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1
2 An act relating to the Florida Statutes; amending ss.
3 106.25, 110.201, 120.525, 120.54, 120.542, 120.545,
4 120.555, 120.56, 120.565, 120.63, 120.745, 120.80,
5 120.81, 155.40, 159.703, 161.053, 202.22, 215.555,
6 252.62, 252.63, 255.0525, 280.11, 310.151, 320.642,
7 334.30, 339.135, 339.155, 343.875, 343.962, 348.0004,
8 349.22, 366.04, 373.036, 373.044, 373.103, 373.4131,
9 378.212, 379.2431, 380.05, 395.003, 403.201, 403.805,
10 403.8055, 403.9411, 403.9422, 408.039, 409.912,
11 493.6104, 553.775, 561.19, 570.247, 601.152, 627.091,
12 633.0215, 633.026, 658.26, 766.105, 791.013, 957.12,
13 and 1006.33, F.S., to conform to the directive of the
14 Legislature in section 3 of chapter 2012-63, Laws of
15 Florida, to prepare a reviser's bill for the 2013
16 Regular Session of the Legislature to substitute the
17 term "Florida Administrative Register" for the term
18 "Florida Administrative Weekly" throughout the Florida
19 Statutes; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Subsection (7) of section 106.25, Florida
24 Statutes, is amended to read:

25 106.25 Reports of alleged violations to Florida Elections
26 Commission; disposition of findings.—

27 (7) Every sworn complaint filed pursuant to this chapter
28 with the commission, every investigation and investigative
29 report or other paper of the commission with respect to a

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30 violation of this chapter or chapter 104, and every proceeding
31 of the commission with respect to a violation of this chapter or
32 chapter 104 is confidential, is exempt from the provisions of
33 ss. 119.07(1) and 286.011, and is exempt from publication in the
34 Florida Administrative Register ~~Weekly~~ of any notice or agenda
35 with respect to any proceeding relating to such violation,
36 except under the following circumstances:

37 (a) As provided in subsection (6);

38 (b) Upon a determination of probable cause or no probable
39 cause by the commission; or

40 (c) For proceedings conducted with respect to appeals of
41 fines levied by filing officers for the late filing of reports
42 required by this chapter.

43
44 However, a complainant is not bound by the confidentiality
45 provisions of this section. In addition, confidentiality may be
46 waived in writing by the person against whom the complaint has
47 been filed or the investigation has been initiated. If a finding
48 of probable cause in a case is entered within 30 days prior to
49 the date of the election with respect to which the alleged
50 violation occurred, such finding and the proceedings and records
51 relating to such case shall not become public until noon of the
52 day following such election. When two or more persons are being
53 investigated by the commission with respect to an alleged
54 violation of this chapter or chapter 104, the commission may not
55 publicly enter a finding of probable cause or no probable cause
56 in the case until a finding of probable cause or no probable
57 cause for the entire case has been determined. However, once the
58 confidentiality of any case has been breached, the person or

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59 persons under investigation have the right to waive the
60 confidentiality of the case, thereby opening up the proceedings
61 and records to the public. Any person who discloses any
62 information or matter made confidential by the provisions of
63 this subsection commits a misdemeanor of the first degree,
64 punishable as provided in s. 775.082 or s. 775.083.

65 Section 2. Paragraph (b) of subsection (1) of section
66 110.201, Florida Statutes, is amended to read:

67 110.201 Personnel rules, records, and reports.—

68 (1)

69 (b) An agency may request an exception to the uniform
70 personnel rules by filing a petition with the Administration
71 Commission. The Administration Commission shall approve an
72 exception when the exception is necessary to conform to any
73 requirement imposed as a condition precedent to receipt of
74 federal funds or to permit persons in this state to receive tax
75 benefits under federal law, or as required for the most
76 efficient operation of the agency as determined by the
77 Administration Commission. The reasons for the exception must be
78 published in the Florida Administrative Register ~~Weekly~~.

79 Section 3. Subsection (1) of section 120.525, Florida
80 Statutes, is amended to read:

81 120.525 Meetings, hearings, and workshops.—

82 (1) Except in the case of emergency meetings, each agency
83 shall give notice of public meetings, hearings, and workshops by
84 publication in the Florida Administrative Register ~~Weekly~~ and on
85 the agency's website not less than 7 days before the event. The
86 notice shall include a statement of the general subject matter
87 to be considered.

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88 Section 4. Paragraph (i) of subsection (1), paragraphs (a),
89 (c), and (d) of subsection (2), paragraphs (a), (d), and (e) of
90 subsection (3), paragraph (a) of subsection (4), subsection (5),
91 paragraphs (a) and (d) of subsection (6), and paragraphs (b) and
92 (c) of subsection (7) of section 120.54, Florida Statutes, are
93 amended to read:

94 120.54 Rulemaking.—

95 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
96 EMERGENCY RULES.—

97 (i)1. A rule may incorporate material by reference but only
98 as the material exists on the date the rule is adopted. For
99 purposes of the rule, changes in the material are not effective
100 unless the rule is amended to incorporate the changes.

101 2. An agency rule that incorporates by specific reference
102 another rule of that agency automatically incorporates
103 subsequent amendments to the referenced rule unless a contrary
104 intent is clearly indicated in the referencing rule. A notice of
105 amendments to a rule that has been incorporated by specific
106 reference in other rules of that agency must explain the effect
107 of those amendments on the referencing rules.

108 3. In rules adopted after December 31, 2010, material may
109 not be incorporated by reference unless:

110 a. The material has been submitted in the prescribed
111 electronic format to the Department of State and the full text
112 of the material can be made available for free public access
113 through an electronic hyperlink from the rule making the
114 reference in the Florida Administrative Code; or

115 b. The agency has determined that posting the material on
116 the Internet for purposes of public examination and inspection

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117 would constitute a violation of federal copyright law, in which
118 case a statement to that effect, along with the address of
119 locations at the Department of State and the agency at which the
120 material is available for public inspection and examination,
121 must be included in the notice required by subparagraph (3)(a)1.

122 4. A rule may not be amended by reference only. Amendments
123 must set out the amended rule in full in the same manner as
124 required by the State Constitution for laws.

125 5. Notwithstanding any contrary provision in this section,
126 when an adopted rule of the Department of Environmental
127 Protection or a water management district is incorporated by
128 reference in the other agency's rule to implement a provision of
129 part IV of chapter 373, subsequent amendments to the rule are
130 not effective as to the incorporating rule unless the agency
131 incorporating by reference notifies the committee and the
132 Department of State of its intent to adopt the subsequent
133 amendment, publishes notice of such intent in the Florida
134 Administrative Register ~~Weekly~~, and files with the Department of
135 State a copy of the amended rule incorporated by reference.
136 Changes in the rule incorporated by reference are effective as
137 to the other agency 20 days after the date of the published
138 notice and filing with the Department of State. The Department
139 of State shall amend the history note of the incorporating rule
140 to show the effective date of such change. Any substantially
141 affected person may, within 14 days after the date of
142 publication of the notice of intent in the Florida
143 Administrative Register ~~Weekly~~, file an objection to rulemaking
144 with the agency. The objection shall specify the portions of the
145 rule incorporated by reference to which the person objects and

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146 the reasons for the objection. The agency shall not have the
147 authority under this subparagraph to adopt those portions of the
148 rule specified in such objection. The agency shall publish
149 notice of the objection and of its action in response in the
150 next available issue of the Florida Administrative Register
151 ~~Weekly~~.

152 6. The Department of State may adopt by rule requirements
153 for incorporating materials pursuant to this paragraph.

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

155 (a) Except when the intended action is the repeal of a
156 rule, agencies shall provide notice of the development of
157 proposed rules by publication of a notice of rule development in
158 the Florida Administrative Register ~~Weekly~~ before providing
159 notice of a proposed rule as required by paragraph (3)(a). The
160 notice of rule development shall indicate the subject area to be
161 addressed by rule development, provide a short, plain
162 explanation of the purpose and effect of the proposed rule, cite
163 the specific legal authority for the proposed rule, and include
164 the preliminary text of the proposed rules, if available, or a
165 statement of how a person may promptly obtain, without cost, a
166 copy of any preliminary draft, if available.

167 (c) An agency may hold public workshops for purposes of
168 rule development. An agency must hold public workshops,
169 including workshops in various regions of the state or the
170 agency's service area, for purposes of rule development if
171 requested in writing by any affected person, unless the agency
172 head explains in writing why a workshop is unnecessary. The
173 explanation is not final agency action subject to review
174 pursuant to ss. 120.569 and 120.57. The failure to provide the

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175 explanation when required may be a material error in procedure
176 pursuant to s. 120.56(1)(c). When a workshop or public hearing
177 is held, the agency must ensure that the persons responsible for
178 preparing the proposed rule are available to explain the
179 agency's proposal and to respond to questions or comments
180 regarding the rule being developed. The workshop may be
181 facilitated or mediated by a neutral third person, or the agency
182 may employ other types of dispute resolution alternatives for
183 the workshop that are appropriate for rule development. Notice
184 of a rule development workshop shall be by publication in the
185 Florida Administrative Register ~~Weekly~~ not less than 14 days
186 prior to the date on which the workshop is scheduled to be held
187 and shall indicate the subject area which will be addressed; the
188 agency contact person; and the place, date, and time of the
189 workshop.

190 (d)1. An agency may use negotiated rulemaking in developing
191 and adopting rules. The agency should consider the use of
192 negotiated rulemaking when complex rules are being drafted or
193 strong opposition to the rules is anticipated. The agency should
194 consider, but is not limited to considering, whether a balanced
195 committee of interested persons who will negotiate in good faith
196 can be assembled, whether the agency is willing to support the
197 work of the negotiating committee, and whether the agency can
198 use the group consensus as the basis for its proposed rule.
199 Negotiated rulemaking uses a committee of designated
200 representatives to draft a mutually acceptable proposed rule.

201 2. An agency that chooses to use the negotiated rulemaking
202 process described in this paragraph shall publish in the Florida
203 Administrative Register ~~Weekly~~ a notice of negotiated rulemaking

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204 that includes a listing of the representative groups that will
205 be invited to participate in the negotiated rulemaking process.
206 Any person who believes that his or her interest is not
207 adequately represented may apply to participate within 30 days
208 after publication of the notice. All meetings of the negotiating
209 committee shall be noticed and open to the public pursuant to
210 the provisions of this chapter. The negotiating committee shall
211 be chaired by a neutral facilitator or mediator.

212 3. The agency's decision to use negotiated rulemaking, its
213 selection of the representative groups, and approval or denial
214 of an application to participate in the negotiated rulemaking
215 process are not agency action. Nothing in this subparagraph is
216 intended to affect the rights of an affected person to challenge
217 a proposed rule developed under this paragraph in accordance
218 with s. 120.56(2).

219 (3) ADOPTION PROCEDURES.—

220 (a) *Notices.*—

221 1. Prior to the adoption, amendment, or repeal of any rule
222 other than an emergency rule, an agency, upon approval of the
223 agency head, shall give notice of its intended action, setting
224 forth a short, plain explanation of the purpose and effect of
225 the proposed action; the full text of the proposed rule or
226 amendment and a summary thereof; a reference to the grant of
227 rulemaking authority pursuant to which the rule is adopted; and
228 a reference to the section or subsection of the Florida Statutes
229 or the Laws of Florida being implemented or interpreted. The
230 notice must include a summary of the agency's statement of the
231 estimated regulatory costs, if one has been prepared, based on
232 the factors set forth in s. 120.541(2); a statement that any

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233 person who wishes to provide the agency with information
234 regarding the statement of estimated regulatory costs, or to
235 provide a proposal for a lower cost regulatory alternative as
236 provided by s. 120.541(1), must do so in writing within 21 days
237 after publication of the notice; and a statement as to whether,
238 based on the statement of the estimated regulatory costs or
239 other information expressly relied upon and described by the
240 agency if no statement of regulatory costs is required, the
241 proposed rule is expected to require legislative ratification
242 pursuant to s. 120.541(3). The notice must state the procedure
243 for requesting a public hearing on the proposed rule. Except
244 when the intended action is the repeal of a rule, the notice
245 must include a reference both to the date on which and to the
246 place where the notice of rule development that is required by
247 subsection (2) appeared.

248 2. The notice shall be published in the Florida
249 Administrative Register ~~Weekly~~ not less than 28 days prior to
250 the intended action. The proposed rule shall be available for
251 inspection and copying by the public at the time of the
252 publication of notice.

253 3. The notice shall be mailed to all persons named in the
254 proposed rule and to all persons who, at least 14 days prior to
255 such mailing, have made requests of the agency for advance
256 notice of its proceedings. The agency shall also give such
257 notice as is prescribed by rule to those particular classes of
258 persons to whom the intended action is directed.

