

By Senator Joyner

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1                   A bill to be entitled  
2           An act relating to administrative procedures; amending  
3           s. 120.52, F.S.; revising the definition of the term  
4           "agency" for purposes of ch. 120, F.S.; amending s.  
5           120.525, F.S.; requiring each agency to give notice of  
6           public meetings, hearings, and workshops on the  
7           agency's website; requiring each agency to publish  
8           agendas on the agency's website; amending s. 120.54,  
9           F.S.; revising the definition of the term "small  
10          business" with regard to special matters to be  
11          considered by an agency in rule adoption; requiring an  
12          agency to ensure that persons responsible for  
13          preparing a proposed rule be available at a public  
14          hearing regarding the proposed rule; requiring that  
15          certain materials submitted to the agency on or before  
16          the date of the final public hearing be considered by  
17          the agency and made a part of the record of the  
18          rulemaking proceeding; requiring that a change to a  
19          proposed rule be in response to written materials  
20          submitted to the agency within a specified time after  
21          the date of publication of the notice of intended  
22          agency action or submitted to the agency on or before  
23          the date of the final public hearing; requiring that a  
24          proposed rule become effective on a date specified in  
25          the notice of the agency's intended action; requiring  
26          that the statement of an agency's organization and  
27          operations be published on the agency's website;  
28          providing that a rule that adopts federal standards  
29          becomes effective upon the date designated by the

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30 agency in the notice of intent to adopt the rule;  
31 amending s. 120.80, F.S.; deleting a provision that  
32 prohibits the Department of Environmental Protection  
33 from adopting the lowest regulatory cost alternative  
34 under certain circumstances; providing an effective  
35 date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Subsection (1) of section 120.52, Florida  
40 Statutes, is amended to read:

41 120.52 Definitions.—As used in this act:

42 (1) "Agency" means the following officers or governmental  
43 entities when acting pursuant to statutory authority:

44 (a) The Governor; each state officer and state department,  
45 and each departmental unit described in s. 20.04; the Board of  
46 Governors of the State University System; the Commission on  
47 Ethics; the Fish and Wildlife Conservation Commission; a  
48 regional water supply authority; a regional planning agency; a  
49 multicounty special district, but only when a majority of its  
50 governing board is comprised of nonelected persons; educational  
51 units; and each entity described in chapters 163, 373, 380, and  
52 582 and s. 186.504 in the exercise of all executive powers other  
53 than those derived from the constitution.

54 (b) Each officer and governmental entity in the state  
55 having statewide jurisdiction or jurisdiction in more than one  
56 county.÷

57 ~~1. State officer and state department, and each~~  
58 ~~departmental unit described in s. 20.04.~~

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59           2. ~~Authority, including a regional water supply authority.~~

60           3. ~~Board, including the Board of Governors of the State~~  
 61 ~~University System and a state university board of trustees when~~  
 62 ~~acting pursuant to statutory authority derived from the~~  
 63 ~~Legislature.~~

64           4. ~~Commission, including the Commission on Ethics and the~~  
 65 ~~Fish and Wildlife Conservation Commission when acting pursuant~~  
 66 ~~to statutory authority derived from the Legislature.~~

67           5. ~~Regional planning agency.~~

68           6. ~~Multicounty special district with a majority of its~~  
 69 ~~governing board comprised of non-elected persons.~~

70           7. ~~Educational units.~~

71           8. ~~Entity described in chapters 163, 373, 380, and 582 and~~  
 72 ~~s. 186.504.~~

73           (c) Each officer and governmental entity in the state  
 74 having jurisdiction in one county or less than one county ~~other~~  
 75 ~~unit of government in the state, including counties and~~  
 76 ~~municipalities, to the extent they are expressly made subject to~~  
 77 ~~this act by general or special law or existing judicial~~  
 78 ~~decisions.~~

