

By Senator Joyner

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1                   A bill to be entitled  
2           An act relating to administrative procedures; amending  
3           s. 120.54, F.S.; requiring an agency's notice of rule  
4           development to indicate whether the rule may have an  
5           adverse impact on small businesses; requiring that the  
6           agency also notify the Small Business Regulatory  
7           Advisory Council if the rule may have an adverse  
8           impact; authorizing the council to propose regulatory  
9           alternatives to the agency within a specified period;  
10          requiring an agency to send a statement to the council  
11          and the Administrative Procedures Committee if the  
12          agency does not adopt the proposed alternatives;  
13          revising the duties of the Office of Program Policy  
14          Analysis and Government Accountability with respect to  
15          its review of proposed alternative rules; revising  
16          certain procedures for an agency in filing a rule for  
17          final adoption; amending s. 120.541, F.S.; conforming  
18          provisions to changes made by the act; revising  
19          provisions relating to an agency's response to a  
20          proposal by a substantially affected person for a  
21          lower cost regulatory alternative to a proposed rule;  
22          revising the grounds for declaring a rule invalid due  
23          to the agency's failure to prepare a statement of  
24          estimated regulatory costs; providing that a rule that  
25          imposes regulatory costs that could be reduced under  
26          certain circumstances may be declared invalid if  
27          certain requirements are not met; requiring that a  
28          rule impact analysis for small businesses include the  
29          agency's basis for not implementing alternatives to a

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30 proposed rule; amending s. 120.56, F.S.; providing for  
31 revised statements of estimated regulatory costs as a  
32 basis for challenging a rule; amending s. 120.60,  
33 F.S.; authorizing an agency to provide by rule for the  
34 time period for submitting additional information  
35 needed for a license application; requiring that  
36 certain requests to receive notice relating to a  
37 license application be submitted in writing; providing  
38 an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Paragraph (a) of subsection (2) and paragraphs  
43 (a), (b), and (e) of subsection (3) of section 120.54, Florida  
44 Statutes, are amended to read:

45 120.54 Rulemaking.—

46 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

47 (a) Except when the intended action is the repeal of a  
48 rule, agencies shall provide notice of the development of  
49 proposed rules by publication of a notice of rule development in  
50 the Florida Administrative Weekly before providing notice of the  
51 ~~a~~ proposed rule as required by paragraph (3)(a). The notice of  
52 rule development must ~~shall~~ indicate the subject area to be  
53 addressed by rule development, provide a short, plain  
54 explanation of the purpose and effect of the proposed rule, cite  
55 the specific legal authority for the proposed rule, indicate  
56 that the rule does not have or that it may have an adverse  
57 impact on small businesses and briefly describe that impact, and  
58 include the preliminary text of the proposed rule ~~rules~~, if

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59 available, or a statement of how a person may promptly obtain,  
60 without cost, a copy of the any preliminary text draft, if  
61 available. If the rule being developed may have an adverse  
62 impact on small businesses, the notice must also be sent  
63 electronically or in writing to the Small Business Regulatory  
64 Advisory Council.

65 (3) ADOPTION PROCEDURES.—

66 (a) *Notices.*—

67 1. Before ~~Prior~~ to the adoption, amendment, or repeal of  
68 any rule other than an emergency rule, an agency, upon approval  
69 of the agency head, shall give notice of its intended action,  
70 setting forth a short, plain explanation of the purpose and  
71 effect of the proposed action; the full text of the proposed  
72 rule or amendment and a summary thereof; a reference to the  
73 grant of rulemaking authority pursuant to which the rule is  
74 adopted; and a reference to the section or subsection of the  
75 Florida Statutes or the Laws of Florida being implemented or  
76 interpreted. The notice must include a summary of the agency's  
77 statement of ~~the~~ estimated regulatory costs, if one has been  
78 prepared, based on the factors set forth in s. 120.541(2), and a  
79 statement that any person who wishes to provide the agency with  
80 information regarding the statement of estimated regulatory  
81 costs, or to provide a proposal for a lower cost regulatory  
82 alternative as provided by s. 120.541(1), must do so in writing  
83 within 21 days after publication of the notice. The notice must  
84 state the procedure for requesting a public hearing on the  
85 proposed rule. Except when the intended action is the repeal of  
86 a rule, the notice must include a reference ~~both~~ to the date ~~on~~  
87 ~~which~~ and ~~to the~~ place where the notice of rule development

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88 which ~~that~~ is required under ~~by~~ subsection (2) appeared.