259 4. The adopting agency shall file with the committee, at
260 least 21 days prior to the proposed adoption date, a copy of
261 each rule it proposes to adopt; a copy of any material

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262 incorporated by reference in the rule; a detailed written
263 statement of the facts and circumstances justifying the proposed
264 rule; a copy of any statement of estimated regulatory costs that
265 has been prepared pursuant to s. 120.541; a statement of the
266 extent to which the proposed rule relates to federal standards
267 or rules on the same subject; and the notice required by
268 subparagraph 1.

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

270 1. After the final public hearing on the proposed rule, or
271 after the time for requesting a hearing has expired, if the rule
272 has not been changed from the rule as previously filed with the
273 committee, or contains only technical changes, the adopting
274 agency shall file a notice to that effect with the committee at
275 least 7 days prior to filing the rule for adoption. Any change,
276 other than a technical change that does not affect the substance
277 of the rule, must be supported by the record of public hearings
278 held on the rule, must be in response to written material
279 submitted to the agency within 21 days after the date of
280 publication of the notice of intended agency action or submitted
281 to the agency between the date of publication of the notice and
282 the end of the final public hearing, or must be in response to a
283 proposed objection by the committee. In addition, when any
284 change is made in a proposed rule, other than a technical
285 change, the adopting agency shall provide a copy of a notice of
286 change by certified mail or actual delivery to any person who
287 requests it in writing no later than 21 days after the notice
288 required in paragraph (a). The agency shall file the notice of
289 change with the committee, along with the reasons for the
290 change, and provide the notice of change to persons requesting

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291 it, at least 21 days prior to filing the rule for adoption. The
292 notice of change shall be published in the Florida
293 Administrative Register ~~Weekly~~ at least 21 days prior to filing
294 the rule for adoption. This subparagraph does not apply to
295 emergency rules adopted pursuant to subsection (4).

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

298 3. After adoption and before the rule becomes effective, a
299 rule may be modified or withdrawn only in the following
300 circumstances:

301 a. When the committee objects to the rule;

302 b. When a final order, which is not subject to further
303 appeal, is entered in a rule challenge brought pursuant to s.
304 120.56 after the date of adoption but before the rule becomes
305 effective pursuant to subparagraph (e)6.;

306 c. If the rule requires ratification, when more than 90
307 days have passed since the rule was filed for adoption without
308 the Legislature ratifying the rule, in which case the rule may
309 be withdrawn but may not be modified; or

310 d. When the committee notifies the agency that an objection
311 to the rule is being considered, in which case the rule may be
312 modified to extend the effective date by not more than 60 days.

313 4. The agency shall give notice of its decision to withdraw
314 or modify a rule in the first available issue of the publication
315 in which the original notice of rulemaking was published, shall
316 notify those persons described in subparagraph (a)3. in
317 accordance with the requirements of that subparagraph, and shall
318 notify the Department of State if the rule is required to be
319 filed with the Department of State.

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

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

324 1. If the adopting agency is required to publish its rules
325 in the Florida Administrative Code, the agency, upon approval of
326 the agency head, shall file with the Department of State three
327 certified copies of the rule it proposes to adopt; one copy of
328 any material incorporated by reference in the rule, certified by
329 the agency; a summary of the rule; a summary of any hearings
330 held on the rule; and a detailed written statement of the facts
331 and circumstances justifying the rule. Agencies not required to
332 publish their rules in the Florida Administrative Code shall
333 file one certified copy of the proposed rule, and the other
334 material required by this subparagraph, in the office of the
335 agency head, and such rules shall be open to the public.

336 2. A rule may not be filed for adoption less than 28 days
337 or more than 90 days after the notice required by paragraph (a),
338 until 21 days after the notice of change required by paragraph
339 (d), until 14 days after the final public hearing, until 21 days
340 after a statement of estimated regulatory costs required under
341 s. 120.541 has been provided to all persons who submitted a
342 lower cost regulatory alternative and made available to the
343 public, or until the administrative law judge has rendered a
344 decision under s. 120.56(2), whichever applies. When a required
345 notice of change is published prior to the expiration of the
346 time to file the rule for adoption, the period during which a
347 rule must be filed for adoption is extended to 45 days after the
348 date of publication. If notice of a public hearing is published

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349 prior to the expiration of the time to file the rule for
350 adoption, the period during which a rule must be filed for
351 adoption is extended to 45 days after adjournment of the final
352 hearing on the rule, 21 days after receipt of all material
353 authorized to be submitted at the hearing, or 21 days after
354 receipt of the transcript, if one is made, whichever is latest.
355 The term "public hearing" includes any public meeting held by
356 any agency at which the rule is considered. If a petition for an
357 administrative determination under s. 120.56(2) is filed, the
358 period during which a rule must be filed for adoption is
359 extended to 60 days after the administrative law judge files the
360 final order with the clerk or until 60 days after subsequent
361 judicial review is complete.

362 3. At the time a rule is filed, the agency shall certify
363 that the time limitations prescribed by this paragraph have been
364 complied with, that all statutory rulemaking requirements have
365 been met, and that there is no administrative determination
366 pending on the rule.

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

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378 5. If a rule has not been adopted within the time limits
379 imposed by this paragraph or has not been adopted in compliance
380 with all statutory rulemaking requirements, the agency proposing
381 the rule shall withdraw the rule and give notice of its action
382 in the next available issue of the Florida Administrative
383 Register ~~Weekly~~.

384 6. The proposed rule shall be adopted on being filed with
385 the Department of State and become effective 20 days after being
386 filed, on a later date specified in the notice required by
387 subparagraph (a)1., on a date required by statute, or upon
388 ratification by the Legislature pursuant to s. 120.541(3). Rules
389 not required to be filed with the Department of State shall
390 become effective when adopted by the agency head, on a later
391 date specified by rule or statute, or upon ratification by the
392 Legislature pursuant to s. 120.541(3). If the committee notifies
393 an agency that an objection to a rule is being considered, the
394 agency may postpone the adoption of the rule to accommodate
395 review of the rule by the committee. When an agency postpones
396 adoption of a rule to accommodate review by the committee, the
397 90-day period for filing the rule is tolled until the committee
398 notifies the agency that it has completed its review of the
399 rule.

400
401 For the purposes of this paragraph, the term "administrative
402 determination" does not include subsequent judicial review.

403 (4) EMERGENCY RULES.—

404 (a) If an agency finds that an immediate danger to the
405 public health, safety, or welfare requires emergency action, the
406 agency may adopt any rule necessitated by the immediate danger.

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407 The agency may adopt a rule by any procedure which is fair under
408 the circumstances if:

409 1. The procedure provides at least the procedural
410 protection given by other statutes, the State Constitution, or
411 the United States Constitution.

412 2. The agency takes only that action necessary to protect
413 the public interest under the emergency procedure.

414 3. The agency publishes in writing at the time of, or prior
415 to, its action the specific facts and reasons for finding an
416 immediate danger to the public health, safety, or welfare and
417 its reasons for concluding that the procedure used is fair under
418 the circumstances. In any event, notice of emergency rules,
419 other than those of educational units or units of government
420 with jurisdiction in only one or a part of one county, including
421 the full text of the rules, shall be published in the first
422 available issue of the Florida Administrative Register ~~Weekly~~
423 and provided to the committee along with any material
424 incorporated by reference in the rules. The agency's findings of
425 immediate danger, necessity, and procedural fairness shall be
426 judicially reviewable.

427 (5) UNIFORM RULES.—

428 (a)1. By July 1, 1997, the Administration Commission shall
429 adopt one or more sets of uniform rules of procedure which shall
430 be reviewed by the committee and filed with the Department of
431 State. Agencies must comply with the uniform rules by July 1,
432 1998. The uniform rules shall establish procedures that comply
433 with the requirements of this chapter. On filing with the
434 department, the uniform rules shall be the rules of procedure
435 for each agency subject to this chapter unless the

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436 Administration Commission grants an exception to the agency
437 under this subsection.

438 2. An agency may seek exceptions to the uniform rules of
439 procedure by filing a petition with the Administration
440 Commission. The Administration Commission shall approve
441 exceptions to the extent necessary to implement other statutes,
442 to the extent necessary to conform to any requirement imposed as
443 a condition precedent to receipt of federal funds or to permit
444 persons in this state to receive tax benefits under federal law,
445 or as required for the most efficient operation of the agency as
446 determined by the Administration Commission. The reasons for the
447 exceptions shall be published in the Florida Administrative
448 Register ~~Weekly~~.

449 3. Agency rules that provide exceptions to the uniform
450 rules shall not be filed with the department unless the
451 Administration Commission has approved the exceptions. Each
452 agency that adopts rules that provide exceptions to the uniform
453 rules shall publish a separate chapter in the Florida
454 Administrative Code that delineates clearly the provisions of
455 the agency's rules that provide exceptions to the uniform rules
456 and specifies each alternative chosen from among those
457 authorized by the uniform rules. Each chapter shall be organized
458 in the same manner as the uniform rules.

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

462 1. Uniform rules for the scheduling of public meetings,
463 hearings, and workshops.

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

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465 procedures for conducting public meetings, hearings, and
466 workshops, and for taking evidence, testimony, and argument at
467 such public meetings, hearings, and workshops, in person and by
468 means of communications media technology. The rules shall
469 provide that all evidence, testimony, and argument presented
470 shall be afforded equal consideration, regardless of the method
471 of communication. If a public meeting, hearing, or workshop is
472 to be conducted by means of communications media technology, or
473 if attendance may be provided by such means, the notice shall so
474 state. The notice for public meetings, hearings, and workshops
475 utilizing communications media technology shall state how
476 persons interested in attending may do so and shall name
477 locations, if any, where communications media technology
478 facilities will be available. Nothing in this paragraph shall be
479 construed to diminish the right to inspect public records under
480 chapter 119. Limiting points of access to public meetings,
481 hearings, and workshops subject to the provisions of s. 286.011
482 to places not normally open to the public shall be presumed to
483 violate the right of access of the public, and any official
484 action taken under such circumstances is void and of no effect.
485 Other laws relating to public meetings, hearings, and workshops,
486 including penal and remedial provisions, shall apply to public
487 meetings, hearings, and workshops conducted by means of
488 communications media technology, and shall be liberally
489 construed in their application to such public meetings,
490 hearings, and workshops. As used in this subparagraph,
491 "communications media technology" means the electronic
492 transmission of printed matter, audio, full-motion video,
493 freeze-frame video, compressed video, and digital video by any

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494 method available.

495 3. Uniform rules of procedure for the filing of notice of
496 protests and formal written protests. The Administration
497 Commission may prescribe the form and substantive provisions of
498 a required bond.

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

502 a. The identification of the petitioner, including the
503 petitioner's e-mail address, if any, for the transmittal of
504 subsequent documents by electronic means.

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

507 c. An explanation of how the petitioner's substantial
508 interests are or will be affected by the action or proposed
509 action.

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

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

515 f. A statement of the specific rules or statutes that the
516 petitioner contends require reversal or modification of the
517 agency's proposed action, including an explanation of how the
518 alleged facts relate to the specific rules or statutes.

519 g. A statement of the relief sought by the petitioner,
520 stating precisely the action petitioner wishes the agency to
521 take with respect to the proposed action.

522 5. Uniform rules for the filing of request for

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523 administrative hearing by a respondent in agency enforcement and
524 disciplinary actions. Such rules shall require a request to
525 include:

526 a. The name, address, e-mail address, and telephone number
527 of the party making the request and the name, address, and
528 telephone number of the party's counsel or qualified
529 representative upon whom service of pleadings and other papers
530 shall be made;

531 b. A statement that the respondent is requesting an
532 administrative hearing and disputes the material facts alleged
533 by the petitioner, in which case the respondent shall identify
534 those material facts that are in dispute, or that the respondent
535 is requesting an administrative hearing and does not dispute the
536 material facts alleged by the petitioner; and

537 c. A reference by file number to the administrative
538 complaint that the party has received from the agency and the
539 date on which the agency pleading was received.

540
541 The agency may provide an election-of-rights form for the
542 respondent's use in requesting a hearing, so long as any form
543 provided by the agency calls for the information in sub-
544 subparagraphs a. through c. and does not impose any additional
545 requirements on a respondent in order to request a hearing,
546 unless such requirements are specifically authorized by law.

547 6. Uniform rules of procedure for the filing and prompt
548 disposition of petitions for declaratory statements. The rules
549 shall also describe the contents of the notices that must be
550 published in the Florida Administrative Register ~~Weekly~~ under s.
551 120.565, including any applicable time limit for the filing of

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552 petitions to intervene or petitions for administrative hearing
553 by persons whose substantial interests may be affected.

554 7. Provision of a method by which each agency head shall
555 provide a description of the agency's organization and general
556 course of its operations. The rules shall require that the
557 statement concerning the agency's organization and operations be
558 published on the agency's website.

559 8. Uniform rules establishing procedures for granting or
560 denying petitions for variances and waivers pursuant to s.
561 120.542.