79  
 80 This definition does not include any legal entity or agency  
 81 created in whole or in part pursuant to part II of chapter 361;~~;~~  
 82 ~~part II,~~ any metropolitan planning organization created pursuant  
 83 to s. 339.175;~~;~~ any separate legal or administrative entity  
 84 created pursuant to s. 339.175 of which a metropolitan planning  
 85 organization is a member;~~;~~ an expressway authority pursuant to  
 86 chapter 348 or transportation authority under chapter 349; or~~;~~  
 87 any legal or administrative entity created by an interlocal

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88 agreement pursuant to s. 163.01(7), unless any party to such  
89 agreement is otherwise an agency as defined in this subsection,  
90 ~~or any multicounty special district with a majority of its~~  
91 ~~governing board comprised of elected persons; however, this~~  
92 ~~definition shall include a regional water supply authority.~~

93 Section 2. Subsections (1) and (2) of section 120.525,  
94 Florida Statutes, are amended to read:

95 120.525 Meetings, hearings, and workshops.—

96 (1) Except in the case of emergency meetings, each agency  
97 shall give notice of public meetings, hearings, and workshops by  
98 publication in the Florida Administrative Weekly and on the  
99 agency's website not less than 7 days before the event. The  
100 notice shall include a statement of the general subject matter  
101 to be considered.

102 (2) An agenda shall be prepared by the agency in time to  
103 ensure that a copy of the agenda may be received at least 7 days  
104 before the event by any person in the state who requests a copy  
105 and who pays the reasonable cost of the copy. The agenda, along  
106 with any available meeting materials, shall be published on the  
107 agency's website. The agenda shall contain the items to be  
108 considered in order of presentation. After the agenda has been  
109 made available, a change shall be made only for good cause, as  
110 determined by the person designated to preside, and stated in  
111 the record. Notification of such change shall be at the earliest  
112 practicable time.

113 Section 3. Subsection (3), paragraph (b) of subsection (5),  
114 and paragraph (b) of subsection (6) of section 120.54, Florida  
115 Statutes, are amended to read:

116 120.54 Rulemaking.—

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117 (3) ADOPTION PROCEDURES.—

118 (a) *Notices.*—

119 1. Prior to the adoption, amendment, or repeal of any rule  
120 other than an emergency rule, an agency, upon approval of the  
121 agency head, shall give notice of its intended action, setting  
122 forth a short, plain explanation of the purpose and effect of  
123 the proposed action; the full text of the proposed rule or  
124 amendment and a summary thereof; a reference to the grant of  
125 rulemaking authority pursuant to which the rule is adopted; and  
126 a reference to the section or subsection of the Florida Statutes  
127 or the Laws of Florida being implemented or interpreted. The  
128 notice must include a summary of the agency's statement of the  
129 estimated regulatory costs, if one has been prepared, based on  
130 the factors set forth in s. 120.541(2), and a statement that any  
131 person who wishes to provide the agency with information  
132 regarding the statement of estimated regulatory costs, or to  
133 provide a proposal for a lower cost regulatory alternative as  
134 provided by s. 120.541(1), must do so in writing within 21 days  
135 after publication of the notice. The notice must state the  
136 procedure for requesting a public hearing on the proposed rule.  
137 Except when the intended action is the repeal of a rule, the  
138 notice must include a reference both to the date on which and to  
139 the place where the notice of rule development that is required  
140 by subsection (2) appeared.

141 2. The notice shall be published in the Florida  
142 Administrative Weekly not less than 28 days prior to the  
143 intended action. The proposed rule shall be available for  
144 inspection and copying by the public at the time of the  
145 publication of notice.

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146           3. The notice shall be mailed to all persons named in the  
147 proposed rule and to all persons who, at least 14 days prior to  
148 such mailing, have made requests of the agency for advance  
149 notice of its proceedings. The agency shall also give such  
150 notice as is prescribed by rule to those particular classes of  
151 persons to whom the intended action is directed.

