

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 staff are available at a public hearing regarding the
13 proposed rule; requiring that certain materials submitted
14 to the agency between the date of publication of the
15 notice and the end 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 between the date of
22 publication of the notice and the end of the final public
23 hearing; providing for a proposed rule to become effective
24 on a date specified in the notice of the agency's intended
25 action; requiring that the statement of an agency's
26 organization and operations be published on the agency's
27 website; providing that a rule that adopts federal
28 standards becomes effective upon the date designated by

29 | the agency in the notice of intent to adopt the rule;
 30 | amending s. 120.80, F.S.; deleting a provision that
 31 | prohibits the Department of Environmental Protection from
 32 | adopting the lowest regulatory cost alternative under
 33 | certain circumstances; clarifying that the amendment to
 34 | the definition of "agency" in s. 120.52, F.S., is not
 35 | intended to effect a substantive change; authorizing an
 36 | agency to grant a petition for a variance or waiver to a
 37 | rule requiring commencement of specified projects;
 38 | providing conditions for granting such a variance or
 39 | waiver; requiring petitions for such a variance or waiver
 40 | to be submitted by a specified date; providing an
 41 | effective date.

42 |

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

44 |

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

47 | 120.52 Definitions.--As used in this act:

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

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

57 governing board is comprised of nonelected persons; educational
 58 units; and each entity described in chapters 163, 373, 380, and
 59 582 and s. 186.504 in the exercise of all executive powers other
 60 than those derived from the constitution.

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

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

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

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

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

74 5. ~~Regional planning agency.~~

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

77 7. ~~Educational units.~~

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

80 (c) Each officer and governmental entity in the state
 81 having jurisdiction in one county or less than one county other
 82 unit of government in the state, including counties and
 83 municipalities, to the extent they are expressly made subject to

84 this act by general or special law or existing judicial
 85 decisions.

86
 87 This definition does not include any municipality or legal
 88 entity created solely by a municipality; any legal entity or
 89 agency created in whole or in part pursuant to part II of
 90 chapter 361; ~~part II~~, any metropolitan planning organization
 91 created pursuant to s. 339.175; ~~any separate legal or~~
 92 administrative entity created pursuant to s. 339.175 of which a
 93 metropolitan planning organization is a member; ~~an expressway~~
 94 authority pursuant to chapter 348 or transportation authority
 95 under chapter 349; ~~or~~ any legal or administrative entity
 96 created by an interlocal agreement pursuant to s. 163.01(7),
 97 unless any party to such agreement is otherwise an agency as
 98 defined in this subsection, ~~or any multicounty special district~~
 99 ~~with a majority of its governing board comprised of elected~~
 100 ~~persons; however, this definition shall include a regional water~~
 101 ~~supply authority.~~

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

104 120.525 Meetings, hearings, and workshops.--

105 (1) Except in the case of emergency meetings, each agency
 106 shall give notice of public meetings, hearings, and workshops by
 107 publication in the Florida Administrative Weekly and on the
 108 agency's website not less than 7 days before the event. The
 109 notice shall include a statement of the general subject matter
 110 to be considered.

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

123 Section 3. Subsection (3), paragraph (b) of subsection
 124 (5), and paragraph (b) of subsection (6) of section 120.54,
 125 Florida Statutes, are amended to read:

126 120.54 Rulemaking.--

127 (3) ADOPTION PROCEDURES.--

128 (a) Notices.--

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

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

151 | 2. The notice shall be published in the Florida
152 | Administrative Weekly not less than 28 days prior to the
153 | intended action. The proposed rule shall be available for
154 | inspection and copying by the public at the time of the
155 | publication of notice.

156 | 3. The notice shall be mailed to all persons named in the
157 | proposed rule and to all persons who, at least 14 days prior to
158 | such mailing, have made requests of the agency for advance
159 | notice of its proceedings. The agency shall also give such
160 | notice as is prescribed by rule to those particular classes of
161 | persons to whom the intended action is directed.