562 (6) ADOPTION OF FEDERAL STANDARDS.—Notwithstanding any
563 contrary provision of this section, in the pursuance of state
564 implementation, operation, or enforcement of federal programs,
565 an agency is empowered to adopt rules substantively identical to
566 regulations adopted pursuant to federal law, in accordance with
567 the following procedures:

568 (a) The agency shall publish notice of intent to adopt a
569 rule pursuant to this subsection in the Florida Administrative
570 Register ~~Weekly~~ at least 21 days prior to filing the rule with
571 the Department of State. The agency shall provide a copy of the
572 notice of intent to adopt a rule to the committee at least 21
573 days prior to the date of filing with the Department of State.
574 Prior to filing the rule with the Department of State, the
575 agency shall consider any written comments received within 14
576 days after the date of publication of the notice of intent to
577 adopt a rule. The rule shall be adopted upon filing with the
578 Department of State. Substantive changes from the rules as
579 noticed shall require republishing of notice as required in this
580 subsection.

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581 (d) Whenever any federal regulation adopted as an agency
582 rule pursuant to this subsection is declared invalid or is
583 withdrawn, revoked, repealed, remanded, or suspended, the agency
584 shall, within 60 days thereafter, publish a notice of repeal of
585 the substantively identical agency rule in the Florida
586 Administrative Register ~~Weekly~~. Such repeal is effective upon
587 publication of the notice. Whenever any federal regulation
588 adopted as an agency rule pursuant to this subsection is
589 substantially amended, the agency may adopt the amended
590 regulation as a rule. If the amended regulation is not adopted
591 as a rule within 180 days after the effective date of the
592 amended regulation, the original rule is deemed repealed and the
593 agency shall publish a notice of repeal of the original agency
594 rule in the next available Florida Administrative Register
595 ~~Weekly~~.

596 (7) PETITION TO INITIATE RULEMAKING.—

597 (b) If the petition filed under this subsection is directed
598 to an unadopted rule, the agency shall, not later than 30 days
599 following the date of filing a petition, initiate rulemaking, or
600 provide notice in the Florida Administrative Register ~~Weekly~~
601 that the agency will hold a public hearing on the petition
602 within 30 days after publication of the notice. The purpose of
603 the public hearing is to consider the comments of the public
604 directed to the agency rule which has not been adopted by the
605 rulemaking procedures or requirements of this chapter, its scope
606 and application, and to consider whether the public interest is
607 served adequately by the application of the rule on a case-by-
608 case basis, as contrasted with its adoption by the rulemaking
609 procedures or requirements set forth in this chapter.

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610 (c) Within 30 days following the public hearing provided
611 for by paragraph (b), if the agency does not initiate rulemaking
612 or otherwise comply with the requested action, the agency shall
613 publish in the Florida Administrative Register ~~Weekly~~ a
614 statement of its reasons for not initiating rulemaking or
615 otherwise complying with the requested action, and of any
616 changes it will make in the scope or application of the
617 unadopted rule. The agency shall file the statement with the
618 committee. The committee shall forward a copy of the statement
619 to the substantive committee with primary oversight jurisdiction
620 of the agency in each house of the Legislature. The committee or
621 the committee with primary oversight jurisdiction may hold a
622 hearing directed to the statement of the agency. The committee
623 holding the hearing may recommend to the Legislature the
624 introduction of legislation making the rule a statutory standard
625 or limiting or otherwise modifying the authority of the agency.

626 Section 5. Subsections (6) and (8) of section 120.542,
627 Florida Statutes, are amended to read:

628 120.542 Variances and waivers.—

629 (6) Within 15 days after receipt of a petition for variance
630 or waiver, an agency shall provide notice of the petition to the
631 Department of State, which shall publish notice of the petition
632 in the first available issue of the Florida Administrative
633 Register ~~Weekly~~. The notice shall contain the name of the
634 petitioner, the date the petition was filed, the rule number and
635 nature of the rule from which variance or waiver is sought, and
636 an explanation of how a copy of the petition can be obtained.
637 The uniform rules shall provide a means for interested persons
638 to provide comments on the petition.

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639 (8) An agency shall grant or deny a petition for variance
640 or waiver within 90 days after receipt of the original petition,
641 the last item of timely requested additional material, or the
642 petitioner's written request to finish processing the petition.
643 A petition not granted or denied within 90 days after receipt of
644 a completed petition is deemed approved. A copy of the order
645 granting or denying the petition shall be filed with the
646 committee and shall contain a statement of the relevant facts
647 and reasons supporting the agency's action. The agency shall
648 provide notice of the disposition of the petition to the
649 Department of State, which shall publish the notice in the next
650 available issue of the Florida Administrative Register ~~Weekly~~.
651 The notice shall contain the name of the petitioner, the date
652 the petition was filed, the rule number and nature of the rule
653 from which the waiver or variance is sought, a reference to the
654 place and date of publication of the notice of the petition, the
655 date of the order denying or approving the variance or waiver,
656 the general basis for the agency decision, and an explanation of
657 how a copy of the order can be obtained. The agency's decision
658 to grant or deny the petition shall be supported by competent
659 substantial evidence and is subject to ss. 120.569 and 120.57.
660 Any proceeding pursuant to ss. 120.569 and 120.57 in regard to a
661 variance or waiver shall be limited to the agency action on the
662 request for the variance or waiver, except that a proceeding in
663 regard to a variance or waiver may be consolidated with any
664 other proceeding authorized by this chapter.

665 Section 6. Paragraph (c) of subsection (3), subsections (4)
666 and (7), and paragraph (b) of subsection (8) of section 120.545,
667 Florida Statutes, are amended to read:

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668 120.545 Committee review of agency rules.—

669 (3) Within 30 days after receipt of the objection, if the
670 agency is headed by an individual, or within 45 days after
671 receipt of the objection, if the agency is headed by a collegial
672 body, the agency shall:

673 (c) If the objection is to the statement of estimated
674 regulatory costs:

675 1. Prepare a corrected statement of estimated regulatory
676 costs, give notice of the availability of the corrected
677 statement in the first available issue of the Florida
678 Administrative Register ~~Weekly~~, and file a copy of the corrected
679 statement with the committee; or

680 2. Notify the committee that it refuses to prepare a
681 corrected statement of estimated regulatory costs.

682 (4) Failure of the agency to respond to a committee
683 objection to a rule that is not yet in effect within the time
684 prescribed in subsection (3) constitutes withdrawal of the rule
685 in its entirety. In this event, the committee shall notify the
686 Department of State that the agency, by its failure to respond
687 to a committee objection, has elected to withdraw the rule. Upon
688 receipt of the committee's notice, the Department of State shall
689 publish a notice to that effect in the next available issue of
690 the Florida Administrative Register ~~Weekly~~. Upon publication of
691 the notice, the rule shall be stricken from the files of the
692 Department of State and the files of the agency.

693 (7) If the committee objects to a rule and the agency
694 refuses to modify, amend, withdraw, or repeal the rule, the
695 committee shall file with the Department of State a notice of
696 the objection, detailing with particularity the committee's

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697 objection to the rule. The Department of State shall publish
698 this notice in the Florida Administrative Register ~~Weekly~~. If
699 the rule is published in the Florida Administrative Code, a
700 reference to the committee's objection and to the issue of the
701 Florida Administrative Register ~~Weekly~~ in which the full text
702 thereof appears shall be recorded in a history note.

703 (8)

704 (b)1. If the committee votes to recommend the introduction
705 of legislation to address the committee's objection, the
706 committee shall, within 5 days after this determination, certify
707 that fact to the agency whose rule or proposed rule has been
708 examined. The committee may request that the agency temporarily
709 suspend the rule or suspend the adoption of the proposed rule,
710 pending consideration of proposed legislation during the next
711 regular session of the Legislature.

712 2. Within 30 days after receipt of the certification, if
713 the agency is headed by an individual, or within 45 days after
714 receipt of the certification, if the agency is headed by a
715 collegial body, the agency shall:

716 a. Temporarily suspend the rule or suspend the adoption of
717 the proposed rule; or

718 b. Notify the committee in writing that the agency refuses
719 to temporarily suspend the rule or suspend the adoption of the
720 proposed rule.

721 3. If the agency elects to temporarily suspend the rule or
722 suspend the adoption of the proposed rule, the agency shall give
723 notice of the suspension in the Florida Administrative Register
724 ~~Weekly~~. The rule or the rule adoption process shall be suspended
725 upon publication of the notice. An agency may not base any

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726 agency action on a suspended rule or suspended proposed rule, or
727 portion of such rule, prior to expiration of the suspension. A
728 suspended rule or suspended proposed rule, or portion of such
729 rule, continues to be subject to administrative determination
730 and judicial review as provided by law.

731 4. Failure of an agency to respond to committee
732 certification within the time prescribed by subparagraph 2.
733 constitutes a refusal to suspend the rule or to suspend the
734 adoption of the proposed rule.

735 Section 7. Subsections (1) and (3) and paragraph (b) of
736 subsection (4) of section 120.555, Florida Statutes, are amended
737 to read:

738 120.555 Summary removal of published rules no longer in
739 force and effect.—When, as part of the continuous revision
740 system authorized in s. 120.55(1)(a)1. or as otherwise provided
741 by law, the Department of State is in doubt whether a rule
742 published in the official version of the Florida Administrative
743 Code is still in full force and effect, the procedure in this
744 section shall be employed.

745 (1) The Department of State shall submit to the head of the
746 agency with authority to repeal or amend the rule, if any, or if
747 no such agency can be identified, to the Governor, a written
748 request for a statement as to whether the rule is still in full
749 force and effect. A copy of the request shall be promptly
750 delivered to the committee and to the Attorney General. The
751 Department of State shall publish a notice of the request
752 together with a copy of the request in the Florida
753 Administrative Register ~~Weekly~~ next available after delivery of
754 the request to the head of the agency or the Governor.

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755 (3) The Department of State shall publish a notice of the
756 agency's or Governor's timely response or the acknowledgment
757 determined under subsection (2) in the Florida Administrative
758 Register ~~Weekly~~ next available after receipt of the response or
759 the expiration of the response period, whichever occurs first.

760 (4) If the response states that the rule is no longer in
761 effect, or if no response is filed timely with the Department of
762 State, the notice required in subsection (3) shall also give
763 notice of the following:

764 (b) Any objection to the summary repeal under this section
765 must be filed as a petition challenging a proposed rule under s.
766 120.56 and must be filed no later than 21 days after the date
767 the notice is published in the Florida Administrative Register
768 ~~Weekly~~.

769 Section 8. Paragraph (b) of subsection (2), paragraph (b)
770 of subsection (3), and paragraph (c) of subsection (4) of
771 section 120.56, Florida Statutes, are amended to read:

772 120.56 Challenges to rules.—

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

774 (b) The administrative law judge may declare the proposed
775 rule wholly or partly invalid. Unless the decision of the
776 administrative law judge is reversed on appeal, the proposed
777 rule or provision of a proposed rule declared invalid shall not
778 be adopted. After a petition for administrative determination
779 has been filed, the agency may proceed with all other steps in
780 the rulemaking process, including the holding of a factfinding
781 hearing. In the event part of a proposed rule is declared
782 invalid, the adopting agency may, in its sole discretion,
783 withdraw the proposed rule in its entirety. The agency whose

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784 proposed rule has been declared invalid in whole or part shall
785 give notice of the decision in the first available issue of the
786 Florida Administrative Register ~~Weekly~~.

787 (3) CHALLENGING EXISTING RULES; SPECIAL PROVISIONS.—

788 (b) The administrative law judge may declare all or part of
789 a rule invalid. The rule or part thereof declared invalid shall
790 become void when the time for filing an appeal expires. The
791 agency whose rule has been declared invalid in whole or part
792 shall give notice of the decision in the Florida Administrative
793 Register ~~Weekly~~ in the first available issue after the rule has
794 become void.

795 (4) CHALLENGING AGENCY STATEMENTS DEFINED AS RULES; SPECIAL
796 PROVISIONS.—

797 (c) The administrative law judge may determine whether all
798 or part of a statement violates s. 120.54(1)(a). The decision of
799 the administrative law judge shall constitute a final order. The
800 division shall transmit a copy of the final order to the
801 Department of State and the committee. The Department of State
802 shall publish notice of the final order in the first available
803 issue of the Florida Administrative Register ~~Weekly~~.

804 Section 9. Subsection (3) of section 120.565, Florida
805 Statutes, is amended to read:

806 120.565 Declaratory statement by agencies.—

807 (3) The agency shall give notice of the filing of each
808 petition in the next available issue of the Florida
809 Administrative Register ~~Weekly~~ and transmit copies of each
810 petition to the committee. The agency shall issue a declaratory
811 statement or deny the petition within 90 days after the filing
812 of the petition. The declaratory statement or denial of the

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813 petition shall be noticed in the next available issue of the
814 Florida Administrative Register ~~Weekly~~. Agency disposition of
815 petitions shall be final agency action.

816 Section 10. Paragraph (a) of subsection (2) of section
817 120.63, Florida Statutes, is amended to read:

818 120.63 Exemption from act.—

819 (2) The commission may not exempt an agency from any
820 requirement of this act pursuant to this section until it
821 establishes alternative procedures to achieve the agency's
822 purpose which shall be consistent, insofar as possible, with the
823 intent and purpose of the act.