152           4. The adopting agency shall file with the committee, at  
153 least 21 days prior to the proposed adoption date, a copy of  
154 each rule it proposes to adopt; a copy of any material  
155 incorporated by reference in the rule; a detailed written  
156 statement of the facts and circumstances justifying the proposed  
157 rule; a copy of any statement of estimated regulatory costs that  
158 has been prepared pursuant to s. 120.541; a statement of the  
159 extent to which the proposed rule relates to federal standards  
160 or rules on the same subject; and the notice required by  
161 subparagraph 1.

162           (b) *Special matters to be considered in rule adoption.*—

163           1. Statement of estimated regulatory costs.—Prior to the  
164 adoption, amendment, or repeal of any rule other than an  
165 emergency rule, an agency is encouraged to prepare a statement  
166 of estimated regulatory costs of the proposed rule, as provided  
167 by s. 120.541. However, an agency shall prepare a statement of  
168 estimated regulatory costs of the proposed rule, as provided by  
169 s. 120.541, if the proposed rule will have an impact on small  
170 business.

171           2. Small businesses, small counties, and small cities.—

172           a. Each agency, before the adoption, amendment, or repeal  
173 of a rule, shall consider the impact of the rule on small  
174 businesses as defined by s. 288.703 and the impact of the rule

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175 on small counties or small cities as defined by s. 120.52.  
176 Whenever practicable, an agency shall tier its rules to reduce  
177 disproportionate impacts on small businesses, small counties, or  
178 small cities to avoid regulating small businesses, small  
179 counties, or small cities that do not contribute significantly  
180 to the problem the rule is designed to address. An agency may  
181 define "small business" to include businesses employing more  
182 than 200 ~~100~~ persons, may define "small county" to include those  
183 with populations of more than 75,000, and may define "small  
184 city" to include those with populations of more than 10,000, if  
185 it finds that such a definition is necessary to adapt a rule to  
186 the needs and problems of small businesses, small counties, or  
187 small cities. The agency shall consider each of the following  
188 methods for reducing the impact of the proposed rule on small  
189 businesses, small counties, and small cities, or any combination  
190 of these entities:

191 (I) Establishing less stringent compliance or reporting  
192 requirements in the rule.

193 (II) Establishing less stringent schedules or deadlines in  
194 the rule for compliance or reporting requirements.

195 (III) Consolidating or simplifying the rule's compliance or  
196 reporting requirements.

197 (IV) Establishing performance standards or best-management  
198 practices to replace design or operational standards in the  
199 rule.

200 (V) Exempting small businesses, small counties, or small  
201 cities from any or all requirements of the rule.

202 b.(I) If the agency determines that the proposed action  
203 will affect small businesses as defined by the agency as

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204 provided in sub-subparagraph a., the agency shall send written  
205 notice of the rule to the Small Business Regulatory Advisory  
206 Council and the Office of Tourism, Trade, and Economic  
207 Development not less than 28 days prior to the intended action.

208 (II) Each agency shall adopt those regulatory alternatives  
209 offered by the Small Business Regulatory Advisory Council and  
210 provided to the agency no later than 21 days after the council's  
211 receipt of the written notice of the rule which it finds are  
212 feasible and consistent with the stated objectives of the  
213 proposed rule and which would reduce the impact on small  
214 businesses. When regulatory alternatives are offered by the  
215 Small Business Regulatory Advisory Council, the 90-day period  
216 for filing the rule in subparagraph (e)2. is extended for a  
217 period of 21 days.

218 (III) If an agency does not adopt all alternatives offered  
219 pursuant to this sub-subparagraph, it shall, prior to rule  
220 adoption or amendment and pursuant to subparagraph (d)1., file a  
221 detailed written statement with the committee explaining the  
222 reasons for failure to adopt such alternatives. Within 3 working  
223 days of the filing of such notice, the agency shall send a copy  
224 of such notice to the Small Business Regulatory Advisory  
225 Council. The Small Business Regulatory Advisory Council may make  
226 a request of the President of the Senate and the Speaker of the  
227 House of Representatives that the presiding officers direct the  
228 Office of Program Policy Analysis and Government Accountability  
229 to determine whether the rejected alternatives reduce the impact  
230 on small business while meeting the stated objectives of the  
231 proposed rule. Within 60 days after the date of the directive  
232 from the presiding officers, the Office of Program Policy