89 2. The notice shall be published in the Florida  
90 Administrative Weekly at least ~~not less than~~ 28 days before  
91 ~~prior to~~ the intended action. The proposed rule must ~~shall~~ be  
92 available for inspection and copying by the public at the time  
93 of the publication of notice.

94 3. The notice shall be mailed to all persons named in the  
95 proposed rule and to all persons who, at least 14 days before  
96 ~~prior to~~ such mailing, ~~have made a request to~~ requests of the  
97 agency for advance notice of its proceedings. The agency shall  
98 also give such notice, as is ~~is~~ prescribed by rule, to those  
99 particular classes of persons to whom the intended action is  
100 directed.

101 4. The adopting agency shall file with the committee, at  
102 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
103 of each rule it proposes to adopt; a copy of any material  
104 incorporated by reference in the rule; a detailed written  
105 statement of the facts and circumstances justifying the proposed  
106 rule; a copy of any statement of estimated regulatory costs  
107 which ~~that~~ has been prepared pursuant to s. 120.541; a statement  
108 of the extent to which the proposed rule relates to federal  
109 standards or rules on the same subject; and the notice required  
110 by subparagraph 1.

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

112 1. Statement of estimated regulatory costs.—Before ~~Prior to~~  
113 the adoption, amendment, or repeal of any rule other than an  
114 emergency rule, an agency is encouraged to prepare a statement  
115 of estimated regulatory costs of the proposed rule, as provided  
116 by s. 120.541. However, an agency must ~~shall~~ prepare a statement

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117 of estimated regulatory costs of the proposed rule, as provided  
118 by s. 120.541, if the proposed rule will have an adverse impact  
119 on small business.

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

121 a. Each agency, before the adoption, amendment, or repeal  
122 of a rule, shall consider the impact of the rule on small  
123 businesses as defined by s. 288.703 and the impact of the rule  
124 on small counties or small cities as defined by s. 120.52. If  
125 ~~Whenever~~ practicable, an agency shall tier its rules to reduce  
126 disproportionate impacts on small businesses, small counties, or  
127 small cities to avoid regulating small businesses, small  
128 counties, or small cities that do not contribute significantly  
129 to the problem the rule is designed to address. An agency may  
130 define "small business" to include businesses employing more  
131 than 200 persons, may define "small county" to include those  
132 with populations of more than 75,000, and may define "small  
133 city" to include those with populations of more than 10,000, if  
134 it finds that such a definition is necessary to adapt a rule to  
135 the needs and problems of small businesses, small counties, or  
136 small cities. The agency shall consider each of the following  
137 methods for reducing the impact of the proposed rule on small  
138 businesses, small counties, and small cities, or any combination  
139 of these entities:

140 (I) Establishing less stringent compliance or reporting  
141 requirements in the rule.

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

144 (III) Consolidating or simplifying the rule's compliance or  
145 reporting requirements.

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146 (IV) Establishing performance standards or best management  
147 practices to replace design or operational standards in the  
148 rule.

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

151 b.~~(I)~~ If the agency determines that the proposed action  
152 will adversely impact ~~affect~~ small businesses as defined by the  
153 agency ~~as provided~~ in sub-subparagraph a., the agency shall send  
154 an electronic or written notice of the rule and a statement of  
155 the estimated regulatory costs of the proposed rule to the Small  
156 Business Regulatory Advisory Council and the Office of Tourism,  
157 Trade, and Economic Development, with a copy provided to the  
158 committee, at least 45 ~~not less than 28~~ days before ~~prior to~~ the  
159 intended action.

