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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.; providing  
5           legislative intent; amending s. 120.525, F.S.;  
6           requiring each agency to give notice of public  
7           meetings, hearings, and workshops on the agency's  
8           website; requiring each agency to publish agendas and  
9           certain other materials on the agency's website;  
10          amending s. 120.54, F.S.; revising the definition of  
11          the term "small business" with regard to special  
12          matters to be considered by an agency in rule  
13          adoption; requiring an agency to ensure that staff be  
14          available at a public hearing regarding the proposed  
15          rule; requiring that certain materials submitted to  
16          the agency between the date of publication of the  
17          notice and the end of the final public hearing be  
18          considered by the agency and made a part of the record  
19          of the rulemaking proceeding; requiring that a change  
20          to a proposed rule be in response to written materials  
21          submitted to the agency within a specified time after  
22          the date of publication of the notice of intended  
23          agency action or submitted to the agency between the  
24          date of publication of the notice and the end of the  
25          final public hearing; requiring that a proposed rule  
26          become effective on a date specified in the notice of  
27          the agency's intended action; requiring that the  
28          statement of an agency's organization and operations  
29          be published on the agency's website; providing that a

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30 rule that adopts federal standards becomes effective  
31 upon the date designated by the agency in the notice  
32 of intent to adopt the rule; amending s. 120.80, F.S.;  
33 deleting a provision that prohibits the Department of  
34 Environmental Protection from adopting the lowest  
35 regulatory cost alternative under certain  
36 circumstances; authorizing an agency to grant a  
37 petition for a variance or a waiver to a rule that  
38 requires the commencement of a project that is the  
39 subject of a license within a specific time period;  
40 providing conditions for the grant of petition for a  
41 variance or a waiver; providing a timeframe; providing  
42 an effective date.

43  
44 Be It Enacted by the Legislature of the State of Florida:

45  
46 Section 1. Subsection (1) of section 120.52, Florida  
47 Statutes, is amended to read:

48 120.52 Definitions.—As used in this act:

49 (1) "Agency" means the following officers or governmental  
50 entities if acting pursuant to powers other than those derived  
51 from the constitution:

52 (a) The Governor; each state officer and state department,  
53 and each departmental unit described in s. 20.04; the Board of  
54 Governors of the State University System; the Commission on  
55 Ethics; the Fish and Wildlife Conservation Commission; a  
56 regional water supply authority; a regional planning agency; a  
57 multicounty special district, but only when a majority of its  
58 governing board is comprised of nonelected persons; educational

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59 units; and each entity described in chapters 163, 373, 380, and  
60 582 and s. 186.504 in the exercise of all executive powers other  
61 than those derived from the constitution.

62 (b) Each officer and governmental entity in the state  
63 having statewide jurisdiction or jurisdiction in more than one  
64 county.~~±~~

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

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

68 3. ~~Board, including the Board of Governors of the State~~  
69 ~~University System and a state university board of trustees when~~  
70 ~~acting pursuant to statutory authority derived from the~~  
71 ~~Legislature.~~

72 4. ~~Commission, including the Commission on Ethics and the~~  
73 ~~Fish and Wildlife Conservation Commission when acting pursuant~~  
74 ~~to statutory authority derived from the Legislature.~~

75 5. ~~Regional planning agency.~~

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

78 7. ~~Educational units.~~

79 8. ~~Entity described in chapters 163, 373, 380, and 582 and~~  
80 ~~s. 186.504.~~

81 (c) Each officer and governmental entity in the state  
82 having jurisdiction in one county or less than one county ~~other~~  
83 ~~unit of government in the state, including counties and~~  
84 ~~municipalities, to the extent they are expressly made subject to~~  
85 ~~this act by general or special law or existing judicial~~  
86 ~~decisions.~~