824 (a) Prior to the granting of any exemption authorized by
825 this section, the commission shall hold a public hearing after
826 notice given as provided in s. 120.525. Upon the conclusion of
827 the hearing, the commission, through the Executive Office of the
828 Governor, shall issue an order specifically granting or denying
829 the exemption and specifying any processes or proceedings
830 exempted and the extent of the exemption; transmit to the
831 committee and to the Department of State a copy of the petition,
832 a certified copy of the order granting or denying the petition,
833 and a copy of any alternative procedures prescribed; and give
834 notice of the petition and the commission's response in the
835 Florida Administrative Register ~~Weekly~~.

836 Section 11. Paragraph (b) of subsection (7) of section
837 120.745, Florida Statutes, is amended to read:

838 120.745 Legislative review of agency rules in effect on or
839 before November 16, 2010.—

840 (7) MANNER OF PUBLICATION OF NOTICES, DETERMINATIONS, AND
841 REPORTS.—Agencies shall publish notices, determinations, and

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842 reports required under this section exclusively in the following
843 manner:

844 (b)1. Each notice shall be published using the following
845 URL format:

846 [Address of agency's Internet website]/
847 2011_Rule_review/Notices.

848 (Example:

849 http://www.dos.state.fl.us/2011_Rule_review/Notices).

850 2. Once each week a copy of all notices published in the
851 previous week on the Internet under this paragraph shall be
852 delivered to the Department of State, for publication in the
853 next available issue of the Florida Administrative Register
854 ~~Weekly~~, and a copy shall be delivered by electronic mail to the
855 committee.

856 3. Each notice shall identify the publication for which
857 notice is being given and include:

858 a. The name of the agency.

859 b. The name, physical address, fax number, and e-mail
860 address for the person designated to receive all inquiries,
861 public comments, and objections pertaining to the publication
862 identified in the notice.

863 c. The particular Internet address through which the
864 publication may be accessed.

865 d. The date the notice and publication is first published
866 on the agency's Internet website.

867 Section 12. Paragraph (a) of subsection (3) of section
868 120.80, Florida Statutes, is amended to read:

869 120.80 Exceptions and special requirements; agencies.—

870 (3) OFFICE OF FINANCIAL REGULATION.—

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871 (a) Notwithstanding s. 120.60(1), in proceedings for the
872 issuance, denial, renewal, or amendment of a license or approval
873 of a merger pursuant to title XXXVIII:

874 1.a. The Office of Financial Regulation of the Financial
875 Services Commission shall have published in the Florida
876 Administrative Register ~~Weekly~~ Weekly notice of the application within
877 21 days after receipt.

878 b. Within 21 days after publication of notice, any person
879 may request a hearing. Failure to request a hearing within 21
880 days after notice constitutes a waiver of any right to a
881 hearing. The Office of Financial Regulation or an applicant may
882 request a hearing at any time prior to the issuance of a final
883 order. Hearings shall be conducted pursuant to ss. 120.569 and
884 120.57, except that the Financial Services Commission shall by
885 rule provide for participation by the general public.

886 2. Should a hearing be requested as provided by sub-
887 subparagraph 1.b., the applicant or licensee shall publish at
888 its own cost a notice of the hearing in a newspaper of general
889 circulation in the area affected by the application. The
890 Financial Services Commission may by rule specify the format and
891 size of the notice.

892 3. Notwithstanding s. 120.60(1), and except as provided in
893 subparagraph 4., every application for license for a new bank,
894 new trust company, new credit union, or new savings and loan
895 association shall be approved or denied within 180 days after
896 receipt of the original application or receipt of the timely
897 requested additional information or correction of errors or
898 omissions. Any application for such a license or for acquisition
899 of such control which is not approved or denied within the 180-

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900 day period or within 30 days after conclusion of a public
901 hearing on the application, whichever is later, shall be deemed
902 approved subject to the satisfactory completion of conditions
903 required by statute as a prerequisite to license and approval of
904 insurance of accounts for a new bank, a new savings and loan
905 association, or a new credit union by the appropriate insurer.

906 4. In the case of every application for license to
907 establish a new bank, trust company, or capital stock savings
908 association in which a foreign national proposes to own or
909 control 10 percent or more of any class of voting securities,
910 and in the case of every application by a foreign national for
911 approval to acquire control of a bank, trust company, or capital
912 stock savings association, the Office of Financial Regulation
913 shall request that a public hearing be conducted pursuant to ss.
914 120.569 and 120.57. Notice of such hearing shall be published by
915 the applicant as provided in subparagraph 2. The failure of any
916 such foreign national to appear personally at the hearing shall
917 be grounds for denial of the application. Notwithstanding the
918 provisions of s. 120.60(1) and subparagraph 3., every
919 application involving a foreign national shall be approved or
920 denied within 1 year after receipt of the original application
921 or any timely requested additional information or the correction
922 of any errors or omissions, or within 30 days after the
923 conclusion of the public hearing on the application, whichever
924 is later.

925 Section 13. Paragraph (d) of subsection (1) and paragraph
926 (b) of subsection (2) of section 120.81, Florida Statutes, are
927 amended to read:

928 120.81 Exceptions and special requirements; general areas.—

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929 (1) EDUCATIONAL UNITS.—

930 (d) Notwithstanding any other provision of this chapter,
931 educational units shall not be required to include the full text
932 of the rule or rule amendment in notices relating to rules and
933 need not publish these or other notices in the Florida
934 Administrative Register ~~Weekly~~, but notice shall be made:

935 1. By publication in a newspaper of general circulation in
936 the affected area;

937 2. By mail to all persons who have made requests of the
938 educational unit for advance notice of its proceedings and to
939 organizations representing persons affected by the proposed
940 rule; and

941 3. By posting in appropriate places so that those
942 particular classes of persons to whom the intended action is
943 directed may be duly notified.

944 (2) LOCAL UNITS OF GOVERNMENT.—

945 (b) Notwithstanding any other provision of this chapter,
946 units of government with jurisdiction in only one county or part
947 thereof need not publish required notices in the Florida
948 Administrative Register ~~Weekly~~, but shall publish these notices
949 in the manner required by their enabling acts for notice of
950 rulemaking or notice of meeting. Notices relating to rules are
951 not required to include the full text of the rule or rule
952 amendment.

953 Section 14. Paragraphs (b) and (e) of subsection (5) of
954 section 155.40, Florida Statutes, are amended to read:

955 155.40 Sale or lease of county, district, or municipal
956 hospital; effect of sale.—

957 (5) The governing board of a county, district, or municipal

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958 hospital or health care system shall commence an evaluation of
959 the possible benefits to an affected community from the sale or
960 lease of hospital facilities owned by the board to a not-for-
961 profit or for-profit entity no later than December 31, 2012. In
962 the course of evaluating the benefits of the sale or lease, the
963 board shall:

964 (b) Publish notice of the public hearing in one or more
965 newspapers of general circulation in the county in which the
966 majority of the physical assets of the hospital or health care
967 system are located and in the Florida Administrative Register
968 ~~Weekly~~ at least 15 days before the hearing is scheduled to
969 occur.

970 (e) Make publicly available all documents considered by the
971 board in the course of such evaluation.

972 1. Within 160 days after the initiation of the process
973 established in this subsection, the governing board shall
974 publish notice of the board's findings in one or more newspapers
975 of general circulation in the county in which the majority of
976 the physical assets of the hospital are located and in the
977 Florida Administrative Register ~~Weekly~~.

978 2. This evaluation is not required if a district, county,
979 or municipal hospital has issued a public request for proposals
980 for the sale or lease of a hospital on or before February 1,
981 2012, for the purpose of receiving proposals from qualified
982 purchasers or lessees, either not-for-profit or for-profit.

983 Section 15. Subsection (6) of section 159.703, Florida
984 Statutes, is amended to read:

985 159.703 Creation of research and development authorities.-

986 (6) A majority of the members of the authority shall

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987 constitute a quorum, and the affirmative vote of a majority of
988 the members present shall be necessary for any action taken by
989 the authority, provided that the president of each affiliated
990 institution of higher education or that president's designee
991 shall be present and vote on any action taken by the authority
992 involving the issuance of bonds or the transfer, development,
993 lease or encumbrance of any lands owned by the Trustees of the
994 Internal Improvement Trust Fund and leased to the authority; and
995 provided, further, that the president of each affiliated
996 institution of higher education or such president's designee
997 shall be present and vote in the affirmative on any action taken
998 by the authority involving the lease of any park lands to a
999 state agency. No vacancy in the membership of the authority
1000 shall impair the right of a quorum to exercise all the rights
1001 and perform all the duties of the authority. Any action taken by
1002 the authority under the provisions of ss. 159.701-159.7095 may
1003 be authorized by resolution at any regular or special meeting,
1004 and each such resolution shall take effect immediately and need
1005 not be published or posted. Notice of meetings of the authority
1006 shall be published in the Florida Administrative Register
1007 ~~Weekly~~.

1008 Section 16. Paragraph (a) of subsection (2) of section
1009 161.053, Florida Statutes, is amended to read:

1010 161.053 Coastal construction and excavation; regulation on
1011 county basis.—

1012 (2) (a) Coastal construction control lines shall be
1013 established by the department only after it has been determined
1014 from a comprehensive engineering study and topographic survey
1015 that the establishment of such control lines is necessary for

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1016 the protection of upland properties and the control of beach
1017 erosion. No such line shall be set until a public hearing has
1018 been held in each affected county. After the department has
1019 given consideration to the results of such public hearing, it
1020 shall, after considering ground elevations in relation to
1021 historical storm and hurricane tides, predicted maximum wave
1022 uprush, beach and offshore ground contours, the vegetation line,
1023 erosion trends, the dune or bluff line, if any exist, and
1024 existing upland development, set and establish a coastal
1025 construction control line and cause such line to be duly filed
1026 in the public records of any county affected and shall furnish
1027 the clerk of the circuit court in each county affected a survey
1028 of such line with references made to permanently installed
1029 monuments at such intervals and locations as may be considered
1030 necessary. However, no coastal construction control line shall
1031 be set until a public hearing has been held by the department
1032 and the affected persons have an opportunity to appear. The
1033 hearing shall constitute a public hearing and shall satisfy all
1034 requirements for a public hearing pursuant to s. 120.54(3). The
1035 hearing shall be noticed in the Florida Administrative Register
1036 ~~Weekly~~ in the same manner as a rule. Any coastal construction
1037 control line adopted pursuant to this section shall not be
1038 subject to a s. 120.56(2) rule challenge or a s. 120.54(3)(c)2.
1039 drawout proceeding, but, once adopted, shall be subject to a s.
1040 120.56(3) invalidity challenge. The rule shall be adopted by the
1041 department and shall become effective upon filing with the
1042 Department of State, notwithstanding the provisions of s.
1043 120.54(3)(e)6. Upon such filing with the Department of State, no
1044 person, firm, corporation, or governmental agency shall

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1045 construct any structure whatsoever seaward thereof; make any
1046 excavation, remove any beach material, or otherwise alter
1047 existing ground elevations; drive any vehicle on, over, or
1048 across any sand dune; or damage or cause to be damaged such sand
1049 dune or the vegetation growing thereon seaward thereof, except
1050 as hereinafter provided. Control lines established under the
1051 provisions of this section shall be subject to review at the
1052 discretion of the department after consideration of hydrographic
1053 and topographic data that indicate shoreline changes that render
1054 established coastal construction control lines to be ineffective
1055 for the purposes of this act or at the written request of
1056 officials of affected counties or municipalities. Any riparian
1057 upland owner who feels that such line as established is unduly
1058 restrictive or prevents a legitimate use of the owner's property
1059 shall be granted a review of the line upon written request.
1060 After such review, the department shall decide if a change in
1061 the control line as established is justified and shall so notify
1062 the person or persons making the request. The decision of the
1063 department shall be subject to judicial review as provided in
1064 chapter 120.

1065 Section 17. Paragraph (a) of subsection (2) of section
1066 202.22, Florida Statutes, is amended to read:

1067 202.22 Determination of local tax situs.—

1068 (2) (a) The department shall, subject to legislative
1069 appropriation, create as soon as practical and feasible, and
1070 thereafter maintain, an electronic database that gives due and
1071 proper regard to any format that is approved by the American
1072 National Standards Institute's Accredited Standards Committee
1073 X12 and that designates for each street address, address range,

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1074 post office box, or post office box range in the state,
1075 including any multiple postal street addresses applicable to one
1076 street location, the local taxing jurisdiction in which the
1077 street address, address range, post office box, or post office
1078 box range is located and the appropriate code for each such
1079 local taxing jurisdiction, identified by one nationwide standard
1080 numeric code. The nationwide standard numeric code must contain
1081 the same number of numeric digits, and each digit, or
1082 combination of digits, must refer to the same level of taxing
1083 jurisdiction throughout the United States using a format similar
1084 to FIPS 55-3 or other appropriate standard approved by the
1085 Federation of Tax Administrators and the Multistate Tax
1086 Commission. Each address or address range or post office box or
1087 post office box range must be provided in standard postal
1088 format, including the street number, street number range, street
1089 name, post office box number, post office box range, and zip
1090 code. The department shall provide notice of the availability of
1091 the database, and any subsequent revision thereof, by
1092 publication in the Florida Administrative Register ~~Weekly~~.