162 | 4. The adopting agency shall file with the committee, at
163 | least 21 days prior to the proposed adoption date, a copy of
164 | each rule it proposes to adopt; a copy of any material
165 | incorporated by reference in the rule; a detailed written
166 | statement of the facts and circumstances justifying the proposed

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167 rule; a copy of any statement of estimated regulatory costs that
168 has been prepared pursuant to s. 120.541; a statement of the
169 extent to which the proposed rule relates to federal standards
170 or rules on the same subject; and the notice required by
171 subparagraph 1.

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

173 1. Statement of estimated regulatory costs.--Prior to the
174 adoption, amendment, or repeal of any rule other than an
175 emergency rule, an agency is encouraged to prepare a statement
176 of estimated regulatory costs of the proposed rule, as provided
177 by s. 120.541. However, an agency shall prepare a statement of
178 estimated regulatory costs of the proposed rule, as provided by
179 s. 120.541, if the proposed rule will have an impact on small
180 business.

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

182 a. Each agency, before the adoption, amendment, or repeal
183 of a rule, shall consider the impact of the rule on small
184 businesses as defined by s. 288.703 and the impact of the rule
185 on small counties or small cities as defined by s. 120.52.
186 Whenever practicable, an agency shall tier its rules to reduce
187 disproportionate impacts on small businesses, small counties, or
188 small cities to avoid regulating small businesses, small
189 counties, or small cities that do not contribute significantly
190 to the problem the rule is designed to address. An agency may
191 define "small business" to include businesses employing more
192 than 200 ~~400~~ persons, may define "small county" to include those
193 with populations of more than 75,000, and may define "small
194 city" to include those with populations of more than 10,000, if

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195 it finds that such a definition is necessary to adapt a rule to
196 the needs and problems of small businesses, small counties, or
197 small cities. The agency shall consider each of the following
198 methods for reducing the impact of the proposed rule on small
199 businesses, small counties, and small cities, or any combination
200 of these entities:

201 (I) Establishing less stringent compliance or reporting
202 requirements in the rule.

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

205 (III) Consolidating or simplifying the rule's compliance
206 or reporting requirements.

207 (IV) Establishing performance standards or best-management
208 practices to replace design or operational standards in the
209 rule.

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

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

218 (II) Each agency shall adopt those regulatory alternatives
219 offered by the Small Business Regulatory Advisory Council and
220 provided to the agency no later than 21 days after the council's
221 receipt of the written notice of the rule which it finds are
222 feasible and consistent with the stated objectives of the

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223 proposed rule and which would reduce the impact on small
224 businesses. When regulatory alternatives are offered by the
225 Small Business Regulatory Advisory Council, the 90-day period
226 for filing the rule in subparagraph (e)2. is extended for a
227 period of 21 days.

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

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251 rule. The Office of Program Policy Analysis and Government
252 Accountability shall submit a report of its findings and
253 recommendations to the Governor, the President of the Senate,
254 and the Speaker of the House of Representatives. The
255 Administrative Procedures Committee shall report such findings
256 to the agency, and the agency shall respond in writing to the
257 Administrative Procedures Committee if the Office of Program
258 Policy Analysis and Government Accountability found that the
259 alternative reduced the impact on small business while meeting
260 the stated objectives of the proposed rule. If the agency will
261 not adopt the alternative, it must also provide a detailed
262 written statement to the committee as to why it will not adopt
263 the alternative.

264 (c) Hearings.--

265 1. If the intended action concerns any rule other than one
266 relating exclusively to procedure or practice, the agency shall,
267 on the request of any affected person received within 21 days
268 after the date of publication of the notice of intended agency
269 action, give affected persons an opportunity to present evidence
270 and argument on all issues under consideration. The agency may
271 schedule a public hearing on the rule and, if requested by any
272 affected person, shall schedule a public hearing on the rule.
273 When a public hearing is held, the agency must ensure that staff
274 are available to explain the agency's proposal and to respond to
275 questions or comments regarding the rule. If the agency head is
276 a board or other collegial body created under s. 20.165(4) or s.
277 20.43(3)(g), and one or more requested public hearings is
278 scheduled, the board or other collegial body shall conduct at

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279 | least one of the public hearings itself and may not delegate
280 | this responsibility without the consent of those persons
281 | requesting the public hearing. Any material pertinent to the
282 | issues under consideration submitted to the agency within 21
283 | days after the date of publication of the notice or submitted to
284 | the agency between the date of publication of the notice and the
285 | end of the final ~~at a~~ public hearing shall be considered by the
286 | agency and made a part of the record of the rulemaking
287 | proceeding.

