b) of subsection (5) of section 120.54, Florida  
97 | Statutes, are amended to read:

98 | 120.54 Rulemaking.--

99 | (3) ADOPTION PROCEDURES.--

100 | (d) Modification or withdrawal of proposed rules.--

101 | 1. After the final public hearing on the proposed rule, or  
102 | after the time for requesting a hearing has expired, if the rule  
103 | has not been changed from the rule as previously filed with the  
104 | committee, or contains only technical changes, the adopting  
105 | agency shall file a notice to that effect with the committee at  
106 | least 7 days prior to filing the rule for adoption. Any change,  
107 | other than a technical change that does not affect the substance

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

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

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

131 |         4. The agency shall give notice of its decision to  
132 | withdraw or modify a rule in the first available issue of the  
133 | publication in which the original notice of rulemaking was  
134 | published, shall notify those persons described in subparagraph  
135 | (a)3. in accordance with the requirements of that subparagraph,

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136 and shall notify the Department of State if the rule is required  
137 to be filed with the Department of State.

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

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

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

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

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

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

187 4. At the time a rule is filed, the committee shall  
188 certify whether the agency has responded in writing to all  
189 material and timely written comments or written inquiries made  
190 on behalf of the committee. The department shall reject any rule  
191 not filed within the prescribed time limits; that does not

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192 satisfy all statutory rulemaking requirements; upon which an  
193 agency has not responded in writing to all material and timely  
194 written inquiries or written comments; upon which an  
195 administrative determination is pending; or which does not  
196 include a statement of estimated regulatory costs, if required.

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

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

216

217 For the purposes of this paragraph, the term "administrative  
218 determination" does not include subsequent judicial review.

219 (5) UNIFORM RULES.--



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220 (b) The uniform rules of procedure adopted by the  
221 commission pursuant to this subsection shall include, but are  
222 not limited to:

223 1. Uniform rules for the scheduling of public meetings,  
224 hearings, and workshops.

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

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

256 3. Uniform rules of procedure for the filing of notice of  
257 protests and formal written protests. The Administration  
258 Commission may prescribe the form and substantive provisions of  
259 a required bond.

260 4. Uniform rules of procedure for the filing of petitions  
261 for administrative hearings pursuant to s. 120.569 or s. 120.57.  
262 Such rules shall require the petition to include:

263 a. The identification of the petitioner.

264 b. A statement of when and how the petitioner received  
265 notice of the agency's action or proposed action.

266 c. An explanation of how the petitioner's substantial  
267 interests are or will be affected by the action or proposed  
268 action.

269 d. A statement of all material facts disputed by the  
270 petitioner or a statement that there are no disputed facts.

271 e. A statement of the ultimate facts alleged, including a  
272 statement of the specific facts the petitioner contends warrant  
273 reversal or modification of the agency's proposed action.

274 f. A statement of the specific rules or statutes that the  
275 petitioner contends require reversal or modification of the

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276 agency's proposed action, including an explanation of how the  
277 alleged facts relate to the specific rules or statutes.

278 g. A statement of the relief sought by the petitioner,  
279 stating precisely the action petitioner wishes the agency to  
280 take with respect to the proposed action.

281 5. Uniform rules for the filing of a request for  
282 administrative hearing by a respondent in agency enforcement and  
283 disciplinary actions. Such rules shall require a request to  
284 include:

285 a. The name, address, and telephone number of the party  
286 making the request and the name, address, and telephone number  
287 of the party's counsel or qualified representative upon whom  
288 service of pleadings and other papers shall be made;

289 b. A statement that the respondent is requesting an  
290 administrative hearing and disputes the material facts alleged  
291 by the petitioner, in which case the respondent shall identify  
292 those material facts that are in dispute, or that the respondent  
293 is requesting an administrative hearing and does not dispute the  
294 material facts alleged by the petitioner; and

295 c. A reference by file number to the administrative  
296 complaint that the party has received from the agency and the  
297 date on which the agency pleading was received.

298  
299 The agency may provide an election-of-rights form for the  
300 respondent's use in requesting a hearing, so long as any form  
301 provided by the agency calls for the information in sub-  
302 subparagraphs a.-c. and does not impose any additional

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303 requirements on a respondent in order to request a hearing,  
304 unless such requirements are specifically authorized by law.