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88 This definition does not include any municipality or legal  
89 entity created solely by a municipality; any legal entity or  
90 agency created in whole or in part pursuant to part II of  
91 chapter 361; ~~part II,~~ any metropolitan planning organization  
92 created pursuant to s. 339.175; ~~any~~ separate legal or  
93 administrative entity created pursuant to s. 339.175 of which a  
94 metropolitan planning organization is a member; ~~an~~ expressway  
95 authority pursuant to chapter 348 or transportation authority  
96 under chapter 349; or, any legal or administrative entity  
97 created by an interlocal agreement pursuant to s. 163.01(7),  
98 unless any party to such agreement is otherwise an agency as  
99 defined in this subsection, ~~or any multicounty special district~~  
100 ~~with a majority of its governing board comprised of elected~~  
101 ~~persons; however, this definition shall include a regional water~~  
102 ~~supply authority.~~

103 Section 2. The amendments to subsection 120.52(1), Florida  
104 Statutes, made by this act are not intended to effect a  
105 substantive change in meaning of that subsection. The amendments  
106 are intended to clarify and simplify existing law and are  
107 intended to be consistent with judicial interpretations of that  
108 statute.

109 Section 3. Subsections (1) and (2) of section 120.525,  
110 Florida Statutes, are amended to read:

111 120.525 Meetings, hearings, and workshops.—

112 (1) Except in the case of emergency meetings, each agency  
113 shall give notice of public meetings, hearings, and workshops by  
114 publication in the Florida Administrative Weekly and on the  
115 agency's website not less than 7 days before the event. The  
116 notice shall include a statement of the general subject matter

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117 to be considered.

118 (2) An agenda shall be prepared by the agency in time to  
119 ensure that a copy of the agenda may be received at least 7 days  
120 before the event by any person in the state who requests a copy  
121 and who pays the reasonable cost of the copy. The agenda, along  
122 with any meeting materials available in electronic form  
123 excluding confidential and exempt information, shall be  
124 published on the agency's website. The agenda shall contain the  
125 items to be considered in order of presentation. After the  
126 agenda has been made available, a change shall be made only for  
127 good cause, as determined by the person designated to preside,  
128 and stated in the record. Notification of such change shall be  
129 at the earliest practicable time.

130 Section 4. Subsection (3), paragraph (b) of subsection (5),  
131 and paragraph (b) of subsection (6) of section 120.54, Florida  
132 Statutes, are amended to read:

133 120.54 Rulemaking.—

134 (3) ADOPTION PROCEDURES.—

135 (a) *Notices.*—

136 1. Prior to the adoption, amendment, or repeal of any rule  
137 other than an emergency rule, an agency, upon approval of the  
138 agency head, shall give notice of its intended action, setting  
139 forth a short, plain explanation of the purpose and effect of  
140 the proposed action; the full text of the proposed rule or  
141 amendment and a summary thereof; a reference to the grant of  
142 rulemaking authority pursuant to which the rule is adopted; and  
143 a reference to the section or subsection of the Florida Statutes  
144 or the Laws of Florida being implemented or interpreted. The  
145 notice must include a summary of the agency's statement of the

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146 estimated regulatory costs, if one has been prepared, based on  
147 the factors set forth in s. 120.541(2), and a statement that any  
148 person who wishes to provide the agency with information  
149 regarding the statement of estimated regulatory costs, or to  
150 provide a proposal for a lower cost regulatory alternative as  
151 provided by s. 120.541(1), must do so in writing within 21 days  
152 after publication of the notice. The notice must state the  
153 procedure for requesting a public hearing on the proposed rule.  
154 Except when the intended action is the repeal of a rule, the  
155 notice must include a reference both to the date on which and to  
156 the place where the notice of rule development that is required  
157 by subsection (2) appeared.

158 2. The notice shall be published in the Florida  
159 Administrative Weekly not less than 28 days prior to the  
160 intended action. The proposed rule shall be available for  
161 inspection and copying by the public at the time of the  
162 publication of notice.

163 3. The notice shall be mailed to all persons named in the  
164 proposed rule and to all persons who, at least 14 days prior to  
165 such mailing, have made requests of the agency for advance  
166 notice of its proceedings. The agency shall also give such  
167 notice as is prescribed by rule to those particular classes of  
168 persons to whom the intended action is directed.