160 (I) ~~(II)~~ The council may propose regulatory alternatives to  
161 the agency, electronically or in writing, with a copy provided  
162 to the committee, within 44 days after the council's receipt of  
163 the statement of estimated regulatory costs. The proposal may  
164 include the alternative of not adopting a rule if the proposal  
165 explains how the lower costs and objectives of the law will be  
166 achieved by not adopting a rule. The agency shall consider the  
167 proposed small business regulatory alternatives in a public  
168 hearing, revise its prior statement of estimated regulatory  
169 costs, if appropriate, and adopt the alternative or provide a  
170 statement of the reasons for rejecting the alternative in favor  
171 of the proposed rule. Each agency shall adopt those regulatory  
172 alternatives offered by the Small Business Regulatory Advisory  
173 Council and provided to the agency no later than 21 days after  
174 the council's receipt of the written notice of the rule which it

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175 ~~finds are feasible and consistent with the stated objectives of~~  
176 ~~the proposed rule and which would reduce the impact on small~~  
177 ~~businesses. If~~ When regulatory alternatives are offered by the  
178 ~~Small Business Regulatory Advisory council~~ or the agency issues  
179 a revised statement of estimated regulatory costs, the time 90-  
180 day period for filing the rule in subparagraph (e)2. is extended  
181 for 90 ~~a period of 21~~ days.

182 ~~(II)-(III)~~ (II) If an agency does not adopt all alternatives  
183 offered pursuant to this sub-subparagraph, it must ~~shall, prior~~  
184 ~~to rule adoption or amendment and pursuant to subparagraph~~  
185 ~~(d)1.,~~ file a detailed electronic or written statement with the  
186 committee explaining the reasons for not adopting ~~failure to~~  
187 ~~adopt~~ such alternatives before rule adoption or amendment and  
188 pursuant to subparagraph (d)1. Within 3 working days after ~~of~~  
189 ~~the filing of~~ such notice, the agency shall send an electronic  
190 or written a copy ~~of such notice~~ to the Small Business  
191 Regulatory Advisory Council. The ~~Small Business Regulatory~~  
192 ~~Advisory~~ council may make a request of the President of the  
193 Senate and the Speaker of the House of Representatives that the  
194 presiding officers direct the Office of Program Policy Analysis  
195 and Government Accountability to determine whether the rejected  
196 alternatives substantially accomplish the objectives of the law  
197 being implemented and reduce the adverse impact on small  
198 businesses ~~business while meeting the stated objectives of the~~  
199 ~~proposed rule.~~ Within 60 days after the date of the directive  
200 from the presiding officers, the office ~~of Program Policy~~  
201 ~~Analysis and Government Accountability~~ shall report its findings  
202 to the ~~Administrative Procedures~~ committee its findings as to  
203 ~~whether an alternative reduces the impact on small business~~

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204 ~~while meeting the stated objectives of the proposed rule. The~~  
205 office must, at a minimum, ~~of Program Policy Analysis and~~  
206 ~~Government Accountability shall~~ consider the proposed rule, the  
207 economic impact statement, the written statement of the agency,  
208 the proposed alternatives, and any comment submitted during the  
209 comment period on the proposed rule. The office ~~of Program~~  
210 ~~Policy Analysis and Government Accountability~~ shall submit a  
211 report of its findings and recommendations to the Governor, the  
212 President of the Senate, ~~and~~ the Speaker of the House of  
213 Representatives, and the committee. The Administrative  
214 ~~Procedures~~ committee shall report such findings to the agency,  
215 and the agency shall respond in writing to the Administrative  
216 ~~Procedures~~ committee if the office ~~of Program Policy Analysis~~  
217 ~~and Government Accountability~~ found that a rejected the  
218 alternative substantially accomplishes the objectives of the law  
219 being implemented and reduces ~~reduced~~ the adverse impact on  
220 small businesses ~~business~~ ~~while meeting the stated objectives of~~  
221 ~~the proposed rule.~~ If the agency does ~~will~~ not adopt the  
222 alternative, it must also provide a detailed written statement  
223 to the committee as to why it is not adopting ~~will not adopt~~ the  
224 alternative.