305 ~~6.5-~~ Uniform rules of procedure for the filing and prompt  
306 disposition of petitions for declaratory statements. The rules  
307 shall also describe the contents of the notices that must be  
308 published in the Florida Administrative Weekly under s. 120.565,  
309 including any applicable time limit for the filing of petitions  
310 to intervene or petitions for administrative hearing by persons  
311 whose substantial interests may be affected.

312 ~~7.6-~~ Provision of a method by which each agency head shall  
313 provide a description of the agency's organization and general  
314 course of its operations.

315 ~~8.7-~~ Uniform rules establishing procedures for granting or  
316 denying petitions for variances and waivers pursuant to s.  
317 120.542.

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

320 120.55 Publication.--

321 (1) The Department of State shall:

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

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331 form, of the Florida Administrative Code; however, the  
332 department shall retain responsibility for the code as provided  
333 in this section. This publication shall be the official  
334 compilation of the administrative rules of this state. The  
335 Department of State shall retain the copyright over the Florida  
336 Administrative Code.

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

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

351 4. Forms shall not be published in the Florida  
352 Administrative Code; but any form which an agency uses in its  
353 dealings with the public, along with any accompanying  
354 instructions, shall be filed with the committee before it is  
355 used. Any form or instruction which meets the definition of  
356 "rule" provided in s. 120.52 shall be incorporated by reference  
357 into the appropriate rule. The reference shall specifically  
358 state that the form is being incorporated by reference and shall

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359 | include the number, title, and effective date of the form and an  
360 | explanation of how the form may be obtained. Each form created  
361 | by an agency which is incorporated by reference in a rule notice  
362 | of which is given under s. 120.54(3)(a) after December 31, 2007,  
363 | must clearly display the number, title, and effective date of  
364 | the form and the number of the rule in which the form is  
365 | incorporated.

366 |       (b) Electronically publish on an Internet website managed  
367 | by the department a weekly publication entitled the "Florida  
368 | Administrative Weekly," which shall serve as the official  
369 | Internet website for such publication and must contain:

370 |           1. Notice of adoption of, and an index to, all rules filed  
371 | during the preceding week.

372 |           2. All notices required by s. 120.54(3)(a), showing the  
373 | text of all rules proposed for consideration ~~or a reference to~~  
374 | ~~the location in the Florida Administrative Weekly where the text~~  
375 | ~~of the proposed rules is published.~~

376 |           3. All notices of public meetings, hearings, and workshops  
377 | conducted in accordance with the provisions of s. 120.525,  
378 | including a statement of the manner in which a copy of the  
379 | agenda may be obtained.

380 |           4. A notice of each request for authorization to amend or  
381 | repeal an existing uniform rule or for the adoption of new  
382 | uniform rules.

383 |           5. Notice of petitions for declaratory statements or  
384 | administrative determinations.

385 |           6. A summary of each objection to any rule filed by the  
386 | Administrative Procedures Committee during the preceding week.

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

389           ~~8.7.~~ Any other material required or authorized by law or  
390 deemed useful by the department.

391

392 The department shall publish a printed version of the Florida  
393 Administrative Weekly and make copies available on an annual  
394 subscription basis. The department may contract with a  
395 publishing firm for printed publication of the Florida  
396 Administrative Weekly.

397           (c) Review notices for compliance with format and  
398 numbering requirements before publishing them on the Florida  
399 Administrative Weekly Internet website.

400           (d)-(e) Prescribe by rule the style and form required for  
401 rules submitted for filing and establish the form for their  
402 certification.

403           (e)-(d) Correct grammatical, typographical, and like errors  
404 not affecting the construction or meaning of the rules, after  
405 having obtained the advice and consent of the appropriate  
406 agency, and insert history notes.

407           ~~(e) Make copies of the Florida Administrative Weekly~~  
408 ~~available on an annual subscription basis computed to cover a~~  
409 ~~pro rata share of 50 percent of the costs related to the~~  
410 ~~publication of the Florida Administrative Weekly.~~

411           (f) Charge each agency using the Florida Administrative  
412 Weekly a space rate ~~computed~~ to cover a ~~pro rata share of 50~~  
413 ~~percent~~ of the costs related to the Florida Administrative  
414 Weekly and the Florida Administrative Code.

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

417 (2) The Florida Administrative Weekly Internet website  
418 must allow users to:

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

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

423 (c) Subscribe to an automated e-mail notification of  
424 selected notices.