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233 Analysis and Government Accountability shall report to the  
234 Administrative Procedures Committee its findings as to whether  
235 an alternative reduces the impact on small business while  
236 meeting the stated objectives of the proposed rule. The Office  
237 of Program Policy Analysis and Government Accountability shall  
238 consider the proposed rule, the economic impact statement, the  
239 written statement of the agency, the proposed alternatives, and  
240 any comment submitted during the comment period on the proposed  
241 rule. The Office of Program Policy Analysis and Government  
242 Accountability shall submit a report of its findings and  
243 recommendations to the Governor, the President of the Senate,  
244 and the Speaker of the House of Representatives. The  
245 Administrative Procedures Committee shall report such findings  
246 to the agency, and the agency shall respond in writing to the  
247 Administrative Procedures Committee if the Office of Program  
248 Policy Analysis and Government Accountability found that the  
249 alternative reduced the impact on small business while meeting  
250 the stated objectives of the proposed rule. If the agency will  
251 not adopt the alternative, it must also provide a detailed  
252 written statement to the committee as to why it will not adopt  
253 the alternative.

254 (c) *Hearings.*—

255 1. If the intended action concerns any rule other than one  
256 relating exclusively to procedure or practice, the agency shall,  
257 on the request of any affected person received within 21 days  
258 after the date of publication of the notice of intended agency  
259 action, give affected persons an opportunity to present evidence  
260 and argument on all issues under consideration. The agency may  
261 schedule a public hearing on the rule and, if requested by any

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262 affected person, shall schedule a public hearing on the rule.  
263 When a public hearing is held, the agency must ensure that the  
264 persons responsible for preparing the proposed rule are  
265 available to explain the agency's proposal and to respond to  
266 questions or comments regarding the rule. If the agency head is  
267 a board or other collegial body created under s. 20.165(4) or s.  
268 20.43(3)(g), and one or more requested public hearings is  
269 scheduled, the board or other collegial body shall conduct at  
270 least one of the public hearings itself and may not delegate  
271 this responsibility without the consent of those persons  
272 requesting the public hearing. Any material pertinent to the  
273 issues under consideration submitted to the agency within 21  
274 days after the date of publication of the notice or submitted to  
275 the agency on or before the date of the final ~~at a~~ public  
276 hearing shall be considered by the agency and made a part of the  
277 record of the rulemaking proceeding.

278 2. Rulemaking proceedings shall be governed solely by the  
279 provisions of this section unless a person timely asserts that  
280 the person's substantial interests will be affected in the  
281 proceeding and affirmatively demonstrates to the agency that the  
282 proceeding does not provide adequate opportunity to protect  
283 those interests. If the agency determines that the rulemaking  
284 proceeding is not adequate to protect the person's interests, it  
285 shall suspend the rulemaking proceeding and convene a separate  
286 proceeding under the provisions of ss. 120.569 and 120.57.  
287 Similarly situated persons may be requested to join and  
288 participate in the separate proceeding. Upon conclusion of the  
289 separate proceeding, the rulemaking proceeding shall be resumed.

290 (d) *Modification or withdrawal of proposed rules.*—

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291 1. After the final public hearing on the proposed rule, or  
292 after the time for requesting a hearing has expired, if the rule  
293 has not been changed from the rule as previously filed with the  
294 committee, or contains only technical changes, the adopting  
295 agency shall file a notice to that effect with the committee at  
296 least 7 days prior to filing the rule for adoption. Any change,  
297 other than a technical change that does not affect the substance  
298 of the rule, must be supported by the record of public hearings  
299 held on the rule, must be in response to written material  
300 submitted to the agency within 21 days after the date of  
301 publication of the notice of intended agency action or submitted  
302 to the agency ~~received~~ on or before the date of the final public  
303 hearing, or must be in response to a proposed objection by the  
304 committee. In addition, when any change is made in a proposed  
305 rule, other than a technical change, the adopting agency shall  
306 provide a copy of a notice of change by certified mail or actual  
307 delivery to any person who requests it in writing no later than  
308 21 days after the notice required in paragraph (a). The agency  
309 shall file the notice of change with the committee, along with  
310 the reasons for the change, and provide the notice of change to  
311 persons requesting it, at least 21 days prior to filing the rule  
312 for adoption. The notice of change shall be published in the  
313 Florida Administrative Weekly at least 21 days prior to filing  
314 the rule for adoption. This subparagraph does not apply to  
315 emergency rules adopted pursuant to subsection (4).