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

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

301 | 1. After the final public hearing on the proposed rule, or
302 | after the time for requesting a hearing has expired, if the rule
303 | has not been changed from the rule as previously filed with the
304 | committee, or contains only technical changes, the adopting
305 | agency shall file a notice to that effect with the committee at
306 | least 7 days prior to filing the rule for adoption. Any change,

307 other than a technical change that does not affect the substance
308 of the rule, must be supported by the record of public hearings
309 held on the rule, must be in response to written material
310 submitted to the agency within 21 days after the date of
311 publication of the notice of intended agency action or submitted
312 to the agency between the date of publication of the notice and
313 ~~received on or before the~~ end date of the final public hearing,
314 or must be in response to a proposed objection by the committee.
315 In addition, when any change is made in a proposed rule, other
316 than a technical change, the adopting agency shall provide a
317 copy of a notice of change by certified mail or actual delivery
318 to any person who requests it in writing no later than 21 days
319 after the notice required in paragraph (a). The agency shall
320 file the notice of change with the committee, along with the
321 reasons for the change, and provide the notice of change to
322 persons requesting it, at least 21 days prior to filing the rule
323 for adoption. The notice of change shall be published in the
324 Florida Administrative Weekly at least 21 days prior to filing
325 the rule for adoption. This subparagraph does not apply to
326 emergency rules adopted pursuant to subsection (4).

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

329 3. After adoption and before the effective date, a rule
330 may be modified or withdrawn only in response to an objection by
331 the committee or may be modified to extend the effective date by
332 not more than 60 days when the committee has notified the agency
333 that an objection to the rule is being considered.

334 4. The agency shall give notice of its decision to
335 withdraw or modify a rule in the first available issue of the
336 publication in which the original notice of rulemaking was
337 published, shall notify those persons described in subparagraph
338 (a)3. in accordance with the requirements of that subparagraph,
339 and shall notify the Department of State if the rule is required
340 to be filed with the Department of State.

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

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

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

357 2. A rule may not be filed for adoption less than 28 days
358 or more than 90 days after the notice required by paragraph (a),
359 until 21 days after the notice of change required by paragraph
360 (d), until 14 days after the final public hearing, until 21 days
361 after a statement of estimated regulatory costs required under

362 s. 120.541 has been provided to all persons who submitted a
363 lower cost regulatory alternative and made available to the
364 public, or until the administrative law judge has rendered a
365 decision under s. 120.56(2), whichever applies. When a required
366 notice of change is published prior to the expiration of the
367 time to file the rule for adoption, the period during which a
368 rule must be filed for adoption is extended to 45 days after the
369 date of publication. If notice of a public hearing is published
370 prior to the expiration of the time to file the rule for
371 adoption, the period during which a rule must be filed for
372 adoption is extended to 45 days after adjournment of the final
373 hearing on the rule, 21 days after receipt of all material
374 authorized to be submitted at the hearing, or 21 days after
375 receipt of the transcript, if one is made, whichever is latest.
376 The term "public hearing" includes any public meeting held by
377 any agency at which the rule is considered. If a petition for an
378 administrative determination under s. 120.56(2) is filed, the
379 period during which a rule must be filed for adoption is
380 extended to 60 days after the administrative law judge files the
381 final order with the clerk or until 60 days after subsequent
382 judicial review is complete.

383 3. At the time a rule is filed, the agency shall certify
384 that the time limitations prescribed by this paragraph have been
385 complied with, that all statutory rulemaking requirements have
386 been met, and that there is no administrative determination
387 pending on the rule.

388 4. At the time a rule is filed, the committee shall
389 certify whether the agency has responded in writing to all

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390 material and timely written comments or written inquiries made
391 on behalf of the committee. The department shall reject any rule
392 that is not filed within the prescribed time limits; that does
393 not comply with all statutory rulemaking requirements and rules
394 of the department; upon which an agency has not responded in
395 writing to all material and timely written inquiries or written
396 comments; upon which an administrative determination is pending;
397 or which does not include a statement of estimated regulatory
398 costs, if required.