169 4. The adopting agency shall file with the committee, at  
170 least 21 days prior to the proposed adoption date, a copy of  
171 each rule it proposes to adopt; a copy of any material  
172 incorporated by reference in the rule; a detailed written  
173 statement of the facts and circumstances justifying the proposed  
174 rule; a copy of any statement of estimated regulatory costs that

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175 has been prepared pursuant to s. 120.541; a statement of the  
176 extent to which the proposed rule relates to federal standards  
177 or rules on the same subject; and the notice required by  
178 subparagraph 1.

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

180 1. Statement of estimated regulatory costs.—Prior to the  
181 adoption, amendment, or repeal of any rule other than an  
182 emergency rule, an agency is encouraged to prepare a statement  
183 of estimated regulatory costs of the proposed rule, as provided  
184 by s. 120.541. However, an agency shall prepare a statement of  
185 estimated regulatory costs of the proposed rule, as provided by  
186 s. 120.541, if the proposed rule will have an impact on small  
187 business.

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

189 a. Each agency, before the adoption, amendment, or repeal  
190 of a rule, shall consider the impact of the rule on small  
191 businesses as defined by s. 288.703 and the impact of the rule  
192 on small counties or small cities as defined by s. 120.52.  
193 Whenever practicable, an agency shall tier its rules to reduce  
194 disproportionate impacts on small businesses, small counties, or  
195 small cities to avoid regulating small businesses, small  
196 counties, or small cities that do not contribute significantly  
197 to the problem the rule is designed to address. An agency may  
198 define “small business” to include businesses employing more  
199 than 200 ~~100~~ persons, may define “small county” to include those  
200 with populations of more than 75,000, and may define “small  
201 city” to include those with populations of more than 10,000, if  
202 it finds that such a definition is necessary to adapt a rule to  
203 the needs and problems of small businesses, small counties, or

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204 small cities. The agency shall consider each of the following  
205 methods for reducing the impact of the proposed rule on small  
206 businesses, small counties, and small cities, or any combination  
207 of these entities:

208 (I) Establishing less stringent compliance or reporting  
209 requirements in the rule.

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

212 (III) Consolidating or simplifying the rule's compliance or  
213 reporting requirements.

214 (IV) Establishing performance standards or best-management  
215 practices to replace design or operational standards in the  
216 rule.

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

219 b.(I) If the agency determines that the proposed action  
220 will affect small businesses as defined by the agency as  
221 provided in sub-subparagraph a., the agency shall send written  
222 notice of the rule to the Small Business Regulatory Advisory  
223 Council and the Office of Tourism, Trade, and Economic  
224 Development not less than 28 days prior to the intended action.

225 (II) Each agency shall adopt those regulatory alternatives  
226 offered by the Small Business Regulatory Advisory Council and  
227 provided to the agency no later than 21 days after the council's  
228 receipt of the written notice of the rule which it finds are  
229 feasible and consistent with the stated objectives of the  
230 proposed rule and which would reduce the impact on small  
231 businesses. When regulatory alternatives are offered by the  
232 Small Business Regulatory Advisory Council, the 90-day period



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233 for filing the rule in subparagraph (e)2. is extended for a  
234 period of 21 days.

235 (III) If an agency does not adopt all alternatives offered  
236 pursuant to this sub-subparagraph, it shall, prior to rule  
237 adoption or amendment and pursuant to subparagraph (d)1., file a  
238 detailed written statement with the committee explaining the  
239 reasons for failure to adopt such alternatives. Within 3 working  
240 days of the filing of such notice, the agency shall send a copy  
241 of such notice to the Small Business Regulatory Advisory  
242 Council. The Small Business Regulatory Advisory Council may make  
243 a request of the President of the Senate and the Speaker of the  
244 House of Representatives that the presiding officers direct the  
245 Office of Program Policy Analysis and Government Accountability  
246 to determine whether the rejected alternatives reduce the impact  
247 on small business while meeting the stated objectives of the  
248 proposed rule. Within 60 days after the date of the directive  
249 from the presiding officers, the Office of Program Policy  
250 Analysis and Government Accountability shall report to the  
251 Administrative Procedures Committee its findings as to whether  
252 an alternative reduces the impact on small business while  
253 meeting the stated objectives of the proposed rule. The Office  
254 of Program Policy Analysis and Government Accountability shall  
255 consider the proposed rule, the economic impact statement, the  
256 written statement of the agency, the proposed alternatives, and  
257 any comment submitted during the comment period on the proposed  
258 rule. The Office of Program Policy Analysis and Government  
259 Accountability shall submit a report of its findings and  
260 recommendations to the Governor, the President of the Senate,  
261 and the Speaker of the House of Representatives. The