425 (d) View agency forms incorporated by reference in  
426 proposed rules.

427 (e) Comment on proposed rules.

428 (3) Publication of material required by paragraph (1)(b)  
429 on the Florida Administrative Weekly Internet website does not  
430 preclude publication of such material on an agency's website or  
431 by other means.

432 (4)(2) Each agency shall provide copies of its rules upon  
433 request, with citations to the grant of rulemaking authority and  
434 the specific law implemented for each rule print or distribute  
435 copies of its rules, citing the specific rulemaking authority  
436 pursuant to which each rule was adopted.

437 (5)(3) Any publication of a proposed rule promulgated by  
438 an agency, whether published in the Florida Administrative Code  
439 or elsewhere, shall include, along with the rule, the name of  
440 the person or persons originating such rule, the name of the  
441 supervisor or person who approved the rule, and the date upon  
442 which the rule was approved.

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443           (6) Access to the Florida Administrative Weekly Internet  
444 website and its contents, including the e-mail notification  
445 service, shall be free for the public.

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

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

455           2. Two subscriptions to each state department.

456           3. Three subscriptions to the library of the Supreme Court  
457 of Florida, the library of each state district court of appeal,  
458 the division, the library of the Attorney General, each law  
459 school library in Florida, the Secretary of the Senate, and the  
460 Clerk of the House of Representatives.

461           4. Ten subscriptions to the committee.

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

466           ~~(8) (a) (5) (a)~~ All fees and moneys collected by the  
467 Department of State under this chapter shall be deposited in the  
468 Records Management Trust Fund for the purpose of paying for ~~the~~  
469 ~~publication and distribution of the Florida Administrative Code~~

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470 ~~and the Florida Administrative Weekly and for associated costs~~  
 471 ~~incurred by the department in carrying out this chapter.~~

472 (b) The unencumbered balance in the Records Management  
 473 Trust Fund for fees collected pursuant to this chapter ~~may shall~~  
 474 not exceed \$300,000 at the beginning of each fiscal year, and  
 475 any excess shall be transferred to the General Revenue Fund.

476 ~~(c) It is the intent of the Legislature that the Florida~~  
 477 ~~Administrative Weekly be supported entirely from funds collected~~  
 478 ~~for subscriptions to and advertisements in the Florida~~  
 479 ~~Administrative Weekly.~~

480 Section 5. Paragraph (b) of subsection (2) of section  
 481 120.56, Florida Statutes, is amended to read:

482 120.56 Challenges to rules.--

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

484 (b) The administrative law judge may declare the proposed  
 485 rule wholly or partly invalid. Unless the decision of the  
 486 administrative law judge is reversed on appeal, the proposed  
 487 rule or provision of a proposed rule declared invalid shall be  
 488 ~~withdrawn by the adopting agency and shall not be adopted. No~~  
 489 ~~rule shall be filed for adoption until 28 days after the notice~~  
 490 ~~required by s. 120.54(3)(a), until 21 days after the notice~~  
 491 ~~required by s. 120.54(3)(d), until 14 days after the public~~  
 492 ~~hearing, until 21 days after preparation of a statement of~~  
 493 ~~estimated regulatory costs required pursuant to s. 120.541, or~~  
 494 ~~until the administrative law judge has rendered a decision,~~  
 495 ~~whichever applies.~~ However, the agency may proceed with all  
 496 other steps in the rulemaking process, including the holding of  
 497 a factfinding hearing. In the event part of a proposed rule is

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498 | declared invalid, the adopting agency may, in its sole  
499 | discretion, withdraw the proposed rule in its entirety. The  
500 | agency whose proposed rule has been declared invalid in whole or  
501 | part shall give notice of the decision in the first available  
502 | issue of the Florida Administrative Weekly.