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

318 3. After adoption and before the effective date, a rule may  
319 be modified or withdrawn only in response to an objection by the

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320 committee or may be modified to extend the effective date by not  
321 more than 60 days when the committee has notified the agency  
322 that an objection to the rule is being considered.

323 4. The agency shall give notice of its decision to withdraw  
324 or modify a rule in the first available issue of the publication  
325 in which the original notice of rulemaking was published, shall  
326 notify those persons described in subparagraph (a)3. in  
327 accordance with the requirements of that subparagraph, and shall  
328 notify the Department of State if the rule is required to be  
329 filed with the Department of State.

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

333 (e) *Filing for final adoption; effective date.*—

334 1. If the adopting agency is required to publish its rules  
335 in the Florida Administrative Code, the agency, upon approval of  
336 the agency head, shall file with the Department of State three  
337 certified copies of the rule it proposes to adopt; one copy of  
338 any material incorporated by reference in the rule, certified by  
339 the agency; a summary of the rule; a summary of any hearings  
340 held on the rule; and a detailed written statement of the facts  
341 and circumstances justifying the rule. Agencies not required to  
342 publish their rules in the Florida Administrative Code shall  
343 file one certified copy of the proposed rule, and the other  
344 material required by this subparagraph, in the office of the  
345 agency head, and such rules shall be open to the public.

346 2. A rule may not be filed for adoption less than 28 days  
347 or more than 90 days after the notice required by paragraph (a),  
348 until 21 days after the notice of change required by paragraph

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349 (d), until 14 days after the final public hearing, until 21 days  
350 after a statement of estimated regulatory costs required under  
351 s. 120.541 has been provided to all persons who submitted a  
352 lower cost regulatory alternative and made available to the  
353 public, or until the administrative law judge has rendered a  
354 decision under s. 120.56(2), whichever applies. When a required  
355 notice of change is published prior to the expiration of the  
356 time to file the rule for adoption, the period during which a  
357 rule must be filed for adoption is extended to 45 days after the  
358 date of publication. If notice of a public hearing is published  
359 prior to the expiration of the time to file the rule for  
360 adoption, the period during which a rule must be filed for  
361 adoption is extended to 45 days after adjournment of the final  
362 hearing on the rule, 21 days after receipt of all material  
363 authorized to be submitted at the hearing, or 21 days after  
364 receipt of the transcript, if one is made, whichever is latest.  
365 The term "public hearing" includes any public meeting held by  
366 any agency at which the rule is considered. If a petition for an  
367 administrative determination under s. 120.56(2) is filed, the  
368 period during which a rule must be filed for adoption is  
369 extended to 60 days after the administrative law judge files the  
370 final order with the clerk or until 60 days after subsequent  
371 judicial review is complete.

372 3. At the time a rule is filed, the agency shall certify  
373 that the time limitations prescribed by this paragraph have been  
374 complied with, that all statutory rulemaking requirements have  
375 been met, and that there is no administrative determination  
376 pending on the rule.

377 4. At the time a rule is filed, the committee shall certify

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378 whether the agency has responded in writing to all material and  
379 timely written comments or written inquiries made on behalf of  
380 the committee. The department shall reject any rule that is not  
381 filed within the prescribed time limits; that does not comply  
382 with all statutory rulemaking requirements and rules of the  
383 department; upon which an agency has not responded in writing to  
384 all material and timely written inquiries or written comments;  
385 upon which an administrative determination is pending; or which  
386 does not include a statement of estimated regulatory costs, if  
387 required.

