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

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29 the rule; amending s. 120.80, F.S.; deleting a provision  
 30 that prohibits the Department of Environmental Protection  
 31 from adopting the lowest regulatory cost alternative under  
 32 certain circumstances; providing an effective date.

34 Be It Enacted by the Legislature of the State of Florida:

36 Section 1. Subsection (1) of section 120.52, Florida  
 37 Statutes, is amended to read:

38 120.52 Definitions.--As used in this act:

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

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

51 (b) Each officer and governmental entity in the state  
 52 having statewide jurisdiction or jurisdiction in more than one  
 53 county.÷

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

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

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

61 ~~4. Commission, including the Commission on Ethics and the~~  
 62 ~~Fish and Wildlife Conservation Commission when acting pursuant~~  
 63 ~~to statutory authority derived from the Legislature.~~

64 ~~5. Regional planning agency.~~

65 ~~6. Multicounty special district with a majority of its~~  
 66 ~~governing board comprised of nonelected persons.~~

67 ~~7. Educational units.~~

68 ~~8. Entity described in chapters 163, 373, 380, and 582 and~~  
 69 ~~s. 186.504.~~

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

76  
 77 This definition does not include any legal entity or agency  
 78 created in whole or in part pursuant to part II of chapter 361;~~;~~  
 79 ~~part II,~~ any metropolitan planning organization created pursuant  
 80 to s. 339.175;~~;~~ any separate legal or administrative entity  
 81 created pursuant to s. 339.175 of which a metropolitan planning  
 82 organization is a member;~~;~~ an expressway authority pursuant to  
 83 chapter 348 or transportation authority under chapter 349; ~~or,~~  
 84 any legal or administrative entity created by an interlocal

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

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

92 120.525 Meetings, hearings, and workshops.--

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

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

110 Section 3. Subsection (3), paragraph (b) of subsection  
111 (5), and paragraph (b) of subsection (6) of section 120.54,  
112 Florida Statutes, are amended to read:

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113 120.54 Rulemaking.--

114 (3) ADOPTION PROCEDURES.--

115 (a) Notices.--

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

138 2. The notice shall be published in the Florida  
139 Administrative Weekly not less than 28 days prior to the  
140 intended action. The proposed rule shall be available for

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141 inspection and copying by the public at the time of the  
142 publication of notice.

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

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

159 (b) Special matters to be considered in rule adoption.--

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

168 2. Small businesses, small counties, and small cities.--

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169 a. Each agency, before the adoption, amendment, or repeal  
170 of a rule, shall consider the impact of the rule on small  
171 businesses as defined by s. 288.703 and the impact of the rule  
172 on small counties or small cities as defined by s. 120.52.  
173 Whenever practicable, an agency shall tier its rules to reduce  
174 disproportionate impacts on small businesses, small counties, or  
175 small cities to avoid regulating small businesses, small  
176 counties, or small cities that do not contribute significantly  
177 to the problem the rule is designed to address. An agency may  
178 define "small business" to include businesses employing more  
179 than 200 ~~400~~ persons, may define "small county" to include those  
180 with populations of more than 75,000, and may define "small  
181 city" to include those with populations of more than 10,000, if  
182 it finds that such a definition is necessary to adapt a rule to  
183 the needs and problems of small businesses, small counties, or  
184 small cities. The agency shall consider each of the following  
185 methods for reducing the impact of the proposed rule on small  
186 businesses, small counties, and small cities, or any combination  
187 of these entities:

188 (I) Establishing less stringent compliance or reporting  
189 requirements in the rule.

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

192 (III) Consolidating or simplifying the rule's compliance  
193 or reporting requirements.

194 (IV) Establishing performance standards or best-management  
195 practices to replace design or operational standards in the  
196 rule.

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

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

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

215 (III) If an agency does not adopt all alternatives offered  
216 pursuant to this sub-subparagraph, it shall, prior to rule  
217 adoption or amendment and pursuant to subparagraph (d)1., file a  
218 detailed written statement with the committee explaining the  
219 reasons for failure to adopt such alternatives. Within 3 working  
220 days of the filing of such notice, the agency shall send a copy  
221 of such notice to the Small Business Regulatory Advisory  
222 Council. The Small Business Regulatory Advisory Council may make  
223 a request of the President of the Senate and the Speaker of the  
224 House of Representatives that the presiding officers direct the



