

By Senator Garcia

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1 A bill to be entitled
2 An act relating to administrative procedures; amending
3 s. 120.55, F.S.; revising provisions with respect to
4 the revision and publication of the Florida
5 Administrative Code to provide that the Department of
6 State is not required to publish a printed version of
7 the code but may contract with a publishing firm for a
8 printed publication; providing that the electronic
9 version of the code is the official compilation of the
10 administrative rules of the state; providing for
11 adopted rules and material incorporated by reference
12 to be filed in electronic forms; renaming the "Florida
13 Administrative Weekly" as the "Florida Administrative
14 Register"; requiring a continuous revision and
15 publication of the Florida Administrative Register on
16 an Internet website managed by the Department of
17 State; revising content and website search
18 requirements; deleting a requirement to provide
19 printed copies of the Florida Administrative Register
20 to certain federal and state entities; providing a
21 directive to the Division of Statutory Revision;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 120.55, Florida Statutes, is amended to
27 read:

28 120.55 Publication.—

29 (1) The Department of State shall:

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30 (a)1. Through a continuous revision and publication system,
31 compile and publish electronically, on an Internet website
32 managed by the department, the "Florida Administrative Code."
33 The Florida Administrative Code shall contain all rules adopted
34 by each agency, citing the grant of rulemaking authority and the
35 specific law implemented pursuant to which each rule was
36 adopted, all history notes as authorized in s. 120.545(7),
37 complete indexes to all rules contained in the code, and any
38 other material required or authorized by law or deemed useful by
39 the department. The electronic code shall display each rule
40 chapter currently in effect in browse mode and allow full text
41 search of the code and each rule chapter. The department ~~shall~~
42 ~~publish a printed version of the Florida Administrative Code and~~
43 may contract with a publishing firm for a ~~such~~ printed
44 publication; however, the department shall retain responsibility
45 for the code as provided in this section. ~~Supplementation of the~~
46 ~~printed code shall be made as often as practicable, but at least~~
47 ~~monthly.~~ The electronic ~~printed~~ publication shall be the
48 official compilation of the administrative rules of this state.
49 The Department of State shall retain the copyright over the
50 Florida Administrative Code.

51 2. Rules general in form but applicable to only one school
52 district, community college district, or county, or a part
53 thereof, or state university rules relating to internal
54 personnel or business and finance shall not be published in the
55 Florida Administrative Code. Exclusion from publication in the
56 Florida Administrative Code shall not affect the validity or
57 effectiveness of such rules.

58 3. At the beginning of the section of the code dealing with

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59 an agency that files copies of its rules with the department,
60 the department shall publish the address and telephone number of
61 the executive offices of each agency, the manner by which the
62 agency indexes its rules, a listing of all rules of that agency
63 excluded from publication in the code, and a statement as to
64 where those rules may be inspected.

65 4. Forms shall not be published in the Florida
66 Administrative Code; but any form which an agency uses in its
67 dealings with the public, along with any accompanying
68 instructions, shall be filed with the committee before it is
69 used. Any form or instruction which meets the definition of
70 "rule" provided in s. 120.52 shall be incorporated by reference
71 into the appropriate rule. The reference shall specifically
72 state that the form is being incorporated by reference and shall
73 include the number, title, and effective date of the form and an
74 explanation of how the form may be obtained. Each form created
75 by an agency which is incorporated by reference in a rule notice
76 of which is given under s. 120.54(3)(a) after December 31, 2007,
77 must clearly display the number, title, and effective date of
78 the form and the number of the rule in which the form is
79 incorporated.

80 5. The department shall allow adopted rules and material
81 incorporated by reference to be filed in electronic form as
82 prescribed by department rule. When a rule is filed for adoption
83 with incorporated material in electronic form, the department's
84 publication of the Florida Administrative Code on its Internet
85 website must contain a hyperlink from the incorporating
86 reference in the rule directly to that material. The department
87 may not allow hyperlinks from rules in the Florida

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88 Administrative Code to any material other than that filed with
89 and maintained by the department, but may allow hyperlinks to
90 incorporated material maintained by the department from the
91 adopting agency's website or other sites.

92 (b) Electronically publish on an Internet website managed
93 by the department a continuous revision and ~~weekly~~ publication
94 entitled the "Florida Administrative Register Weekly," which
95 shall serve as the official ~~Internet website for such~~
96 publication and must contain:

97 ~~1. Notice of adoption of, and an index to, all rules filed~~
98 ~~during the preceding week.~~

99 ~~1.2.~~ All notices required by s. 120.54(3) (a), showing the
100 text of all rules proposed for consideration.

101 ~~2.3.~~ All notices of public meetings, hearings, and
102 workshops conducted in accordance with ~~the provisions of~~ s.
103 120.525, including a statement of the manner in which a copy of
104 the agenda may be obtained.

105 ~~3.4.~~ A notice of each request for authorization to amend or
106 repeal an existing uniform rule or for the adoption of new
107 uniform rules.

108 ~~4.5.~~ Notice of petitions for declaratory statements or
109 administrative determinations.