399 5. If a rule has not been adopted within the time limits
400 imposed by this paragraph or has not been adopted in compliance
401 with all statutory rulemaking requirements, the agency proposing
402 the rule shall withdraw the rule and give notice of its action
403 in the next available issue of the Florida Administrative
404 Weekly.

405 6. The proposed rule shall be adopted on being filed with
406 the Department of State and become effective 20 days after being
407 filed, on a later date specified in the notice required by
408 subparagraph (a)1. rule, or on a date required by statute. Rules
409 not required to be filed with the Department of State shall
410 become effective when adopted by the agency head or on a later
411 date specified by rule or statute. If the committee notifies an
412 agency that an objection to a rule is being considered, the
413 agency may postpone the adoption of the rule to accommodate
414 review of the rule by the committee. When an agency postpones
415 adoption of a rule to accommodate review by the committee, the
416 90-day period for filing the rule is tolled until the committee

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417 notifies the agency that it has completed its review of the
418 rule.

419

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

422 (5) UNIFORM RULES.--

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

426 1. Uniform rules for the scheduling of public meetings,
427 hearings, and workshops.

428 2. Uniform rules for use by each state agency that provide
429 procedures for conducting public meetings, hearings, and
430 workshops, and for taking evidence, testimony, and argument at
431 such public meetings, hearings, and workshops, in person and by
432 means of communications media technology. The rules shall
433 provide that all evidence, testimony, and argument presented
434 shall be afforded equal consideration, regardless of the method
435 of communication. If a public meeting, hearing, or workshop is
436 to be conducted by means of communications media technology, or
437 if attendance may be provided by such means, the notice shall so
438 state. The notice for public meetings, hearings, and workshops
439 utilizing communications media technology shall state how
440 persons interested in attending may do so and shall name
441 locations, if any, where communications media technology
442 facilities will be available. Nothing in this paragraph shall be
443 construed to diminish the right to inspect public records under
444 chapter 119. Limiting points of access to public meetings,

445 | hearings, and workshops subject to the provisions of s. 286.011
446 | to places not normally open to the public shall be presumed to
447 | violate the right of access of the public, and any official
448 | action taken under such circumstances is void and of no effect.
449 | Other laws relating to public meetings, hearings, and workshops,
450 | including penal and remedial provisions, shall apply to public
451 | meetings, hearings, and workshops conducted by means of
452 | communications media technology, and shall be liberally
453 | construed in their application to such public meetings,
454 | hearings, and workshops. As used in this subparagraph,
455 | "communications media technology" means the electronic
456 | transmission of printed matter, audio, full-motion video,
457 | freeze-frame video, compressed video, and digital video by any
458 | method available.

459 | 3. Uniform rules of procedure for the filing of notice of
460 | protests and formal written protests. The Administration
461 | Commission may prescribe the form and substantive provisions of
462 | a required bond.

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

- 466 | a. The identification of the petitioner.
467 | b. A statement of when and how the petitioner received
468 | notice of the agency's action or proposed action.
469 | c. An explanation of how the petitioner's substantial
470 | interests are or will be affected by the action or proposed
471 | action.

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

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

477 f. A statement of the specific rules or statutes that the
478 petitioner contends require reversal or modification of the
479 agency's proposed action, including an explanation of how the
480 alleged facts relate to the specific rules or statutes.

481 g. A statement of the relief sought by the petitioner,
482 stating precisely the action petitioner wishes the agency to
483 take with respect to the proposed action.

484 5. Uniform rules for the filing of request for
485 administrative hearing by a respondent in agency enforcement and
486 disciplinary actions. Such rules shall require a request to
487 include:

488 a. The name, address, and telephone number of the party
489 making the request and the name, address, and telephone number
490 of the party's counsel or qualified representative upon whom
491 service of pleadings and other papers shall be made;

492 b. A statement that the respondent is requesting an
493 administrative hearing and disputes the material facts alleged
494 by the petitioner, in which case the respondent shall identify
495 those material facts that are in dispute, or that the respondent
496 is requesting an administrative hearing and does not dispute the
497 material facts alleged by the petitioner; and

498 c. A reference by file number to the administrative
499 complaint that the party has received from the agency and the
500 date on which the agency pleading was received.