1093 Section 18. Paragraph (c) of subsection (4) and paragraph
1094 (d) of subsection (18) of section 215.555, Florida Statutes, are
1095 amended to read:

1096 215.555 Florida Hurricane Catastrophe Fund.—

1097 (4) REIMBURSEMENT CONTRACTS.—

1098 (c)1. The contract shall also provide that the obligation
1099 of the board with respect to all contracts covering a particular
1100 contract year shall not exceed the actual claims-paying capacity
1101 of the fund up to a limit of \$17 billion for that contract year,
1102 unless the board determines that there is sufficient estimated

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1103 claims-paying capacity to provide \$17 billion of capacity for
1104 the current contract year and an additional \$17 billion of
1105 capacity for subsequent contract years. If the board makes such
1106 a determination, the estimated claims-paying capacity for the
1107 particular contract year shall be determined by adding to the
1108 \$17 billion limit one-half of the fund's estimated claims-paying
1109 capacity in excess of \$34 billion. However, the dollar growth in
1110 the limit may not increase in any year by an amount greater than
1111 the dollar growth of the balance of the fund as of December 31,
1112 less any premiums or interest attributable to optional coverage,
1113 as defined by rule which occurred over the prior calendar year.

1114 2. In May and October of the contract year, the board shall
1115 publish in the Florida Administrative Register ~~Weekly~~ a
1116 statement of the fund's estimated borrowing capacity, the fund's
1117 estimated claims-paying capacity, and the projected balance of
1118 the fund as of December 31. After the end of each calendar year,
1119 the board shall notify insurers of the estimated borrowing
1120 capacity, estimated claims-paying capacity, and the balance of
1121 the fund as of December 31 to provide insurers with data
1122 necessary to assist them in determining their retention and
1123 projected payout from the fund for loss reimbursement purposes.
1124 In conjunction with the development of the premium formula, as
1125 provided for in subsection (5), the board shall publish factors
1126 or multiples that assist insurers in determining their retention
1127 and projected payout for the next contract year. For all
1128 regulatory and reinsurance purposes, an insurer may calculate
1129 its projected payout from the fund as its share of the total
1130 fund premium for the current contract year multiplied by the sum
1131 of the projected balance of the fund as of December 31 and the

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1132 estimated borrowing capacity for that contract year as reported
1133 under this subparagraph.

1134 (18) FACILITATION OF INSURERS' PRIVATE CONTRACT
1135 NEGOTIATIONS BEFORE THE START OF THE HURRICANE SEASON.—

1136 (d) The board shall publish in the Florida Administrative
1137 Register ~~Weekly~~ the maximum statutory adjusted capacity for the
1138 mandatory coverage for a particular contract year, the maximum
1139 statutory coverage for any optional coverage for the particular
1140 contract year, and the aggregate fund retention used to
1141 calculate individual insurer's retention multiples for the
1142 particular contract year no later than January 1 of the
1143 immediately preceding contract year.

1144 Section 19. Subsection (3) of section 252.62, Florida
1145 Statutes, is amended to read:

1146 252.62 Director of Office of Financial Regulation; powers
1147 in a state of emergency.—

1148 (3) The director shall publish, in the next available
1149 publication of the Florida Administrative Register ~~Weekly~~, a
1150 copy of the text of any order issued under this section,
1151 together with a statement describing the modification or
1152 suspension and explaining how the modification or suspension
1153 will facilitate recovery from the emergency and maintain the
1154 safety and soundness of financial institutions in this state.

1155 Section 20. Subsection (3) of section 252.63, Florida
1156 Statutes, is amended to read:

1157 252.63 Commissioner of Insurance Regulation; powers in a
1158 state of emergency.—

1159 (3) The commissioner shall publish in the next available
1160 publication of the Florida Administrative Register ~~Weekly~~ a copy

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1161 of the text of any order issued under this section, together
1162 with a statement describing the modification or suspension and
1163 explaining how the modification or suspension will facilitate
1164 recovery from the emergency.

1165 Section 21. Subsection (1) of section 255.0525, Florida
1166 Statutes, is amended to read:

1167 255.0525 Advertising for competitive bids or proposals.—

1168 (1) The solicitation of competitive bids or proposals for
1169 any state construction project that is projected to cost more
1170 than \$200,000 shall be publicly advertised once in the Florida
1171 Administrative Register ~~Weekly~~ at least 21 days prior to the
1172 established bid opening. For state construction projects that
1173 are projected to cost more than \$500,000, the advertisement
1174 shall be published in the Florida Administrative Register ~~Weekly~~
1175 at least 30 days prior to the established bid opening and at
1176 least once in a newspaper of general circulation in the county
1177 where the project is located at least 30 days prior to the
1178 established bid opening and at least 5 days prior to any
1179 scheduled prebid conference. The bids or proposals shall be
1180 received and opened publicly at the location, date, and time
1181 established in the bid or proposal advertisement. In cases of
1182 emergency, the Secretary of Management Services may alter the
1183 procedures required in this section in any manner that is
1184 reasonable under the emergency circumstances.

1185 Section 22. Subsection (1) of section 280.11, Florida
1186 Statutes, is amended to read:

1187 280.11 Withdrawal from public deposits program; return of
1188 pledged collateral.—

1189 (1) A qualified public depository may withdraw from the

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1190 public deposits program by giving written notice to the Chief
1191 Financial Officer. The contingent liability, required
1192 collateral, and reporting requirements of the depository
1193 withdrawing from the program shall continue for a period of 12
1194 months after the effective date of the withdrawal, except that
1195 the filing of reports may no longer be required when the average
1196 monthly balance of public deposits is equal to zero. Notice of
1197 withdrawal shall be mailed or delivered in sufficient time to be
1198 received by the Chief Financial Officer at least 30 days before
1199 the effective date of withdrawal. The Chief Financial Officer
1200 shall timely publish the withdrawal notice in the Florida
1201 Administrative Register ~~Weekly~~ which shall constitute notice to
1202 all depositors. The withdrawing depository shall not receive or
1203 retain public deposits after the effective date of the
1204 withdrawal until such time as it again becomes a qualified
1205 public depository. The Chief Financial Officer shall, upon
1206 request, return to the depository that portion of the collateral
1207 pledged that is in excess of the required collateral as reported
1208 on the current public depository monthly report. Losses of
1209 interest or other accumulations, if any, because of withdrawal
1210 under this section shall be assessed and paid as provided in s.
1211 280.09.

1212 Section 23. Paragraph (a) of subsection (4) of section
1213 310.151, Florida Statutes, is amended to read:

1214 310.151 Rates of pilotage; Pilotage Rate Review Committee.—

1215 (4) (a) The applicant shall be given written notice, either
1216 in person or by certified mail, that the committee intends to
1217 modify the pilotage rates in that port and that the applicant
1218 may, within 21 days after receipt of the notice, request a

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1219 hearing pursuant to the Administrative Procedure Act. Notice of
1220 the intent to modify the pilotage rates in that port shall also
1221 be published in the Florida Administrative Register ~~Weekly~~ and
1222 in a newspaper of general circulation in the affected port area
1223 and shall be mailed to any person who has formally requested
1224 notice of any rate change in the affected port area. Within 21
1225 days after receipt or publication of notice, any person whose
1226 substantial interests will be affected by the intended committee
1227 action may request a hearing pursuant to the Administrative
1228 Procedure Act. If the committee concludes that the petitioner
1229 has raised a disputed issue of material fact, the committee
1230 shall designate a hearing, which shall be conducted by formal
1231 proceeding before an administrative law judge assigned by the
1232 Division of Administrative Hearings pursuant to ss. 120.569 and
1233 120.57(1), unless waived by all parties. If the committee
1234 concludes that the petitioner has not raised a disputed issue of
1235 material fact and does not designate the petition for hearing,
1236 that decision shall be considered final agency action for
1237 purposes of s. 120.68. The failure to request a hearing within
1238 21 days after receipt or publication of notice shall constitute
1239 a waiver of any right to an administrative hearing and shall
1240 cause the order modifying the pilotage rates in that port to be
1241 entered. If an administrative hearing is requested pursuant to
1242 this subsection, notice of the time, date, and location of the
1243 hearing shall be published in the Florida Administrative
1244 Register ~~Weekly~~ and in a newspaper of general circulation in the
1245 affected port area and shall be mailed to the applicant and to
1246 any person who has formally requested notice of any rate change
1247 for the affected port area.

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1248 Section 24. Subsection (1) of section 320.642, Florida
1249 Statutes, is amended to read:

1250 320.642 Dealer licenses in areas previously served;
1251 procedure.—

1252 (1) Any licensee who proposes to establish an additional
1253 motor vehicle dealership or permit the relocation of an existing
1254 dealer to a location within a community or territory where the
1255 same line-make vehicle is presently represented by a franchised
1256 motor vehicle dealer or dealers shall give written notice of its
1257 intention to the department. The notice must state:

1258 (a) The specific location at which the additional or
1259 relocated motor vehicle dealership will be established.

1260 (b) The date on or after which the licensee intends to be
1261 engaged in business with the additional or relocated motor
1262 vehicle dealer at the proposed location.

1263 (c) The identity of all motor vehicle dealers who are
1264 franchised to sell the same line-make vehicle with licensed
1265 locations in the county and any contiguous county to the county
1266 where the additional or relocated motor vehicle dealer is
1267 proposed to be located.

1268 (d) The names and addresses of the dealer-operator and
1269 principal investors in the proposed additional or relocated
1270 motor vehicle dealership.

1271
1272 Immediately upon receipt of the notice the department shall
1273 cause a notice to be published in the Florida Administrative
1274 Register ~~Weekly~~. The published notice must state that a petition
1275 or complaint by any dealer with standing to protest pursuant to
1276 subsection (3) must be filed within 30 days following the date

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1277 of publication of the notice in the Florida Administrative
1278 Register ~~Weekly~~. The published notice must describe and identify
1279 the proposed dealership sought to be licensed, and the
1280 department shall cause a copy of the notice to be mailed to
1281 those dealers identified in the licensee's notice under
1282 paragraph (c). The licensee shall pay a fee of \$75 and a service
1283 charge of \$2.50 for each publication. Proceeds from the fee and
1284 service charge shall be deposited into the Highway Safety
1285 Operating Trust Fund.

1286 Section 25. Paragraph (a) of subsection (6) of section
1287 334.30, Florida Statutes, is amended to read:

1288 334.30 Public-private transportation facilities.—The
1289 Legislature finds and declares that there is a public need for
1290 the rapid construction of safe and efficient transportation
1291 facilities for the purpose of traveling within the state, and
1292 that it is in the public's interest to provide for the
1293 construction of additional safe, convenient, and economical
1294 transportation facilities.

1295 (6) The procurement of public-private partnerships by the
1296 department shall follow the provisions of this section. Sections
1297 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
1298 337.185, 337.19, 337.221, and 337.251 shall not apply to
1299 procurements under this section unless a provision is included
1300 in the procurement documents. The department shall ensure that
1301 generally accepted business practices for exemptions provided by
1302 this subsection are part of the procurement process or are
1303 included in the public-private partnership agreement.

1304 (a) The department may request proposals from private
1305 entities for public-private transportation projects or, if the

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1306 department receives an unsolicited proposal, the department
1307 shall publish a notice in the Florida Administrative Register
1308 ~~Weekly~~ and a newspaper of general circulation at least once a
1309 week for 2 weeks stating that the department has received the
1310 proposal and will accept, for 120 days after the initial date of
1311 publication, other proposals for the same project purpose. A
1312 copy of the notice must be mailed to each local government in
1313 the affected area.

1314 Section 26. Paragraph (g) of subsection (4) of section
1315 339.135, Florida Statutes, is amended to read:

1316 339.135 Work program; legislative budget request;
1317 definitions; preparation, adoption, execution, and amendment.—

1318 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1319 (g)1. The Florida Transportation Commission shall conduct a
1320 statewide public hearing on the tentative work program and shall
1321 advertise the time, place, and purpose of the hearing in the
1322 Florida Administrative Register ~~Weekly~~ at least 7 days prior to
1323 the hearing. As part of the statewide public hearing, the
1324 commission shall, at a minimum:

1325 a. Conduct an in-depth evaluation of the tentative work
1326 program for compliance with applicable laws and departmental
1327 policies; and

1328 b. Hear all questions, suggestions, or other comments
1329 offered by the public.