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262 Administrative Procedures Committee shall report such findings  
263 to the agency, and the agency shall respond in writing to the  
264 Administrative Procedures Committee if the Office of Program  
265 Policy Analysis and Government Accountability found that the  
266 alternative reduced the impact on small business while meeting  
267 the stated objectives of the proposed rule. If the agency will  
268 not adopt the alternative, it must also provide a detailed  
269 written statement to the committee as to why it will not adopt  
270 the alternative.

271 (c) *Hearings.*—

272 1. If the intended action concerns any rule other than one  
273 relating exclusively to procedure or practice, the agency shall,  
274 on the request of any affected person received within 21 days  
275 after the date of publication of the notice of intended agency  
276 action, give affected persons an opportunity to present evidence  
277 and argument on all issues under consideration. The agency may  
278 schedule a public hearing on the rule and, if requested by any  
279 affected person, shall schedule a public hearing on the rule.  
280 When a public hearing is held, the agency must ensure that staff  
281 are available to explain the agency's proposal and to respond to  
282 questions or comments regarding the rule. If the agency head is  
283 a board or other collegial body created under s. 20.165(4) or s.  
284 20.43(3)(g), and one or more requested public hearings is  
285 scheduled, the board or other collegial body shall conduct at  
286 least one of the public hearings itself and may not delegate  
287 this responsibility without the consent of those persons  
288 requesting the public hearing. Any material pertinent to the  
289 issues under consideration submitted to the agency within 21  
290 days after the date of publication of the notice or submitted to

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291 the agency between the date of publication of the notice and the  
292 end of the final ~~at a~~ public hearing shall be considered by the  
293 agency and made a part of the record of the rulemaking  
294 proceeding.

295 2. Rulemaking proceedings shall be governed solely by the  
296 provisions of this section unless a person timely asserts that  
297 the person's substantial interests will be affected in the  
298 proceeding and affirmatively demonstrates to the agency that the  
299 proceeding does not provide adequate opportunity to protect  
300 those interests. If the agency determines that the rulemaking  
301 proceeding is not adequate to protect the person's interests, it  
302 shall suspend the rulemaking proceeding and convene a separate  
303 proceeding under the provisions of ss. 120.569 and 120.57.  
304 Similarly situated persons may be requested to join and  
305 participate in the separate proceeding. Upon conclusion of the  
306 separate proceeding, the rulemaking proceeding shall be resumed.

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

308 1. After the final public hearing on the proposed rule, or  
309 after the time for requesting a hearing has expired, if the rule  
310 has not been changed from the rule as previously filed with the  
311 committee, or contains only technical changes, the adopting  
312 agency shall file a notice to that effect with the committee at  
313 least 7 days prior to filing the rule for adoption. Any change,  
314 other than a technical change that does not affect the substance  
315 of the rule, must be supported by the record of public hearings  
316 held on the rule, must be in response to written material  
317 submitted to the agency within 21 days after the date of  
318 publication of the notice of intended agency action or submitted  
319 to the agency between the date of publication of the notice and

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320 ~~received on or before~~ the end date of the final public hearing,  
321 or must be in response to a proposed objection by the committee.  
322 In addition, when any change is made in a proposed rule, other  
323 than a technical change, the adopting agency shall provide a  
324 copy of a notice of change by certified mail or actual delivery  
325 to any person who requests it in writing no later than 21 days  
326 after the notice required in paragraph (a). The agency shall  
327 file the notice of change with the committee, along with the  
328 reasons for the change, and provide the notice of change to  
329 persons requesting it, at least 21 days prior to filing the rule  
330 for adoption. The notice of change shall be published in the  
331 Florida Administrative Weekly at least 21 days prior to filing  
332 the rule for adoption. This subparagraph does not apply to  
333 emergency rules adopted pursuant to subsection (4).