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

226 1. If the adopting agency is required to publish its rules  
227 in the Florida Administrative Code, the agency, upon approval of  
228 the agency head, shall file with the Department of State three  
229 certified copies of the rule it proposes to adopt; one copy of  
230 any material incorporated by reference in the rule, certified by  
231 the agency; a summary of the rule; a summary of any hearings  
232 held on the rule; and a detailed written statement of the facts



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233 and circumstances justifying the rule. Agencies not required to  
234 publish their rules in the Florida Administrative Code shall  
235 file one certified copy of the proposed rule, and the other  
236 material required by this subparagraph, in the office of the  
237 agency head, and such rules shall be open to the public.

238 2. A rule may not be filed for adoption less than 28 days  
239 or more than 90 days after the notice required by paragraph (a),  
240 until 21 days after the notice of change required by paragraph  
241 (d), until 14 days after the final public hearing, until 45 ~~21~~  
242 days after a statement of estimated regulatory costs or a  
243 revised statement of estimated regulatory costs has been  
244 prepared and made available as required under s. 120.541 ~~has~~  
245 ~~been provided to all persons who submitted a lower cost~~  
246 ~~regulatory alternative and made available to the public, or~~  
247 until the administrative law judge has rendered a decision under  
248 s. 120.56(2), whichever applies. If a statement of estimated  
249 regulatory costs or a revised statement of estimated regulatory  
250 costs has been prepared and made available as provided in s.  
251 120.541(1)(d), the period during which a rule may be filed for  
252 adoption is extended to 45 days after the statement has been  
253 made available. If ~~When~~ a required notice of change is published  
254 before ~~prior to the expiration of the time for filing to file~~  
255 the rule for adoption has expired, the period during which a  
256 rule must be filed for adoption is extended to 45 days after the  
257 date of publication. If notice of a public hearing is published  
258 before ~~prior to the expiration of the time for filing to file~~  
259 the rule for adoption has expired, the period during which a  
260 rule must be filed for adoption is extended to 45 days after  
261 adjournment of the final hearing on the rule, 21 days after

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262 receipt of all material authorized to be submitted at the  
263 hearing, or 21 days after receipt of the transcript, if one is  
264 made, whichever is latest. The term "public hearing" includes  
265 any public meeting held by any agency at which the rule is  
266 considered. If a petition for an administrative determination  
267 under s. 120.56(2) is filed, the period during which a rule must  
268 be filed for adoption is extended to 60 days after the  
269 administrative law judge files the final order with the clerk or  
270 until 60 days after subsequent judicial review is complete.

271 3. At the time a rule is filed, the agency shall certify  
272 that the time limitations prescribed by this paragraph have been  
273 complied with, that all statutory rulemaking requirements have  
274 been met, and that there is no administrative determination  
275 pending on the rule.

276 4. At the time a rule is filed, the committee shall certify  
277 whether the agency has responded in writing to all material and  
278 timely written comments or written inquiries made on behalf of  
279 the committee. The Department of State shall reject any rule  
280 that is not filed within the prescribed time limits; that does  
281 not comply with all statutory rulemaking requirements and rules  
282 of the department; upon which an agency has not responded in  
283 writing to all material and timely written inquiries or written  
284 comments; upon which an administrative determination is pending;  
285 or which does not include a statement of estimated regulatory  
286 costs, if required.

287 5. If a rule has not been adopted within the time limits  
288 imposed by this paragraph or has not been adopted in compliance  
289 with all statutory rulemaking requirements, the agency proposing  
290 the rule shall withdraw the rule and give notice of its action

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291 in the next available issue of the Florida Administrative  
292 Weekly.