388         5. If a rule has not been adopted within the time limits  
389 imposed by this paragraph or has not been adopted in compliance  
390 with all statutory rulemaking requirements, the agency proposing  
391 the rule shall withdraw the rule and give notice of its action  
392 in the next available issue of the Florida Administrative  
393 Weekly.

394         6. The proposed rule shall be adopted on being filed with  
395 the Department of State and become effective 20 days after being  
396 filed, on a later date specified in the notice required by  
397 subparagraph (a)1. ~~rule,~~ or on a date required by statute. Rules  
398 not required to be filed with the Department of State shall  
399 become effective when adopted by the agency head or on a later  
400 date specified by rule or statute. If the committee notifies an  
401 agency that an objection to a rule is being considered, the  
402 agency may postpone the adoption of the rule to accommodate  
403 review of the rule by the committee. When an agency postpones  
404 adoption of a rule to accommodate review by the committee, the  
405 90-day period for filing the rule is tolled until the committee  
406 notifies the agency that it has completed its review of the

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407 rule.

408

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

411 (5) UNIFORM RULES.—

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

415 1. Uniform rules for the scheduling of public meetings,  
416 hearings, and workshops.

417 2. Uniform rules for use by each state agency that provide  
418 procedures for conducting public meetings, hearings, and  
419 workshops, and for taking evidence, testimony, and argument at  
420 such public meetings, hearings, and workshops, in person and by  
421 means of communications media technology. The rules shall  
422 provide that all evidence, testimony, and argument presented  
423 shall be afforded equal consideration, regardless of the method  
424 of communication. If a public meeting, hearing, or workshop is  
425 to be conducted by means of communications media technology, or  
426 if attendance may be provided by such means, the notice shall so  
427 state. The notice for public meetings, hearings, and workshops  
428 utilizing communications media technology shall state how  
429 persons interested in attending may do so and shall name  
430 locations, if any, where communications media technology  
431 facilities will be available. Nothing in this paragraph shall be  
432 construed to diminish the right to inspect public records under  
433 chapter 119. Limiting points of access to public meetings,  
434 hearings, and workshops subject to the provisions of s. 286.011  
435 to places not normally open to the public shall be presumed to

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436 violate the right of access of the public, and any official  
437 action taken under such circumstances is void and of no effect.  
438 Other laws relating to public meetings, hearings, and workshops,  
439 including penal and remedial provisions, shall apply to public  
440 meetings, hearings, and workshops conducted by means of  
441 communications media technology, and shall be liberally  
442 construed in their application to such public meetings,  
443 hearings, and workshops. As used in this subparagraph,  
444 "communications media technology" means the electronic  
445 transmission of printed matter, audio, full-motion video,  
446 freeze-frame video, compressed video, and digital video by any  
447 method available.

448 3. Uniform rules of procedure for the filing of notice of  
449 protests and formal written protests. The Administration  
450 Commission may prescribe the form and substantive provisions of  
451 a required bond.

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

455 a. The identification of the petitioner.

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

458 c. An explanation of how the petitioner's substantial  
459 interests are or will be affected by the action or proposed  
460 action.

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

463 e. A statement of the ultimate facts alleged, including a  
464 statement of the specific facts the petitioner contends warrant



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465 reversal or modification of the agency's proposed action.

466 f. A statement of the specific rules or statutes that the  
467 petitioner contends require reversal or modification of the  
468 agency's proposed action, including an explanation of how the  
469 alleged facts relate to the specific rules or statutes.

470 g. A statement of the relief sought by the petitioner,  
471 stating precisely the action petitioner wishes the agency to  
472 take with respect to the proposed action.