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225 Office of Program Policy Analysis and Government Accountability  
226 to determine whether the rejected alternatives reduce the impact  
227 on small business while meeting the stated objectives of the  
228 proposed rule. Within 60 days after the date of the directive  
229 from the presiding officers, the Office of Program Policy  
230 Analysis and Government Accountability shall report to the  
231 Administrative Procedures Committee its findings as to whether  
232 an alternative reduces the impact on small business while  
233 meeting the stated objectives of the proposed rule. The Office  
234 of Program Policy Analysis and Government Accountability shall  
235 consider the proposed rule, the economic impact statement, the  
236 written statement of the agency, the proposed alternatives, and  
237 any comment submitted during the comment period on the proposed  
238 rule. The Office of Program Policy Analysis and Government  
239 Accountability shall submit a report of its findings and  
240 recommendations to the Governor, the President of the Senate,  
241 and the Speaker of the House of Representatives. The  
242 Administrative Procedures Committee shall report such findings  
243 to the agency, and the agency shall respond in writing to the  
244 Administrative Procedures Committee if the Office of Program  
245 Policy Analysis and Government Accountability found that the  
246 alternative reduced the impact on small business while meeting  
247 the stated objectives of the proposed rule. If the agency will  
248 not adopt the alternative, it must also provide a detailed  
249 written statement to the committee as to why it will not adopt  
250 the alternative.

251 (c) Hearings.--

252 1. If the intended action concerns any rule other than one  
 253 relating exclusively to procedure or practice, the agency shall,  
 254 on the request of any affected person received within 21 days  
 255 after the date of publication of the notice of intended agency  
 256 action, give affected persons an opportunity to present evidence  
 257 and argument on all issues under consideration. The agency may  
 258 schedule a public hearing on the rule and, if requested by any  
 259 affected person, shall schedule a public hearing on the rule.  
 260 When a public hearing is held, the agency must ensure that the  
 261 persons responsible for preparing the proposed rule are  
 262 available to explain the agency's proposal and to respond to  
 263 questions or comments regarding the rule. If the agency head is  
 264 a board or other collegial body created under s. 20.165(4) or s.  
 265 20.43(3)(g), and one or more requested public hearings is  
 266 scheduled, the board or other collegial body shall conduct at  
 267 least one of the public hearings itself and may not delegate  
 268 this responsibility without the consent of those persons  
 269 requesting the public hearing. Any material pertinent to the  
 270 issues under consideration submitted to the agency within 21  
 271 days after the date of publication of the notice or submitted to  
 272 the agency on or before the date of the final ~~at a~~ public  
 273 hearing shall be considered by the agency and made a part of the  
 274 record of the rulemaking proceeding.

275 2. Rulemaking proceedings shall be governed solely by the  
 276 provisions of this section unless a person timely asserts that  
 277 the person's substantial interests will be affected in the  
 278 proceeding and affirmatively demonstrates to the agency that the  
 279 proceeding does not provide adequate opportunity to protect

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280 those interests. If the agency determines that the rulemaking  
281 proceeding is not adequate to protect the person's interests, it  
282 shall suspend the rulemaking proceeding and convene a separate  
283 proceeding under the provisions of ss. 120.569 and 120.57.

284 Similarly situated persons may be requested to join and  
285 participate in the separate proceeding. Upon conclusion of the  
286 separate proceeding, the rulemaking proceeding shall be resumed.

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

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

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308 persons requesting it, at least 21 days prior to filing the rule  
309 for adoption. The notice of change shall be published in the  
310 Florida Administrative Weekly at least 21 days prior to filing  
311 the rule for adoption. This subparagraph does not apply to  
312 emergency rules adopted pursuant to subsection (4).

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

315 3. After adoption and before the effective date, a rule  
316 may be modified or withdrawn only in response to an objection by  
317 the committee or may be modified to extend the effective date by  
318 not more than 60 days when the committee has notified the agency  
319 that an objection to the rule is being considered.

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

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

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

331 1. If the adopting agency is required to publish its rules  
332 in the Florida Administrative Code, the agency, upon approval of  
333 the agency head, shall file with the Department of State three  
334 certified copies of the rule it proposes to adopt; one copy of  
335 any material incorporated by reference in the rule, certified by

336 the agency; a summary of the rule; a summary of any hearings  
337 held on the rule; and a detailed written statement of the facts  
338 and circumstances justifying the rule. Agencies not required to  
339 publish their rules in the Florida Administrative Code shall  
340 file one certified copy of the proposed rule, and the other  
341 material required by this subparagraph, in the office of the  
342 agency head, and such rules shall be open to the public.