110 ~~5.6.~~ A summary of each objection to any rule filed by the
111 Administrative Procedures Committee ~~during the preceding week.~~

112 ~~7. A cumulative list of all rules that have been proposed~~
113 ~~but not filed for adoption.~~

114 ~~6.8.~~ Any other material required or authorized by law or
115 deemed useful by the department.

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117 The department may contract with a publishing firm for a printed
118 publication shall publish a printed version of the Florida
119 Administrative Register Weekly and make copies available on an
120 annual subscription basis. ~~The department may contract with a~~
121 ~~publishing firm for printed publication of the Florida~~
122 ~~Administrative Weekly.~~

123 ~~(c) Review notices for compliance with format and numbering~~
124 ~~requirements before publishing them on the Florida~~
125 ~~Administrative Weekly Internet website.~~

126 ~~(c)-(d)~~ Prescribe by rule the style and form required for
127 rules, notices, and other materials submitted for filing.

128 ~~(e) Correct grammatical, typographical, and like errors not~~
129 ~~affecting the construction or meaning of the rules, after having~~
130 ~~obtained the advice and consent of the appropriate agency, and~~
131 ~~insert history notes.~~

132 ~~(d)-(f)~~ Charge each agency using the Florida Administrative
133 Register Weekly a space rate to cover the costs related to the
134 Florida Administrative Register Weekly and the Florida
135 Administrative Code.

136 ~~(e)-(g)~~ Maintain a permanent record of all notices published
137 in the Florida Administrative Register Weekly.

138 (2) The Florida Administrative Register Weekly Internet
139 website must allow users to:

140 (a) Search for notices by type, publication date, rule
141 number, word, subject, and agency.~~†~~

142 (b) Search a database that makes available all notices
143 published on the website for a period of at least 5 years.~~†~~

144 (c) Subscribe to an automated e-mail notification of
145 selected notices to be sent out before or concurrently with

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146 ~~weekly~~ publication of the ~~printed and~~ electronic Florida
147 Administrative Register Weekly. Such notification must include
148 in the text of the e-mail a summary of the content of each
149 notice. ~~†~~

150 (d) View agency forms and other materials submitted to the
151 department in electronic form and incorporated by reference in
152 proposed rules. ~~† and~~

153 (e) Comment on proposed rules.

154 (3) Publication of material required by paragraph (1)(b) on
155 the Florida Administrative Register Weekly Internet website does
156 not preclude publication of such material on an agency's website
157 or by other means.

158 (4) Each agency shall provide copies of its rules upon
159 request, with citations to the grant of rulemaking authority and
160 the specific law implemented for each rule.

161 (5) Any publication of a proposed rule promulgated by an
162 agency, whether published in the Florida Administrative Register
163 ~~Code~~ or elsewhere, shall include, along with the rule, the name
164 of the person or persons originating such rule, the name of the
165 agency head who approved the rule, and the date upon which the
166 rule was approved.

167 (6) Access to the Florida Administrative Register Weekly
168 Internet website and its contents, including the e-mail
169 notification service, shall be free for the public.

170 ~~(7)(a) Each year the Department of State shall furnish the~~
171 ~~Florida Administrative Weekly, without charge and upon request,~~
172 ~~as follows:~~

173 ~~1. One subscription to each federal and state court having~~
174 ~~jurisdiction over the residents of the state; the Legislative~~

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175 ~~Library; each state university library; the State Library; each~~
176 ~~depository library designated pursuant to s. 257.05; and each~~
177 ~~standing committee of the Senate and House of Representatives~~
178 ~~and each state legislator.~~

179 ~~2. Two subscriptions to each state department.~~

180 ~~3. Three subscriptions to the library of the Supreme Court~~
181 ~~of Florida, the library of each state district court of appeal,~~
182 ~~the division, the library of the Attorney General, each law~~
183 ~~school library in Florida, the Secretary of the Senate, and the~~
184 ~~Clerk of the House of Representatives.~~

185 ~~4. Ten subscriptions to the committee.~~

186 ~~(b) The Department of State shall furnish one copy of the~~
187 ~~Florida Administrative Weekly, at no cost, to each clerk of the~~
188 ~~circuit court and each state department, for posting for public~~
189 ~~inspection.~~

190 ~~(7)-(8)~~ (a) All fees and moneys collected by the Department
191 of State under this chapter shall be deposited in the Records
192 Management Trust Fund for the purpose of paying for costs
193 incurred by the department in carrying out this chapter.

194 (b) The unencumbered balance in the Records Management
195 Trust Fund for fees collected pursuant to this chapter may not
196 exceed \$300,000 at the beginning of each fiscal year, and any
197 excess shall be transferred to the General Revenue Fund.

198 Section 2. The Division of Statutory Revision of the Office
199 of Legislative Services is requested to prepare a reviser's bill
200 for the 2013 Regular Session of the Legislature to substitute
201 the term "Florida Administrative Register" for the term "Florida
202 Administrative Weekly" throughout the Florida Statutes.

203 Section 3. This act shall take effect October 1, 2012.