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

336 3. After adoption and before the effective date, a rule may  
337 be modified or withdrawn only in response to an objection by the  
338 committee or may be modified to extend the effective date by not  
339 more than 60 days when the committee has notified the agency  
340 that an objection to the rule is being considered.

341 4. The agency shall give notice of its decision to withdraw  
342 or modify a rule in the first available issue of the publication  
343 in which the original notice of rulemaking was published, shall  
344 notify those persons described in subparagraph (a)3. in  
345 accordance with the requirements of that subparagraph, and shall  
346 notify the Department of State if the rule is required to be  
347 filed with the Department of State.

348 5. After a rule has become effective, it may be repealed or

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349 amended only through the rulemaking procedures specified in this  
350 chapter.

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

352 1. If the adopting agency is required to publish its rules  
353 in the Florida Administrative Code, the agency, upon approval of  
354 the agency head, shall file with the Department of State three  
355 certified copies of the rule it proposes to adopt; one copy of  
356 any material incorporated by reference in the rule, certified by  
357 the agency; a summary of the rule; a summary of any hearings  
358 held on the rule; and a detailed written statement of the facts  
359 and circumstances justifying the rule. Agencies not required to  
360 publish their rules in the Florida Administrative Code shall  
361 file one certified copy of the proposed rule, and the other  
362 material required by this subparagraph, in the office of the  
363 agency head, and such rules shall be open to the public.

364 2. A rule may not be filed for adoption less than 28 days  
365 or more than 90 days after the notice required by paragraph (a),  
366 until 21 days after the notice of change required by paragraph  
367 (d), until 14 days after the final public hearing, until 21 days  
368 after a statement of estimated regulatory costs required under  
369 s. 120.541 has been provided to all persons who submitted a  
370 lower cost regulatory alternative and made available to the  
371 public, or until the administrative law judge has rendered a  
372 decision under s. 120.56(2), whichever applies. When a required  
373 notice of change is published prior to the expiration of the  
374 time to file the rule for adoption, the period during which a  
375 rule must be filed for adoption is extended to 45 days after the  
376 date of publication. If notice of a public hearing is published  
377 prior to the expiration of the time to file the rule for

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378 adoption, the period during which a rule must be filed for  
379 adoption is extended to 45 days after adjournment of the final  
380 hearing on the rule, 21 days after receipt of all material  
381 authorized to be submitted at the hearing, or 21 days after  
382 receipt of the transcript, if one is made, whichever is latest.  
383 The term "public hearing" includes any public meeting held by  
384 any agency at which the rule is considered. If a petition for an  
385 administrative determination under s. 120.56(2) is filed, the  
386 period during which a rule must be filed for adoption is  
387 extended to 60 days after the administrative law judge files the  
388 final order with the clerk or until 60 days after subsequent  
389 judicial review is complete.

390 3. At the time a rule is filed, the agency shall certify  
391 that the time limitations prescribed by this paragraph have been  
392 complied with, that all statutory rulemaking requirements have  
393 been met, and that there is no administrative determination  
394 pending on the rule.

395 4. At the time a rule is filed, the committee shall certify  
396 whether the agency has responded in writing to all material and  
397 timely written comments or written inquiries made on behalf of  
398 the committee. The department shall reject any rule that is not  
399 filed within the prescribed time limits; that does not comply  
400 with all statutory rulemaking requirements and rules of the  
401 department; upon which an agency has not responded in writing to  
402 all material and timely written inquiries or written comments;  
403 upon which an administrative determination is pending; or which  
404 does not include a statement of estimated regulatory costs, if  
405 required.