1330 2. By no later than 14 days after the regular legislative
1331 session begins, the commission shall submit to the Executive
1332 Office of the Governor and the legislative appropriations
1333 committees a report that evaluates the tentative work program
1334 for:

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- 1335 a. Financial soundness;
1336 b. Stability;
1337 c. Production capacity;
1338 d. Accomplishments, including compliance with program
1339 objectives in s. 334.046;
1340 e. Compliance with approved local government comprehensive
1341 plans;
1342 f. Objections and requests by metropolitan planning
1343 organizations;
1344 g. Policy changes and effects thereof;
1345 h. Identification of statewide or regional projects; and
1346 i. Compliance with all other applicable laws.

1347 Section 27. Paragraph (a) of subsection (5) of section
1348 339.155, Florida Statutes, is amended to read:

1349 339.155 Transportation planning.—

1350 (5) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION
1351 PLANNING.—

1352 (a) During the development of the Florida Transportation
1353 Plan and prior to substantive revisions, the department shall
1354 provide citizens, affected public agencies, representatives of
1355 transportation agency employees, other affected employee
1356 representatives, private providers of transportation, and other
1357 known interested parties with an opportunity to comment on the
1358 proposed plan or revisions. These opportunities shall include,
1359 at a minimum, publishing a notice in the Florida Administrative
1360 Register ~~Weekly~~ and within a newspaper of general circulation
1361 within the area of each department district office.

1362 Section 28. Subsection (3) of section 343.875, Florida
1363 Statutes, is amended to read:

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1364 343.875 Public-private partnerships.—

1365 (3) The authority may request proposals for public-private
1366 transportation projects or, if it receives an unsolicited
1367 proposal, it must publish a notice in the Florida Administrative
1368 Register ~~Weekly~~ and a newspaper of general circulation in the
1369 county in which it is located at least once a week for 2 weeks
1370 stating that it has received the proposal and will accept, for
1371 60 days after the initial date of publication, other proposals
1372 for the same project purpose. A copy of the notice must be
1373 mailed to each local government in the affected areas. After the
1374 public notification period has expired, the authority shall rank
1375 the proposals in order of preference. In ranking the proposals,
1376 the authority shall consider professional qualifications,
1377 general business terms, innovative engineering or cost-reduction
1378 terms, finance plans, and the need for state funds to deliver
1379 the proposal. If the authority is not satisfied with the results
1380 of the negotiations, it may, at its sole discretion, terminate
1381 negotiations with the proposer. If these negotiations are
1382 unsuccessful, the authority may go to the second and lower-
1383 ranked firms, in order, using the same procedure. If only one
1384 proposal is received, the authority may negotiate in good faith
1385 and, if it is not satisfied with the results, it may, at its
1386 sole discretion, terminate negotiations with the proposer.
1387 Notwithstanding this subsection, the authority may, at its
1388 discretion, reject all proposals at any point in the process up
1389 to completion of a contract with the proposer.

1390 Section 29. Subsection (3) of section 343.962, Florida
1391 Statutes, is amended to read:

1392 343.962 Public-private partnerships.—

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1393 (3) The authority may request proposals and receive
1394 unsolicited proposals for public-private multimodal
1395 transportation projects, and, upon receipt of any unsolicited
1396 proposal or determination to issue a request for proposals, the
1397 authority must publish a notice in the Florida Administrative
1398 Register ~~Weekly~~ and a newspaper of general circulation in the
1399 county in which the proposed project is located at least once a
1400 week for 2 weeks requesting proposals or, if an unsolicited
1401 proposal was received, stating that it has received the proposal
1402 and will accept, for 60 days after the initial date of
1403 publication, other proposals for the same project purpose. A
1404 copy of the notice must be mailed to each local government in
1405 the affected areas. After the public notification period has
1406 expired, the authority shall rank the proposals in order of
1407 preference. In ranking the proposals, the authority shall
1408 consider professional qualifications, general business terms,
1409 innovative engineering or cost-reduction terms, finance plans,
1410 and the need for state funds to deliver the proposal. If the
1411 authority is not satisfied with the results of the negotiations,
1412 it may, at its sole discretion, terminate negotiations with the
1413 proposer. If these negotiations are unsuccessful, the authority
1414 may go to the second and lower-ranked firms, in order, using the
1415 same procedure. If only one proposal is received, the authority
1416 may negotiate in good faith and, if it is not satisfied with the
1417 results, it may, at its sole discretion, terminate negotiations
1418 with the proposer. Notwithstanding this subsection, the
1419 authority may, at its discretion, reject all proposals at any
1420 point in the process up to completion of a contract with the
1421 proposer.

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1422 Section 30. Paragraph (c) of subsection (9) of section
1423 348.0004, Florida Statutes, is amended to read:

1424 348.0004 Purposes and powers.—

1425 (9) The Legislature declares that there is a public need
1426 for the rapid construction of safe and efficient transportation
1427 facilities for traveling within the state and that it is in the
1428 public's interest to provide for public-private partnership
1429 agreements to effectuate the construction of additional safe,
1430 convenient, and economical transportation facilities.

1431 (c) The authority may request proposals for public-private
1432 transportation projects or, if it receives an unsolicited
1433 proposal, it must publish a notice in the Florida Administrative
1434 Register ~~Weekly~~ and a newspaper of general circulation in the
1435 county in which it is located at least once a week for 2 weeks,
1436 stating that it has received the proposal and will accept, for
1437 60 days after the initial date of publication, other proposals
1438 for the same project purpose. A copy of the notice must be
1439 mailed to each local government in the affected areas. After the
1440 public notification period has expired, the authority shall rank
1441 the proposals in order of preference. In ranking the proposals,
1442 the authority shall consider professional qualifications,
1443 general business terms, innovative engineering or cost-reduction
1444 terms, finance plans, and the need for state funds to deliver
1445 the proposal. If the authority is not satisfied with the results
1446 of the negotiations, it may, at its sole discretion, terminate
1447 negotiations with the proposer. If these negotiations are
1448 unsuccessful, the authority may go to the second and lower-
1449 ranked firms, in order, using the same procedure. If only one
1450 proposal is received, the authority may negotiate in good faith,

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1451 and if it is not satisfied with the results, it may, at its sole
1452 discretion, terminate negotiations with the proposer. The
1453 authority may, at its discretion, reject all proposals at any
1454 point in the process up to completion of a contract with the
1455 proposer.

1456 Section 31. Subsection (3) of section 349.22, Florida
1457 Statutes, is amended to read:

1458 349.22 Public-private transportation facilities.—

1459 (3) The authority may request proposals and receive
1460 unsolicited proposals for public-private transportation projects
1461 and, upon receipt of any unsolicited proposal or determination
1462 to issue a request for proposals, must publish a notice in the
1463 Florida Administrative Register ~~Weekly~~ and a newspaper of
1464 general circulation in the county in which the proposed project
1465 is located at least once a week for 2 weeks requesting proposals
1466 or, if an unsolicited proposal was received, stating that it has
1467 received the proposal and will accept, for 60 days after the
1468 initial date of publication, other proposals for the same
1469 project purpose. A copy of the notice must be mailed to each
1470 local government in the affected areas. After the public
1471 notification period has expired, the authority shall rank the
1472 proposals in order of preference. In ranking the proposals, the
1473 authority shall consider professional qualifications, general
1474 business terms, innovative engineering or cost-reduction terms,
1475 finance plans, and the need for state funds to deliver the
1476 proposal. If the authority is not satisfied with the results of
1477 the negotiations, it may, at its sole discretion, terminate
1478 negotiations with the proposer. If these negotiations are
1479 unsuccessful, the authority may go to the second and lower-

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1480 ranked firms, in order, using the same procedure. If only one
1481 proposal is received, the authority may negotiate in good faith
1482 and, if it is not satisfied with the results, may, at its sole
1483 discretion, terminate negotiations with the proposer.
1484 Notwithstanding this subsection, the authority may, at its
1485 discretion, reject all proposals at any point in the process up
1486 to completion of a contract with the proposer. Any person
1487 submitting an unsolicited proposal shall submit with the
1488 proposal the sum of \$25,000 to the authority to be applied by
1489 the authority to its costs of review and analysis of the
1490 proposal, and such person shall remain liable for any additional
1491 costs and expenses of the authority incurred for the review and
1492 analysis.

1493 Section 32. Subsection (1) of section 366.04, Florida
1494 Statutes, is amended to read:

1495 366.04 Jurisdiction of commission.—

1496 (1) In addition to its existing functions, the commission
1497 shall have jurisdiction to regulate and supervise each public
1498 utility with respect to its rates and service; assumption by it
1499 of liabilities or obligations as guarantor, endorser, or surety;
1500 and the issuance and sale of its securities, except a security
1501 which is a note or draft maturing not more than 1 year after the
1502 date of such issuance and sale and aggregating (together with
1503 all other then-outstanding notes and drafts of a maturity of 1
1504 year or less on which such public utility is liable) not more
1505 than 5 percent of the par value of the other securities of the
1506 public utility then outstanding. In the case of securities
1507 having no par value, the par value for the purpose of this
1508 section shall be the fair market value as of the date of issue.

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1509 The commission, upon application by a public utility, may
1510 authorize the utility to issue and sell securities of one or
1511 more offerings, or of one or more types, over a period of up to
1512 12 months; or, if the securities are notes or drafts maturing
1513 not more than 1 year after the date of issuance and sale, the
1514 commission, upon such application, may authorize the utility to
1515 issue and sell such securities over a period of up to 24 months.
1516 The commission may take final action to grant an application by
1517 a public utility to issue and sell securities or to assume
1518 liabilities or obligations after having given notice in the
1519 Florida Administrative Register ~~Weekly~~ published at least 7 days
1520 in advance of final agency action. In taking final action on
1521 such application, the commission may deny authorization for the
1522 issuance or sale of a security or assumption of a liability or
1523 obligation if the security, liability, or obligation is for
1524 nonutility purposes; and shall deny authorization for the
1525 issuance or sale of a security or assumption of a liability or
1526 obligation if the financial viability of the public utility is
1527 adversely affected such that the public utility's ability to
1528 provide reasonable service at reasonable rates is jeopardized.
1529 Securities issued by a public utility or liabilities or
1530 obligations assumed by a public utility as guarantor, endorser,
1531 or surety pursuant to an order of the commission, which order is
1532 certified by the clerk of the commission and which order
1533 approves or authorizes the issuance and sale of such securities
1534 or the assumption of such liabilities or obligations, shall not
1535 be invalidated by a modification, repeal, or amendment to that
1536 order or by a supplemental order; however, the commission's
1537 approval of the issuance of securities or the assumption of

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1538 liabilities or obligations shall constitute approval only as to
1539 the legality of the issue or assumption, and in no way shall it
1540 be considered commission approval of the rates, service,
1541 accounts, valuation, estimates, or determinations of cost or any
1542 other such matter. The jurisdiction conferred upon the
1543 commission shall be exclusive and superior to that of all other
1544 boards, agencies, political subdivisions, municipalities, towns,
1545 villages, or counties, and, in case of conflict therewith, all
1546 lawful acts, orders, rules, and regulations of the commission
1547 shall in each instance prevail.

1548 Section 33. Paragraph (d) of subsection (1) of section
1549 373.036, Florida Statutes, is amended to read:

1550 373.036 Florida water plan; district water management
1551 plans.—

1552 (1) FLORIDA WATER PLAN.—In cooperation with the water
1553 management districts, regional water supply authorities, and
1554 others, the department shall develop the Florida water plan. The
1555 Florida water plan shall include, but not be limited to:

1556 (d) Goals, objectives, and guidance for the development and
1557 review of programs, rules, and plans relating to water
1558 resources, based on statutory policies and directives. The state
1559 water policy rule, renamed the water resource implementation
1560 rule pursuant to s. 373.019(25), shall serve as this part of the
1561 plan. Amendments or additions to this part of the Florida water
1562 plan shall be adopted by the department as part of the water
1563 resource implementation rule. In accordance with s. 373.114, the
1564 department shall review rules of the water management districts
1565 for consistency with this rule. Amendments to the water resource
1566 implementation rule must be adopted by the secretary of the

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1567 department and be submitted to the President of the Senate and
1568 the Speaker of the House of Representatives within 7 days after
1569 publication in the Florida Administrative Register ~~Weekly~~.
1570 Amendments shall not become effective until the conclusion of
1571 the next regular session of the Legislature following their
1572 adoption.

1573 Section 34. Section 373.044, Florida Statutes, is amended
1574 to read:

1575 373.044 Rules; enforcement; availability of personnel
1576 rules.—The governing board of the district is authorized to
1577 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
1578 the provisions of this chapter. Rules and orders may be enforced
1579 by mandatory injunction or other appropriate action in the
1580 courts of the state. Rules relating to personnel matters shall
1581 be made available to the public and affected persons at no more
1582 than cost but need not be published in the Florida
1583 Administrative Code or the Florida Administrative Register
1584 ~~Weekly~~.