293 6. The proposed rule shall be adopted on being filed with  
294 the Department of State and become effective 20 days after being  
295 filed, on a later date specified in the notice required by  
296 subparagraph (a)1., or on a date required by statute. Rules not  
297 required to be filed with the Department of State are ~~shall~~  
298 ~~become~~ effective when adopted by the agency head or on a later  
299 date specified by rule or statute. If the committee notifies an  
300 agency that an objection to a rule is being considered, the  
301 agency may postpone the adoption of the rule to accommodate  
302 review of the rule by the committee. If ~~When~~ an agency postpones  
303 adoption of a rule to accommodate committee review ~~by the~~  
304 ~~committee~~, the 90-day period for filing the rule is tolled until  
305 the committee notifies the agency that it has completed its  
306 review ~~of the rule~~.

307  
308 For the purposes of this paragraph, the term "administrative  
309 determination" does not include subsequent judicial review.

310 Section 2. Subsection (1) and paragraphs (d) and (f) of  
311 subsection (2) of section 120.541, Florida Statutes, are amended  
312 to read:

313 120.541 Statement of estimated regulatory costs.—

314 (1) (a) ~~A substantially affected person,~~ Within 21 days  
315 after publication of the notice required ~~provided~~ under s.  
316 120.54(3) (a), a substantially affected person may submit to an  
317 agency a good faith written proposal for a lower cost regulatory  
318 alternative to a proposed rule which substantially accomplishes  
319 the objectives of the law being implemented. The proposal may

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320 include the alternative of not adopting any rule ~~if, so long as~~  
321 the proposal explains how the lower costs and objectives of the  
322 law will be achieved by not adopting any rule. If such a  
323 proposal is submitted, the time period for filing the rule under  
324 s. 120.54(3)(e)2. ~~90-day period for filing the rule~~ is extended  
325 90 ~~21~~ days.

326 ~~(b)~~ Upon the submission of the lower cost regulatory  
327 alternative, the agency shall prepare a statement of estimated  
328 regulatory costs ~~as provided in subsection (2),~~ or shall revise  
329 its prior statement of estimated regulatory costs, and ~~either~~  
330 adopt the alternative or provide ~~give~~ a statement of the reasons  
331 for rejecting the alternative in favor of the proposed rule. ~~The~~  
332 ~~failure of the agency to prepare or revise the statement of~~  
333 ~~estimated regulatory costs as provided in this paragraph is a~~  
334 ~~material failure to follow the applicable rulemaking procedures~~  
335 ~~or requirements set forth in this chapter. An agency required to~~  
336 ~~prepare or revise a statement of estimated regulatory costs as~~  
337 ~~provided in this paragraph shall make it available to the person~~  
338 ~~who submits the lower cost regulatory alternative and to the~~  
339 ~~public prior to filing the rule for adoption.~~

340 (b) If a proposed rule will have an adverse impact on small  
341 businesses, the agency shall prepare a statement of estimated  
342 regulatory costs as required by s. 120.54(3)(b).

343 (c) The agency shall revise a statement of estimated  
344 regulatory costs if any change to the rule made under s.  
345 120.54(3)(d) increases the regulatory costs of the rule.

346 (d) At least 45 days before filing the rule for adoption,  
347 an agency that is required to prepare or revise a statement of  
348 estimated regulatory costs shall provide the statement to the

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349 person who submitted the lower cost regulatory alternative and  
350 to the committee, and provide notice on the agency's website  
351 that it is available to the public.

352 (e) The failure of the agency to prepare or revise the  
353 statement of estimated regulatory costs as provided in this  
354 subsection is a material failure to follow the applicable  
355 rulemaking procedures or requirements set forth in this chapter.