503 | Section 6. Paragraph (c) of subsection (2) of section  
504 | 120.569, Florida Statutes, is amended to read:

505 | 120.569 Decisions which affect substantial interests.--  
506 | (2)

507 | (c) Unless otherwise provided by law, a petition or  
508 | request for hearing shall include those items required by the  
509 | uniform rules adopted pursuant to s. 120.54(5)(b)4. or 5. Upon  
510 | the receipt of a petition or request for hearing, the agency  
511 | shall carefully review the petition to determine if it contains  
512 | all of the required information. A petition shall be dismissed  
513 | if it is not in substantial compliance with these requirements  
514 | or it has been untimely filed. Dismissal of a petition shall, at  
515 | least once, be without prejudice to petitioner's filing a timely  
516 | amended petition curing the defect, unless it conclusively  
517 | appears from the face of the petition that the defect cannot be  
518 | cured. The agency shall promptly give written notice to all  
519 | parties of the action taken on the petition, shall state with  
520 | particularity its reasons if the petition is not granted, and  
521 | shall state the deadline for filing an amended petition if  
522 | applicable. This paragraph does not eliminate the availability  
523 | of equitable tolling as a defense to the untimely filing of a  
524 | petition.

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525 Section 7. Paragraphs (k) and (m) of subsection (1) and  
526 paragraph (a) of subsection (3) of section 120.57, Florida  
527 Statutes, are amended to read:

528 120.57 Additional procedures for particular cases.--

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

531 (k) The presiding officer shall complete and submit to the  
532 agency and all parties a recommended order consisting of  
533 findings of fact, conclusions of law, and recommended  
534 disposition or penalty, if applicable, and any other information  
535 required by law to be contained in the final order. All  
536 proceedings conducted under ~~pursuant to~~ this subsection shall be  
537 de novo. The agency shall allow each party 15 days in which to  
538 submit written exceptions to the recommended order. The final  
539 order shall include an explicit ruling on each exception, but an  
540 agency need not rule on an exception that does not clearly  
541 identify the disputed portion of the recommended order by page  
542 number or paragraph, that does not identify the legal basis for  
543 the exception, or that does not include appropriate and specific  
544 citations to the record.

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

549 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO  
550 CONTRACT SOLICITATION OR AWARD.--Agencies subject to this  
551 chapter shall use the uniform rules of procedure, which provide  
552 procedures for the resolution of protests arising from the

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553 | contract solicitation or award process. Such rules shall at  
554 | least provide that:

555 |       (a) The agency shall provide notice of a decision or  
556 | intended decision concerning a solicitation, contract award, or  
557 | exceptional purchase by electronic posting. This notice shall  
558 | contain the following statement: "Failure to file a protest  
559 | within the time prescribed in section 120.57(3), Florida  
560 | Statutes, or failure to post the bond or other security required  
561 | by law within the time allowed for filing a bond shall  
562 | constitute a waiver of proceedings under chapter 120, Florida  
563 | Statutes."

564 |       Section 8. Paragraphs (c) and (d) are added to subsection  
565 | (10) of section 120.65, Florida Statutes, to read:

566 |       120.65 Administrative law judges.--

567 |       (10) Not later than February 1 of each year, the division  
568 | shall issue a written report to the Administrative Procedures  
569 | Committee and the Administration Commission, including at least  
570 | the following information:

571 |       (c) Recommendations as to those types of cases or disputes  
572 | which should be conducted under the summary hearing process  
573 | described in s. 120.574.

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

576 |       Section 9. Subsection (2) of section 120.74, Florida  
577 | Statutes, is amended to read:

578 |       120.74 Agency review, revision, and report.--

579 |       (2) Beginning October 1, 1997, and by October 1 of every  
580 | other year thereafter, the head of each agency shall file a

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581 report with the President of the Senate, ~~and~~ the Speaker of the  
582 House of Representatives, and the committee, with a copy to each  
583 appropriate standing committee of the Legislature, which  
584 certifies that the agency has complied with the requirements of  
585 this subsection. The report must specify any changes made to its  
586 rules as a result of the review and, when appropriate, recommend  
587 statutory changes that will promote efficiency, reduce  
588 paperwork, or decrease costs to government and the private  
589 sector. The report must identify the types of cases or disputes  
590 in which the agency is involved which should be conducted under  
591 the summary hearing process described in s. 120.574.

592 Section 10. The Department of State shall, before December  
593 31, 2007, make available, to all agencies required on the  
594 effective date of this act to publish materials in the Florida  
595 Administrative Weekly, training courses for the purpose of  
596 assisting the agencies with their transition to publishing on  
597 the Florida Administrative Weekly Internet website. The training  
598 courses may be provided in the form of workshops or software  
599 packages that allow self-training by agency personnel.

600 Section 11. Except as otherwise expressly provided in this  
601 act, this act shall take effect July 1, 2006.