406 5. If a rule has not been adopted within the time limits

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407 imposed by this paragraph or has not been adopted in compliance  
408 with all statutory rulemaking requirements, the agency proposing  
409 the rule shall withdraw the rule and give notice of its action  
410 in the next available issue of the Florida Administrative  
411 Weekly.

412 6. The proposed rule shall be adopted on being filed with  
413 the Department of State and become effective 20 days after being  
414 filed, on a later date specified in the notice required by  
415 subparagraph (a)1. ~~rule~~, or on a date required by statute. Rules  
416 not required to be filed with the Department of State shall  
417 become effective when adopted by the agency head or on a later  
418 date specified by rule or statute. If the committee notifies an  
419 agency that an objection to a rule is being considered, the  
420 agency may postpone the adoption of the rule to accommodate  
421 review of the rule by the committee. When an agency postpones  
422 adoption of a rule to accommodate review by the committee, the  
423 90-day period for filing the rule is tolled until the committee  
424 notifies the agency that it has completed its review of the  
425 rule.

426

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

429 (5) UNIFORM RULES.—

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

433 1. Uniform rules for the scheduling of public meetings,  
434 hearings, and workshops.

435 2. Uniform rules for use by each state agency that provide

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436 procedures for conducting public meetings, hearings, and  
437 workshops, and for taking evidence, testimony, and argument at  
438 such public meetings, hearings, and workshops, in person and by  
439 means of communications media technology. The rules shall  
440 provide that all evidence, testimony, and argument presented  
441 shall be afforded equal consideration, regardless of the method  
442 of communication. If a public meeting, hearing, or workshop is  
443 to be conducted by means of communications media technology, or  
444 if attendance may be provided by such means, the notice shall so  
445 state. The notice for public meetings, hearings, and workshops  
446 utilizing communications media technology shall state how  
447 persons interested in attending may do so and shall name  
448 locations, if any, where communications media technology  
449 facilities will be available. Nothing in this paragraph shall be  
450 construed to diminish the right to inspect public records under  
451 chapter 119. Limiting points of access to public meetings,  
452 hearings, and workshops subject to the provisions of s. 286.011  
453 to places not normally open to the public shall be presumed to  
454 violate the right of access of the public, and any official  
455 action taken under such circumstances is void and of no effect.  
456 Other laws relating to public meetings, hearings, and workshops,  
457 including penal and remedial provisions, shall apply to public  
458 meetings, hearings, and workshops conducted by means of  
459 communications media technology, and shall be liberally  
460 construed in their application to such public meetings,  
461 hearings, and workshops. As used in this subparagraph,  
462 "communications media technology" means the electronic  
463 transmission of printed matter, audio, full-motion video,  
464 freeze-frame video, compressed video, and digital video by any



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465 method available.

466 3. Uniform rules of procedure for the filing of notice of  
467 protests and formal written protests. The Administration  
468 Commission may prescribe the form and substantive provisions of  
469 a required bond.

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

473 a. The identification of the petitioner.

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

476 c. An explanation of how the petitioner's substantial  
477 interests are or will be affected by the action or proposed  
478 action.

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

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

484 f. A statement of the specific rules or statutes that the  
485 petitioner contends require reversal or modification of the  
486 agency's proposed action, including an explanation of how the  
487 alleged facts relate to the specific rules or statutes.

488 g. A statement of the relief sought by the petitioner,  
489 stating precisely the action petitioner wishes the agency to  
490 take with respect to the proposed action.

491 5. Uniform rules for the filing of request for  
492 administrative hearing by a respondent in agency enforcement and  
493 disciplinary actions. Such rules shall require a request to

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494 include:

495 a. The name, address, and telephone number of the party  
496 making the request and the name, address, and telephone number  
497 of the party's counsel or qualified representative upon whom  
498 service of pleadings and other papers shall be made;

499 b. A statement that the respondent is requesting an  
500 administrative hearing and disputes the material facts alleged  
501 by the petitioner, in which case the respondent shall identify  
502 those material facts that are in dispute, or that the respondent  
503 is requesting an administrative hearing and does not dispute the  
504 material facts alleged by the petitioner; and

505 c. A reference by file number to the administrative  
506 complaint that the party has received from the agency and the  
507 date on which the agency pleading was received.