501
502 The agency may provide an election-of-rights form for the
503 respondent's use in requesting a hearing, so long as any form
504 provided by the agency calls for the information in sub-
505 subparagraphs a. through c. and does not impose any additional
506 requirements on a respondent in order to request a hearing,
507 unless such requirements are specifically authorized by law.

508 6. Uniform rules of procedure for the filing and prompt
509 disposition of petitions for declaratory statements. The rules
510 shall also describe the contents of the notices that must be
511 published in the Florida Administrative Weekly under s. 120.565,
512 including any applicable time limit for the filing of petitions
513 to intervene or petitions for administrative hearing by persons
514 whose substantial interests may be affected.

515 7. Provision of a method by which each agency head shall
516 provide a description of the agency's organization and general
517 course of its operations. The rules shall require that the
518 statement concerning the agency's organization and operations be
519 published on the agency's website.

520 8. Uniform rules establishing procedures for granting or
521 denying petitions for variances and waivers pursuant to s.
522 120.542.

523 (6) ADOPTION OF FEDERAL STANDARDS.--Notwithstanding any
524 contrary provision of this section, in the pursuance of state
525 implementation, operation, or enforcement of federal programs,

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526 an agency is empowered to adopt rules substantively identical to
527 regulations adopted pursuant to federal law, in accordance with
528 the following procedures:

529 (b) Any rule adopted pursuant to this subsection shall
530 become effective upon the date designated ~~in the rule~~ by the
531 agency in the notice of intent to adopt a rule; however, no such
532 rule shall become effective earlier than the effective date of
533 the substantively identical federal regulation.

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

536 120.80 Exceptions and special requirements; agencies.--

537 ~~(16) DEPARTMENT OF ENVIRONMENTAL~~
538 ~~PROTECTION.--Notwithstanding the provisions of s. 120.54(1)(d),~~
539 ~~the Department of Environmental Protection, in undertaking~~
540 ~~rulemaking to establish best available control technology,~~
541 ~~lowest achievable emissions rate, or case-by-case maximum~~
542 ~~available control technology for purposes of s. 403.08725, shall~~
543 ~~not adopt the lowest regulatory cost alternative if such~~
544 ~~adoption would prevent the agency from implementing federal~~
545 ~~requirements.~~

546 (16) ~~(17)~~ FLORIDA BUILDING COMMISSION.--

547 (a) Notwithstanding the provisions of s. 120.542, the
548 Florida Building Commission may not accept a petition for waiver
549 or variance and may not grant any waiver or variance from the
550 requirements of the Florida Building Code.

551 (b) The Florida Building Commission shall adopt within the
552 Florida Building Code criteria and procedures for alternative
553 means of compliance with the code or local amendments thereto,

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554 for enforcement by local governments, local enforcement
555 districts, or other entities authorized by law to enforce the
556 Florida Building Code. Appeals from the denial of the use of
557 alternative means shall be heard by the local board, if one
558 exists, and may be appealed to the Florida Building Commission.

559 (c) Notwithstanding ss. 120.565, 120.569, and 120.57, the
560 Florida Building Commission and hearing officer panels appointed
561 by the commission in accordance with s. 553.775(3)(c)1. may
562 conduct proceedings to review decisions of local building code
563 officials in accordance with s. 553.775(3)(c).

564 Section 5. The amendments to s. 120.52(1), Florida
565 Statutes, made by this act are not intended to effect a
566 substantive change in meaning of that subsection. The amendments
567 are intended to clarify and simplify existing law and are
568 intended to be consistent with judicial interpretations of that
569 statute.

570 Section 6. Notwithstanding any other provision of law or
571 rule that requires a project which is the subject of a license
572 to commence within a specific time period, an agency may allow
573 the delay of the commencement if the person demonstrates that
574 the delay is the result of the economic conditions existing as
575 of January 1, 2009, and if the license was issued, free and
576 clear of all administrative and judicial proceedings, no later
577 than the effective date of this act. The petition for waiver or
578 variance under this section shall be submitted to the agency
579 before June 31, 2010.

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