356 (f)-(e) A rule that is challenged pursuant to s.  
357 120.52(8) (a) because of the failure to prepare or revise the ~~No~~  
358 ~~rule shall be declared invalid because it imposes regulatory~~  
359 ~~costs on the regulated person, county, or city which could be~~  
360 ~~reduced by the adoption of less costly alternatives that~~  
361 ~~substantially accomplish the statutory objectives, and no rule~~  
362 ~~shall be declared invalid based upon a challenge to the agency's~~  
363 ~~statement of estimated regulatory costs~~ may not be declared  
364 invalid, unless:

365 1. The issue is raised in an administrative proceeding  
366 within 1 year after the effective date of the rule; and

367 2. The agency's failure to prepare or revise the statement  
368 of estimated regulatory costs materially affects the substantial  
369 interests of the person challenging the agency. ~~The substantial~~  
370 ~~interests of the person challenging the agency's rejection of,~~  
371 ~~or failure to consider, the lower cost regulatory alternative~~  
372 ~~are materially affected by the rejection; and~~

373 3.a. ~~The agency has failed to prepare or revise the~~  
374 ~~statement of estimated regulatory costs as required by paragraph~~  
375 ~~(b); or~~

376 ~~b. the challenge is to the agency's rejection under~~  
377 ~~paragraph (b) of a lower cost regulatory alternative submitted~~

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378 ~~under paragraph (a).~~

379 (g) A rule that is challenged by a substantially affected  
380 person pursuant to s. 120.52(8)(f) because the rule imposes  
381 regulatory costs on the regulated person, county, or city which  
382 could be reduced by the adoption of less costly alternatives  
383 that substantially accomplish the statutory objectives may not  
384 be declared invalid unless:

385 1. The issue is raised in an administrative proceeding  
386 within 1 year after the effective date of the rule;

387 2. The challenge is to the agency's rejection of a lower  
388 cost regulatory alternative offered under paragraph (a) or s.  
389 120.54(3)(b)2.b.; and

390 3. The substantial interests of the person challenging the  
391 agency are materially affected by the rejection.

392 (2) A statement of estimated regulatory costs shall  
393 include:

394 (d) An analysis of the impact on small businesses as  
395 defined by s. 288.703, and an analysis of the impact on small  
396 counties and small cities as defined in ~~by~~ s. 120.52. The impact  
397 analysis for small businesses must include the basis for the  
398 agency's decision not to implement alternatives that would  
399 reduce adverse impacts on small businesses.

400 (f) In the statement or revised statement, whichever  
401 applies, a description of any regulatory alternatives ~~good faith~~  
402 ~~written proposal~~ submitted under paragraph (1)(a) and either a  
403 statement adopting the alternative or a statement of the reasons  
404 for rejecting the alternative in favor of the proposed rule.

405 Section 3. Paragraph (a) of subsection (2) and paragraph  
406 (d) of subsection (4) of section 120.56, Florida Statutes, are

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407 amended to read:

408 120.56 Challenges to rules.—

409 (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

410 (a) A ~~Any~~ substantially affected person may seek an  
411 administrative determination of the invalidity of a ~~any~~ proposed  
412 rule by filing a petition seeking such a determination with the  
413 division within 21 days after the date of publication of the  
414 notice required by s. 120.54(3) (a); ; ~~;~~ within 10 days after the  
415 final public hearing is held on the proposed rule as provided by  
416 s. 120.54(3) (e) 2.; ; within 44 ~~20~~ days after the statement of  
417 estimated regulatory costs or revised statement of estimated  
418 regulatory costs, if applicable, has been prepared and made  
419 available as provided in s. 120.541(1) (d); ~~required pursuant to~~  
420 ~~s. 120.541, if applicable, has been provided to all persons who~~  
421 ~~submitted a lower cost regulatory alternative and made available~~  
422 ~~to the public,~~ or within 20 days after the date of publication  
423 of the notice required by s. 120.54(3) (d). The petition must  
424 ~~shall~~ state with particularity the objections to the proposed  
425 rule and the reasons that the proposed rule is an invalid  
426 exercise of delegated legislative authority. The petitioner has  
427 the burden of going forward. The agency then has the burden to  
428 prove by a preponderance of the evidence that the proposed rule  
429 is not an invalid exercise of delegated legislative authority as  
430 to the objections raised. A ~~Any~~ person who is substantially  
431 affected by a change in the proposed rule may seek a  
432 determination of the validity of such change. A ~~Any~~ person who  
433 is not substantially affected by the proposed rule as initially  
434 noticed, but who is substantially affected by the rule as a  
435 result of a change, may challenge any provision of the rule and

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436 is not limited to challenging the change to the proposed rule.