1585 Section 35. Subsection (8) of section 373.103, Florida
1586 Statutes, is amended to read:

1587 373.103 Powers which may be vested in the governing board
1588 at the department's discretion.—In addition to the other powers
1589 and duties allowed it by law, the governing board of a water
1590 management district may be specifically authorized by the
1591 department to:

1592 (8) Delegate to a local government by rule or agreement the
1593 power and duty to administer and enforce any of the statutes,
1594 rules, or regulations relating to stormwater permitting or
1595 surface water management which the district is authorized or

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1596 required to administer, including those delegated by a state
1597 agency to the district, if the governing board determines that
1598 such a delegation is necessary or desirable. Such a delegation
1599 shall be made only if the governing board determines that the
1600 local government's program for administering the delegated
1601 statute, rule, or regulation:

1602 (a) Provides by ordinance, regulation, or local law for
1603 requirements compatible with or stricter or more extensive than
1604 those imposed by the statute or the rules and regulations
1605 adopted pursuant thereto;

1606 (b) Provides for the enforcement of such requirements by
1607 appropriate administrative and judicial processes; and

1608 (c) Provides for administrative organization, staff, and
1609 financial and other resources necessary to effectively and
1610 efficiently enforce such requirements.

1611
1612 The governing board shall give prior notice of its intention to
1613 enter into an agreement described in this subsection. At a
1614 minimum, such notice shall be published in the Florida
1615 Administrative Register ~~Weekly~~ at least 21 days in advance of
1616 the governing board's action. At least once every 6 months, the
1617 district shall update its rules to include a list of the
1618 agreements adopted pursuant to this subsection to which the
1619 district is a party. The list shall identify the parties to, and
1620 the date and location of each agreement, and shall specify the
1621 nature of the authority delegated by the agreement.

1622 Section 36. Paragraph (c) of subsection (2) of section
1623 373.4131, Florida Statutes, is amended to read:

1624 373.4131 Statewide environmental resource permitting

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1625 rules.—

1626 (2)

1627 (c) Until the rules adopted pursuant to this section become
1628 effective, existing rules adopted pursuant to this part remain
1629 in full force and effect. Existing rules that are superseded by
1630 the rules adopted pursuant to this section may be repealed
1631 without further rulemaking pursuant to s. 120.54 by publication
1632 of a notice of repeal in the Florida Administrative Register
1633 ~~Weekly~~ and subsequent filing of a list of the rules repealed
1634 with the Department of State.

1635 Section 37. Subsection (3) of section 378.212, Florida
1636 Statutes, is amended to read:

1637 378.212 Variances.—

1638 (3) The department shall publish a notice of proposed
1639 agency action in the Florida Administrative Register ~~Weekly~~ and
1640 in a newspaper of general circulation in the area affected, and
1641 the department shall afford an opportunity for a hearing on each
1642 application for a variance, pursuant to the provisions of
1643 chapter 120. If no request for a hearing is filed with the
1644 department within 14 days of publication of the notice, the
1645 department may proceed to final agency action without a hearing.

1646 Section 38. Paragraph (f) of subsection (2) of section
1647 379.2431, Florida Statutes, is amended to read:

1648 379.2431 Marine animals; regulation.—

1649 (2) PROTECTION OF MANATEES OR SEA COWS.—

1650 (f)1. Except for emergency rules adopted under s. 120.54,
1651 all proposed rules of the commission for which a notice of
1652 intended agency action is filed proposing to govern the speed
1653 and operation of motorboats for purposes of manatee protection

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1654 shall be submitted to the counties in which the proposed rules
1655 will take effect for review by local rule review committees.

1656 2. No less than 60 days prior to filing a notice of rule
1657 development in the Florida Administrative Register Weekly, as
1658 provided in s. 120.54(3)(a), the commission shall notify the
1659 counties for which a rule to regulate the speed and operation of
1660 motorboats for the protection of manatees is proposed. A county
1661 so notified shall establish a rule review committee or several
1662 counties may combine rule review committees.

1663 3. The county commission of each county in which a rule to
1664 regulate the speed and operation of motorboats for the
1665 protection of manatees is proposed shall designate a rule review
1666 committee. The designated voting membership of the rule review
1667 committee must be comprised of waterway users, such as fishers,
1668 boaters, water skiers, other waterway users, as compared to the
1669 number of manatee and other environmental advocates. A county
1670 commission may designate an existing advisory group as the rule
1671 review committee. With regard to each committee, fifty percent
1672 of the voting members shall be manatee advocates and other
1673 environmental advocates, and fifty percent of the voting members
1674 shall be waterway users.

1675 4. The county shall invite other state, federal, county,
1676 municipal, or local agency representatives to participate as
1677 nonvoting members of the local rule review committee.

1678 5. The county shall provide logistical and administrative
1679 staff support to the local rule review committee and may request
1680 technical assistance from commission staff.

1681 6. Each local rule review committee shall elect a chair and
1682 recording secretary from among its voting members.

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1683 7. Commission staff shall submit the proposed rule and
1684 supporting data used to develop the rule to the local rule
1685 review committees.

1686 8. The local rule review committees shall have 60 days from
1687 the date of receipt of the proposed rule to submit a written
1688 report to commission members and staff. The local rule review
1689 committees may use supporting data supplied by the commission,
1690 as well as public testimony which may be collected by the
1691 committee, to develop the written report. The report may contain
1692 recommended changes to proposed manatee protection zones or
1693 speed zones, including a recommendation that no rule be adopted,
1694 if that is the decision of the committee.

1695 9. Prior to filing a notice of proposed rulemaking in the
1696 Florida Administrative Register ~~Weekly~~ as provided in s.
1697 120.54(3)(a), the commission staff shall provide a written
1698 response to the local rule review committee reports to the
1699 appropriate counties, to the commission members, and to the
1700 public upon request.

1701 10. In conducting a review of the proposed manatee
1702 protection rule, the local rule review committees may address
1703 such factors as whether the best available scientific
1704 information supports the proposed rule, whether seasonal zones
1705 are warranted, and such other factors as may be necessary to
1706 balance manatee protection and public access to and use of the
1707 waters being regulated under the proposed rule.

1708 11. The written reports submitted by the local rule review
1709 committees shall contain a majority opinion. If the majority
1710 opinion is not unanimous, a minority opinion shall also be
1711 included.

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1712 12. The members of the commission shall fully consider any
1713 timely submitted written report submitted by a local rule review
1714 committee prior to authorizing commission staff to move forward
1715 with proposed rulemaking and shall fully consider any timely
1716 submitted subsequent reports of the committee prior to adoption
1717 of a final rule. The written reports of the local rule review
1718 committees and the written responses of the commission staff
1719 shall be part of the rulemaking record and may be submitted as
1720 evidence regarding the committee's recommendations in any
1721 proceeding relating to a rule proposed or adopted pursuant to
1722 this subsection.

1723 13. The commission is relieved of any obligations regarding
1724 the local rule review committee process created in this
1725 paragraph if a timely noticed county commission fails to timely
1726 designate the required rule review committee.

1727 Section 39. Subsection (6) of section 380.05, Florida
1728 Statutes, is amended to read:

1729 380.05 Areas of critical state concern.—

1730 (6) Once the state land planning agency determines whether
1731 the land development regulations or local comprehensive plan or
1732 amendment submitted by a local government is consistent with the
1733 principles for guiding the development of the area specified
1734 under the rule designating the area, the state land planning
1735 agency shall approve or reject the land development regulations
1736 or portions thereof by final order, and shall determine
1737 compliance of the plan or amendment, or portions thereof,
1738 pursuant to s. 163.3184. The state land planning agency shall
1739 publish its final order to approve or reject land development
1740 regulations, which shall constitute final agency action, in the

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1741 Florida Administrative Register ~~Weekly~~. If the final order is
1742 challenged pursuant to s. 120.57, the state planning agency has
1743 the burden of proving the validity of the final order. Such
1744 approval or rejection of the land development regulations shall
1745 be no later than 60 days after submission of the land
1746 development regulations by the local government. No proposed
1747 land development regulation within an area of critical state
1748 concern becomes effective under this subsection until the state
1749 land planning agency issues its final order or, if the final
1750 order is challenged, until the challenge to the order is
1751 resolved pursuant to chapter 120.

1752 Section 40. Subsection (10) of section 395.003, Florida
1753 Statutes, is amended to read:

1754 395.003 Licensure; denial, suspension, and revocation.—

1755 (10) The agency may adopt rules implementing the licensure
1756 requirements set forth in subsection (8). Within 14 days after
1757 rendering its decision on a license application or revocation,
1758 the agency shall publish its proposed decision in the Florida
1759 Administrative Register ~~Weekly~~. Within 21 days after publication
1760 of the agency's decision, any authorized person may file a
1761 request for an administrative hearing. In administrative
1762 proceedings challenging the approval, denial, or revocation of a
1763 license pursuant to subsection (8), the hearing must be based on
1764 the facts and law existing at the time of the agency's proposed
1765 agency action. Existing hospitals may initiate or intervene in
1766 an administrative hearing to approve, deny, or revoke licensure
1767 under subsection (8) based upon a showing that an established
1768 program will be substantially affected by the issuance or
1769 renewal of a license to a hospital within the same district or

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1770 service area.

1771 Section 41. Subsection (3) of section 403.201, Florida
1772 Statutes, is amended to read:

1773 403.201 Variances.—

1774 (3) The department shall publish notice, or shall require a
1775 petitioner for a variance to publish notice, in the Florida
1776 Administrative Register ~~Weekly~~ and in a newspaper of general
1777 circulation in the area affected, of proposed agency action; and
1778 the department shall afford interested persons an opportunity
1779 for a hearing on each application for a variance. If no request
1780 for hearing is filed with the department within 14 days of
1781 published notice, the department may proceed to final agency
1782 action without a hearing.

1783 Section 42. Subsection (3) of section 403.805, Florida
1784 Statutes, is amended to read:

1785 403.805 Secretary; powers and duties; review of specified
1786 rules.—

1787 (3) After adoption of proposed rule 62-302.531(9), Florida
1788 Administrative Code, a nonseverability and effective date
1789 provision approved by the commission on December 8, 2011, in
1790 accordance with the commission's legislative authority under s.
1791 403.804, notice of which was published by the department on
1792 December 22, 2011, in the Florida Administrative Register
1793 ~~Weekly~~, Vol. 37, No. 51, page 4446, any subsequent rule or
1794 amendment altering the effect of such rule shall be submitted to
1795 the President of the Senate and the Speaker of the House of
1796 Representatives no later than 30 days before the next regular
1797 legislative session, and such amendment may not take effect
1798 until it is ratified by the Legislature.

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1799 Section 43. Subsection (1) of section 403.8055, Florida
1800 Statutes, is amended to read:

1801 403.8055 Department adoption of federal standards.—
1802 Notwithstanding ss. 120.54 and 403.804, the secretary is
1803 empowered to adopt rules substantively identical to regulations
1804 adopted in the Federal Register by the United States
1805 Environmental Protection Agency pursuant to federal law, in
1806 accordance with the following procedures:

1807 (1) The secretary shall publish notice of intent to adopt a
1808 rule pursuant to this section in the Florida Administrative
1809 Register ~~Weekly~~ at least 21 days prior to filing the rule with
1810 the Department of State. The secretary shall mail a copy of the
1811 notice of intent to adopt a rule to the Administrative
1812 Procedures Committee at least 21 days prior to the date of
1813 filing with the Department of State. Prior to filing the rule
1814 with the Department of State, the secretary shall consider any
1815 written comments received within 21 days after the date of
1816 publication of the notice of intent to adopt a rule. The rule
1817 shall be adopted upon filing with the Department of State.
1818 Substantive changes from the rules as noticed shall require
1819 republishing of notice as required in this section.

1820 Section 44. Paragraph (e) of subsection (1) of section
1821 403.9411, Florida Statutes, is amended to read:

1822 403.9411 Notice; proceedings; parties and participants.—

1823 (1)

1824 (e) The department shall publish in the Florida
1825 Administrative Register ~~Weekly~~ notices of the application; of
1826 the certification hearing; of the hearing before the board; and
1827 of stipulations, proposed agency action, or petitions for

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1828 modification.

1829 Section 45. Paragraph (a) of subsection (1) of section
1830 403.9422, Florida Statutes, is amended to read:

1831 403.9422 Determination of need for natural gas transmission
1832 pipeline; powers and duties.—

1833 (1) (a) Upon request by an applicant or upon its own motion,
1834 the commission shall schedule a public hearing, after notice, to
1835 determine the need for a natural gas transmission pipeline
1836 regulated by ss. 403.9401-403.9425. Such notice shall be
1837 published at least 45 days before the date set for the hearing
1838 and shall be published in at least one-quarter page size in
1839 newspapers of general circulation and in the Florida
1840 Administrative Register ~~Weekly~~, by giving notice to counties and
1841 regional planning councils in whose jurisdiction the natural gas
1842 transmission pipeline could be placed, and by giving notice to
1843 any persons who have requested to be placed on the mailing list
1844 of the commission for this purpose. Within 21 days after receipt
1845 of a request for determination by an applicant, the commission
1846 shall set a date for the hearing. The hearing shall be held
1847 pursuant to s. 350.01 within 75 days after the filing of the
1848 request, and a decision shall be rendered within 90 days after
1849 such filing.