473 5. Uniform rules for the filing of request for  
474 administrative hearing by a respondent in agency enforcement and  
475 disciplinary actions. Such rules shall require a request to  
476 include:

477 a. The name, address, and telephone number of the party  
478 making the request and the name, address, and telephone number  
479 of the party's counsel or qualified representative upon whom  
480 service of pleadings and other papers shall be made;

481 b. A statement that the respondent is requesting an  
482 administrative hearing and disputes the material facts alleged  
483 by the petitioner, in which case the respondent shall identify  
484 those material facts that are in dispute, or that the respondent  
485 is requesting an administrative hearing and does not dispute the  
486 material facts alleged by the petitioner; and

487 c. A reference by file number to the administrative  
488 complaint that the party has received from the agency and the  
489 date on which the agency pleading was received.

490  
491 The agency may provide an election-of-rights form for the  
492 respondent's use in requesting a hearing, so long as any form  
493 provided by the agency calls for the information in sub-

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494 subparagraphs a. through c. and does not impose any additional  
495 requirements on a respondent in order to request a hearing,  
496 unless such requirements are specifically authorized by law.

497 6. Uniform rules of procedure for the filing and prompt  
498 disposition of petitions for declaratory statements. The rules  
499 shall also describe the contents of the notices that must be  
500 published in the Florida Administrative Weekly under s. 120.565,  
501 including any applicable time limit for the filing of petitions  
502 to intervene or petitions for administrative hearing by persons  
503 whose substantial interests may be affected.

504 7. Provision of a method by which each agency head shall  
505 provide a description of the agency's organization and general  
506 course of its operations. The rules shall require that the  
507 statement concerning the agency's organization and operations be  
508 published on the agency's website.

509 8. Uniform rules establishing procedures for granting or  
510 denying petitions for variances and waivers pursuant to s.  
511 120.542.

512 (6) ADOPTION OF FEDERAL STANDARDS.—Notwithstanding any  
513 contrary provision of this section, in the pursuance of state  
514 implementation, operation, or enforcement of federal programs,  
515 an agency is empowered to adopt rules substantively identical to  
516 regulations adopted pursuant to federal law, in accordance with  
517 the following procedures:

518 (b) Any rule adopted pursuant to this subsection shall  
519 become effective upon the date designated ~~in the rule~~ by the  
520 agency in the notice of intent to adopt a rule; however, no such  
521 rule shall become effective earlier than the effective date of  
522 the substantively identical federal regulation.

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523 Section 4. Subsections (16) and (17) of section 120.80,  
524 Florida Statutes, are amended to read:

525 120.80 Exceptions and special requirements; agencies.—

526 ~~(16) DEPARTMENT OF ENVIRONMENTAL PROTECTION.—~~

527 ~~Notwithstanding the provisions of s. 120.54(1)(d), the~~  
528 ~~Department of Environmental Protection, in undertaking~~  
529 ~~rulemaking to establish best available control technology,~~  
530 ~~lowest achievable emissions rate, or case-by-case maximum~~  
531 ~~available control technology for purposes of s. 403.08725, shall~~  
532 ~~not adopt the lowest regulatory cost alternative if such~~  
533 ~~adoption would prevent the agency from implementing federal~~  
534 ~~requirements.—~~

535 (16)~~(17)~~ FLORIDA BUILDING COMMISSION.—

536 (a) Notwithstanding the provisions of s. 120.542, the  
537 Florida Building Commission may not accept a petition for waiver  
538 or variance and may not grant any waiver or variance from the  
539 requirements of the Florida Building Code.

540 (b) The Florida Building Commission shall adopt within the  
541 Florida Building Code criteria and procedures for alternative  
542 means of compliance with the code or local amendments thereto,  
543 for enforcement by local governments, local enforcement  
544 districts, or other entities authorized by law to enforce the  
545 Florida Building Code. Appeals from the denial of the use of  
546 alternative means shall be heard by the local board, if one  
547 exists, and may be appealed to the Florida Building Commission.

548 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the  
549 Florida Building Commission and hearing officer panels appointed  
550 by the commission in accordance with s. 553.775(3)(c)1. may  
551 conduct proceedings to review decisions of local building code

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552 officials in accordance with s. 553.775(3)(c).

553 Section 5. This act shall take effect July 1, 2009.