343 2. A rule may not be filed for adoption less than 28 days  
344 or more than 90 days after the notice required by paragraph (a),  
345 until 21 days after the notice of change required by paragraph  
346 (d), until 14 days after the final public hearing, until 21 days  
347 after a statement of estimated regulatory costs required under  
348 s. 120.541 has been provided to all persons who submitted a  
349 lower cost regulatory alternative and made available to the  
350 public, or until the administrative law judge has rendered a  
351 decision under s. 120.56(2), whichever applies. When a required  
352 notice of change is published prior to the expiration of the  
353 time to file the rule for adoption, the period during which a  
354 rule must be filed for adoption is extended to 45 days after the  
355 date of publication. If notice of a public hearing is published  
356 prior to the expiration of the time to file the rule for  
357 adoption, the period during which a rule must be filed for  
358 adoption is extended to 45 days after adjournment of the final  
359 hearing on the rule, 21 days after receipt of all material  
360 authorized to be submitted at the hearing, or 21 days after  
361 receipt of the transcript, if one is made, whichever is latest.  
362 The term "public hearing" includes any public meeting held by  
363 any agency at which the rule is considered. If a petition for an

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364 administrative determination under s. 120.56(2) is filed, the  
365 period during which a rule must be filed for adoption is  
366 extended to 60 days after the administrative law judge files the  
367 final order with the clerk or until 60 days after subsequent  
368 judicial review is complete.

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

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

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

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

405  
 406 For the purposes of this paragraph, the term "administrative  
 407 determination" does not include subsequent judicial review.

408           (5) UNIFORM RULES.--

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

412           1. Uniform rules for the scheduling of public meetings,  
 413 hearings, and workshops.

414           2. Uniform rules for use by each state agency that provide  
 415 procedures for conducting public meetings, hearings, and  
 416 workshops, and for taking evidence, testimony, and argument at  
 417 such public meetings, hearings, and workshops, in person and by  
 418 means of communications media technology. The rules shall

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419 provide that all evidence, testimony, and argument presented  
420 shall be afforded equal consideration, regardless of the method  
421 of communication. If a public meeting, hearing, or workshop is  
422 to be conducted by means of communications media technology, or  
423 if attendance may be provided by such means, the notice shall so  
424 state. The notice for public meetings, hearings, and workshops  
425 utilizing communications media technology shall state how  
426 persons interested in attending may do so and shall name  
427 locations, if any, where communications media technology  
428 facilities will be available. Nothing in this paragraph shall be  
429 construed to diminish the right to inspect public records under  
430 chapter 119. Limiting points of access to public meetings,  
431 hearings, and workshops subject to the provisions of s. 286.011  
432 to places not normally open to the public shall be presumed to  
433 violate the right of access of the public, and any official  
434 action taken under such circumstances is void and of no effect.  
435 Other laws relating to public meetings, hearings, and workshops,  
436 including penal and remedial provisions, shall apply to public  
437 meetings, hearings, and workshops conducted by means of  
438 communications media technology, and shall be liberally  
439 construed in their application to such public meetings,  
440 hearings, and workshops. As used in this subparagraph,  
441 "communications media technology" means the electronic  
442 transmission of printed matter, audio, full-motion video,  
443 freeze-frame video, compressed video, and digital video by any  
444 method available.

445 3. Uniform rules of procedure for the filing of notice of  
446 protests and formal written protests. The Administration



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447 Commission may prescribe the form and substantive provisions of  
448 a required bond.

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

452 a. The identification of the petitioner.

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

455 c. An explanation of how the petitioner's substantial  
456 interests are or will be affected by the action or proposed  
457 action.

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

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

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

467 g. A statement of the relief sought by the petitioner,  
468 stating precisely the action petitioner wishes the agency to  
469 take with respect to the proposed action.

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

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

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

484 c. A reference by file number to the administrative  
485 complaint that the party has received from the agency and the  
486 date on which the agency pleading was received.

487  
488 The agency may provide an election-of-rights form for the  
489 respondent's use in requesting a hearing, so long as any form  
490 provided by the agency calls for the information in sub-  
491 subparagraphs a. through c. and does not impose any additional  
492 requirements on a respondent in order to request a hearing,  
493 unless such requirements are specifically authorized by law.

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

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

506 8. Uniform rules establishing procedures for granting or  
 507 denying petitions for variances and waivers pursuant to s.  
 508 120.542.

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

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

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

522 120.80 Exceptions and special requirements; agencies.--

523 ~~(16) DEPARTMENT OF ENVIRONMENTAL~~  
 524 ~~PROTECTION.--Notwithstanding the provisions of s. 120.54(1)(d),~~  
 525 ~~the Department of Environmental Protection, in undertaking~~  
 526 ~~rulemaking to establish best available control technology,~~  
 527 ~~lowest achievable emissions rate, or case-by-case maximum~~  
 528 ~~available control technology for purposes of s. 403.08725, shall~~

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529 ~~not adopt the lowest regulatory cost alternative if such~~  
530 ~~adoption would prevent the agency from implementing federal~~  
531 ~~requirements.~~

532 (16)~~(17)~~ FLORIDA BUILDING COMMISSION.--

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

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

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

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