508

509 The agency may provide an election-of-rights form for the  
510 respondent's use in requesting a hearing, so long as any form  
511 provided by the agency calls for the information in sub-  
512 subparagraphs a. through c. and does not impose any additional  
513 requirements on a respondent in order to request a hearing,  
514 unless such requirements are specifically authorized by law.

515 6. Uniform rules of procedure for the filing and prompt  
516 disposition of petitions for declaratory statements. The rules  
517 shall also describe the contents of the notices that must be  
518 published in the Florida Administrative Weekly under s. 120.565,  
519 including any applicable time limit for the filing of petitions  
520 to intervene or petitions for administrative hearing by persons  
521 whose substantial interests may be affected.

522 7. Provision of a method by which each agency head shall

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523 provide a description of the agency's organization and general  
524 course of its operations. The rules shall require that the  
525 statement concerning the agency's organization and operations be  
526 published on the agency's website.

527 8. Uniform rules establishing procedures for granting or  
528 denying petitions for variances and waivers pursuant to s.  
529 120.542.

530 (6) ADOPTION OF FEDERAL STANDARDS.—Notwithstanding any  
531 contrary provision of this section, in the pursuance of state  
532 implementation, operation, or enforcement of federal programs,  
533 an agency is empowered to adopt rules substantively identical to  
534 regulations adopted pursuant to federal law, in accordance with  
535 the following procedures:

536 (b) Any rule adopted pursuant to this subsection shall  
537 become effective upon the date designated ~~in the rule~~ by the  
538 agency in the notice of intent to adopt a rule; however, no such  
539 rule shall become effective earlier than the effective date of  
540 the substantively identical federal regulation.

541 Section 5. Subsections (16) and (17) of section 120.80,  
542 Florida Statutes, are amended to read:

543 120.80 Exceptions and special requirements; agencies.—

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

545 ~~Notwithstanding the provisions of s. 120.54(1)(d), the~~  
546 ~~Department of Environmental Protection, in undertaking~~  
547 ~~rulemaking to establish best available control technology,~~  
548 ~~lowest achievable emissions rate, or case-by-case maximum~~  
549 ~~available control technology for purposes of s. 403.08725, shall~~  
550 ~~not adopt the lowest regulatory cost alternative if such~~  
551 ~~adoption would prevent the agency from implementing federal~~

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552 ~~requirements.~~

553 ~~(16)-(17)~~ FLORIDA BUILDING COMMISSION.—

554 (a) Notwithstanding the provisions of s. 120.542, the  
555 Florida Building Commission may not accept a petition for waiver  
556 or variance and may not grant any waiver or variance from the  
557 requirements of the Florida Building Code.

558 (b) The Florida Building Commission shall adopt within the  
559 Florida Building Code criteria and procedures for alternative  
560 means of compliance with the code or local amendments thereto,  
561 for enforcement by local governments, local enforcement  
562 districts, or other entities authorized by law to enforce the  
563 Florida Building Code. Appeals from the denial of the use of  
564 alternative means shall be heard by the local board, if one  
565 exists, and may be appealed to the Florida Building Commission.

566 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the  
567 Florida Building Commission and hearing officer panels appointed  
568 by the commission in accordance with s. 553.775(3)(c)1. may  
569 conduct proceedings to review decisions of local building code  
570 officials in accordance with s. 553.775(3)(c).

571 Section 6. Notwithstanding a law or rule that requires a  
572 project that is the subject of a license to commence within a  
573 specific time period, an agency may grant a waiver or variance  
574 to extend the commencement period if the licensee demonstrates  
575 that the delay is the result of the economic conditions existing  
576 as of January 1, 2009, and if the license was issued before July  
577 1, 2009, free and clear of all administrative and judicial  
578 proceedings. A petition for waiver or variance must be submitted  
579 to the agency before June 31, 2010.

580 Section 7. This act shall take effect July 1, 2009.