437 (4) CHALLENGING AGENCY STATEMENTS DEFINED AS RULES; SPECIAL  
438 PROVISIONS.—

439 (d) If an administrative law judge enters a final order  
440 that all or part of an agency statement violates s.  
441 120.54(1)(a), the agency must ~~shall~~ immediately discontinue all  
442 reliance upon the statement or any substantially similar  
443 statement as a basis for agency action. ~~This paragraph shall not~~  
444 ~~be construed to impair the obligation of contracts existing at~~  
445 ~~the time the final order is entered.~~

446 Section 4. Subsections (1) and (3) of section 120.60,  
447 Florida Statutes, are amended to read:

448 120.60 Licensing.—

449 (1) Upon receipt of ~~an application for~~ a license  
450 application, an agency shall examine the application and, within  
451 30 days after such receipt, notify the applicant of any apparent  
452 errors or omissions and request any additional information the  
453 agency is permitted by law to require. An agency may ~~shall~~ not  
454 deny a license for failure to correct an error or omission or to  
455 supply additional information unless the agency timely notified  
456 the applicant within this 30-day period. The agency may  
457 establish by rule the time period for submitting any additional  
458 information requested by the agency. For good cause shown, the  
459 agency shall grant a request for an extension of time for  
460 submitting the additional information. If the applicant believes  
461 the agency's request for additional information is not  
462 authorized by law or rule, the agency, at the applicant's  
463 request, shall proceed to process the application. An  
464 application is ~~shall be considered~~ complete upon receipt of all



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465 requested information and correction of any error or omission  
466 for which the applicant was timely notified or when the time for  
467 such notification has expired. An ~~Every~~ application for a  
468 license must ~~shall~~ be approved or denied within 90 days after  
469 receipt of a completed application unless a shorter period of  
470 time for agency action is provided by law. The 90-day time  
471 period is ~~shall be~~ tolled by the initiation of a proceeding  
472 under ss. 120.569 and 120.57. Any application for a license  
473 which ~~that~~ is not approved or denied within the 90-day or  
474 shorter time period, within 15 days after conclusion of a public  
475 hearing held on the application, or within 45 days after a  
476 recommended order is submitted to the agency and the parties,  
477 whichever action and timeframe is latest and applicable, is  
478 considered approved unless the recommended order recommends that  
479 the agency deny the license. Subject to the satisfactory  
480 completion of an examination if required as a prerequisite to  
481 licensure, any license that is considered approved shall be  
482 issued and may include such reasonable conditions as are  
483 authorized by law. Any applicant for licensure seeking to claim  
484 licensure by default under this subsection shall notify the  
485 agency clerk of the licensing agency, in writing, of the intent  
486 to rely upon the default license provision of this subsection,  
487 and may ~~shall~~ not take any action based upon the default license  
488 until after receipt of such notice by the agency clerk.

489 (3) Each applicant shall be given written notice, either  
490 personally or by mail, that the agency intends to grant or deny,  
491 or has granted or denied, the application for license. The  
492 notice must state with particularity the grounds or basis for  
493 the issuance or denial of the license, except when issuance is a

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494 ministerial act. Unless waived, a copy of the notice shall be  
495 delivered or mailed to each party's attorney of record and to  
496 each person who has made a written request for ~~requested~~ notice  
497 of agency action. Each notice must ~~shall~~ inform the recipient of  
498 the basis for the agency decision, ~~shall~~ inform the recipient of  
499 any administrative hearing pursuant to ss. 120.569 and 120.57 or  
500 judicial review pursuant to s. 120.68 which may be available,  
501 ~~shall~~ indicate the procedure that ~~which~~ must be followed, and  
502 ~~shall~~ state the applicable time limits. The issuing agency shall  
503 certify the date the notice was mailed or delivered, and the  
504 notice and the certification must ~~shall~~ be filed with the agency  
505 clerk.

506 Section 5. This act shall take effect July 1, 2010.