1850 Section 46. Paragraph (d) of subsection (2) and paragraph
1851 (c) of subsection (4) of section 408.039, Florida Statutes, are
1852 amended to read:

1853 408.039 Review process.—The review process for certificates
1854 of need shall be as follows:

1855 (2) LETTERS OF INTENT.—

1856 (d) Within 21 days after filing a letter of intent, the

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1857 agency shall publish notice of the filing of letters of intent
1858 in the Florida Administrative Register ~~Weekly~~ and notice that,
1859 if requested, a public hearing shall be held at the local level
1860 within 21 days after the application is deemed complete. Notices
1861 under this paragraph must contain due dates applicable to the
1862 cycle for filing applications and for requesting a hearing.

1863 (4) STAFF RECOMMENDATIONS.—

1864 (c) The agency shall publish its proposed decision set
1865 forth in the Notice of Intent in the Florida Administrative
1866 Register ~~Weekly~~ within 14 days after the Notice of Intent is
1867 issued.

1868 Section 47. Subsection (10) of section 409.912, Florida
1869 Statutes, is amended to read:

1870 409.912 Cost-effective purchasing of health care.—The
1871 agency shall purchase goods and services for Medicaid recipients
1872 in the most cost-effective manner consistent with the delivery
1873 of quality medical care. To ensure that medical services are
1874 effectively utilized, the agency may, in any case, require a
1875 confirmation or second physician's opinion of the correct
1876 diagnosis for purposes of authorizing future services under the
1877 Medicaid program. This section does not restrict access to
1878 emergency services or poststabilization care services as defined
1879 in 42 C.F.R. part 438.114. Such confirmation or second opinion
1880 shall be rendered in a manner approved by the agency. The agency
1881 shall maximize the use of prepaid per capita and prepaid
1882 aggregate fixed-sum basis services when appropriate and other
1883 alternative service delivery and reimbursement methodologies,
1884 including competitive bidding pursuant to s. 287.057, designed
1885 to facilitate the cost-effective purchase of a case-managed

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1886 continuum of care. The agency shall also require providers to
1887 minimize the exposure of recipients to the need for acute
1888 inpatient, custodial, and other institutional care and the
1889 inappropriate or unnecessary use of high-cost services. The
1890 agency shall contract with a vendor to monitor and evaluate the
1891 clinical practice patterns of providers in order to identify
1892 trends that are outside the normal practice patterns of a
1893 provider's professional peers or the national guidelines of a
1894 provider's professional association. The vendor must be able to
1895 provide information and counseling to a provider whose practice
1896 patterns are outside the norms, in consultation with the agency,
1897 to improve patient care and reduce inappropriate utilization.
1898 The agency may mandate prior authorization, drug therapy
1899 management, or disease management participation for certain
1900 populations of Medicaid beneficiaries, certain drug classes, or
1901 particular drugs to prevent fraud, abuse, overuse, and possible
1902 dangerous drug interactions. The Pharmaceutical and Therapeutics
1903 Committee shall make recommendations to the agency on drugs for
1904 which prior authorization is required. The agency shall inform
1905 the Pharmaceutical and Therapeutics Committee of its decisions
1906 regarding drugs subject to prior authorization. The agency is
1907 authorized to limit the entities it contracts with or enrolls as
1908 Medicaid providers by developing a provider network through
1909 provider credentialing. The agency may competitively bid single-
1910 source-provider contracts if procurement of goods or services
1911 results in demonstrated cost savings to the state without
1912 limiting access to care. The agency may limit its network based
1913 on the assessment of beneficiary access to care, provider
1914 availability, provider quality standards, time and distance

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1915 standards for access to care, the cultural competence of the
1916 provider network, demographic characteristics of Medicaid
1917 beneficiaries, practice and provider-to-beneficiary standards,
1918 appointment wait times, beneficiary use of services, provider
1919 turnover, provider profiling, provider licensure history,
1920 previous program integrity investigations and findings, peer
1921 review, provider Medicaid policy and billing compliance records,
1922 clinical and medical record audits, and other factors. Providers
1923 are not entitled to enrollment in the Medicaid provider network.
1924 The agency shall determine instances in which allowing Medicaid
1925 beneficiaries to purchase durable medical equipment and other
1926 goods is less expensive to the Medicaid program than long-term
1927 rental of the equipment or goods. The agency may establish rules
1928 to facilitate purchases in lieu of long-term rentals in order to
1929 protect against fraud and abuse in the Medicaid program as
1930 defined in s. 409.913. The agency may seek federal waivers
1931 necessary to administer these policies.

1932 (10) The agency, after notifying the Legislature, may apply
1933 for waivers of applicable federal laws and regulations as
1934 necessary to implement more appropriate systems of health care
1935 for Medicaid recipients and reduce the cost of the Medicaid
1936 program to the state and federal governments and shall implement
1937 such programs, after legislative approval, within a reasonable
1938 period of time after federal approval. These programs must be
1939 designed primarily to reduce the need for inpatient care,
1940 custodial care and other long-term or institutional care, and
1941 other high-cost services. Prior to seeking legislative approval
1942 of such a waiver as authorized by this subsection, the agency
1943 shall provide notice and an opportunity for public comment.

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1944 Notice shall be provided to all persons who have made requests
1945 of the agency for advance notice and shall be published in the
1946 Florida Administrative Register ~~Weekly~~ not less than 28 days
1947 prior to the intended action. This subsection expires October 1,
1948 2016.

1949 Section 48. Subsection (4) of section 493.6104, Florida
1950 Statutes, is amended to read:

1951 493.6104 Advisory council.—

1952 (4) The council shall meet at least 4 times yearly upon the
1953 call of the chairperson, at the request of a majority of the
1954 membership, or at the request of the department. Notice of
1955 council meetings and the agenda shall be published in the
1956 Florida Administrative Register ~~Weekly~~ at least 14 days prior to
1957 such meeting.

1958 Section 49. Paragraph (c) of subsection (3) of section
1959 553.775, Florida Statutes, is amended to read:

1960 553.775 Interpretations.—

1961 (3) The following procedures may be invoked regarding
1962 interpretations of the Florida Building Code:

1963 (c) The commission shall review decisions of local building
1964 officials and local enforcement agencies regarding
1965 interpretations of the Florida Building Code after the local
1966 board of appeals has considered the decision, if such board
1967 exists, and if such appeals process is concluded within 25
1968 business days.

1969 1. The commission shall coordinate with the Building
1970 Officials Association of Florida, Inc., to designate panels
1971 composed of five members to hear requests to review decisions of
1972 local building officials. The members must be licensed as

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1973 building code administrators under part XII of chapter 468 and
1974 must have experience interpreting and enforcing provisions of
1975 the Florida Building Code.

1976 2. Requests to review a decision of a local building
1977 official interpreting provisions of the Florida Building Code
1978 may be initiated by any substantially affected person, including
1979 an owner or builder subject to a decision of a local building
1980 official or an association of owners or builders having members
1981 who are subject to a decision of a local building official. In
1982 order to initiate review, the substantially affected person must
1983 file a petition with the commission. The commission shall adopt
1984 a form for the petition, which shall be published on the
1985 Building Code Information System. The form shall, at a minimum,
1986 require the following:

1987 a. The name and address of the county or municipality in
1988 which provisions of the Florida Building Code are being
1989 interpreted.

1990 b. The name and address of the local building official who
1991 has made the interpretation being appealed.

1992 c. The name, address, and telephone number of the
1993 petitioner; the name, address, and telephone number of the
1994 petitioner's representative, if any; and an explanation of how
1995 the petitioner's substantial interests are being affected by the
1996 local interpretation of the Florida Building Code.

1997 d. A statement of the provisions of the Florida Building
1998 Code which are being interpreted by the local building official.

1999 e. A statement of the interpretation given to provisions of
2000 the Florida Building Code by the local building official and the
2001 manner in which the interpretation was rendered.

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2002 f. A statement of the interpretation that the petitioner
2003 contends should be given to the provisions of the Florida
2004 Building Code and a statement supporting the petitioner's
2005 interpretation.

2006 g. Space for the local building official to respond in
2007 writing. The space shall, at a minimum, require the local
2008 building official to respond by providing a statement admitting
2009 or denying the statements contained in the petition and a
2010 statement of the interpretation of the provisions of the Florida
2011 Building Code which the local jurisdiction or the local building
2012 official contends is correct, including the basis for the
2013 interpretation.

2014 3. The petitioner shall submit the petition to the local
2015 building official, who shall place the date of receipt on the
2016 petition. The local building official shall respond to the
2017 petition in accordance with the form and shall return the
2018 petition along with his or her response to the petitioner within
2019 5 days after receipt, exclusive of Saturdays, Sundays, and legal
2020 holidays. The petitioner may file the petition with the
2021 commission at any time after the local building official
2022 provides a response. If no response is provided by the local
2023 building official, the petitioner may file the petition with the
2024 commission 10 days after submission of the petition to the local
2025 building official and shall note that the local building
2026 official did not respond.

2027 4. Upon receipt of a petition that meets the requirements
2028 of subparagraph 2., the commission shall immediately provide
2029 copies of the petition to a panel, and the commission shall
2030 publish the petition, including any response submitted by the

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2031 local building official, on the Building Code Information System
2032 in a manner that allows interested persons to address the issues
2033 by posting comments.

2034 5. The panel shall conduct proceedings as necessary to
2035 resolve the issues; shall give due regard to the petitions, the
2036 response, and to comments posed on the Building Code Information
2037 System; and shall issue an interpretation regarding the
2038 provisions of the Florida Building Code within 21 days after the
2039 filing of the petition. The panel shall render a determination
2040 based upon the Florida Building Code or, if the code is
2041 ambiguous, the intent of the code. The panel's interpretation
2042 shall be provided to the commission, which shall publish the
2043 interpretation on the Building Code Information System and in
2044 the Florida Administrative Register ~~Weekly~~. The interpretation
2045 shall be considered an interpretation entered by the commission,
2046 and shall be binding upon the parties and upon all jurisdictions
2047 subject to the Florida Building Code, unless it is superseded by
2048 a declaratory statement issued by the Florida Building
2049 Commission or by a final order entered after an appeal
2050 proceeding conducted in accordance with subparagraph 7.

2051 6. It is the intent of the Legislature that review
2052 proceedings be completed within 21 days after the date that a
2053 petition seeking review is filed with the commission, and the
2054 time periods set forth in this paragraph may be waived only upon
2055 consent of all parties.

2056 7. Any substantially affected person may appeal an
2057 interpretation rendered by a hearing officer panel by filing a
2058 petition with the commission. Such appeals shall be initiated in
2059 accordance with chapter 120 and the uniform rules of procedure

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2060 and must be filed within 30 days after publication of the
2061 interpretation on the Building Code Information System or in the
2062 Florida Administrative Register ~~Weekly~~. Hearings shall be
2063 conducted pursuant to chapter 120 and the uniform rules of
2064 procedure. Decisions of the commission are subject to judicial
2065 review pursuant to s. 120.68. The final order of the commission
2066 is binding upon the parties and upon all jurisdictions subject
2067 to the Florida Building Code.

2068 8. The burden of proof in any proceeding initiated in
2069 accordance with subparagraph 7. is on the party who initiated
2070 the appeal.

2071 9. In any review proceeding initiated in accordance with
2072 this paragraph, including any proceeding initiated in accordance
2073 with subparagraph 7., the fact that an owner or builder has
2074 proceeded with construction may not be grounds for determining
2075 an issue to be moot if the issue is one that is likely to arise
2076 in the future.

2077
2078 This paragraph provides the exclusive remedy for addressing
2079 requests to review local interpretations of the code and appeals
2080 from review proceedings.

2081 Section 50. Subsection (4) of section 561.19, Florida
2082 Statutes, is amended to read:

2083 561.19 License issuance upon approval of division.—

2084 (4) The issuance of licenses pursuant to subsection (2) or
2085 subsection (3) shall not be governed by the provisions of s.
2086 120.60. The issuance of any such license shall occur no later
2087 than 180 days after a drawing is held pursuant to notice
2088 published in the Florida Administrative Register ~~Weekly~~ or, in

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2089 the event no drawing is held, within 180 days of the final date
2090 for filing applications. Any applicant who is not included in
2091 the pool for drawing to determine priority shall file, within 30
2092 days of the date of mailing of notice to such applicant, a
2093 challenge to such action pursuant to ss. 120.569 and 120.57, or
2094 the right to file any action as to such matter shall be forever
2095 lost. Any applicant whose name is included in the pool for
2096 drawing to determine priority but who is not issued a license
2097 shall be entitled to request a hearing on the denial pursuant to
2098 ss. 120.569 and 120.57 only on the grounds that the selection
2099 process was not conducted in accordance with law or that the
2100 licensee selected does not possess the qualifications required
2101 by law.

2102 Section 51. Subsection (1) of section 570.247, Florida
2103 Statutes, is amended to read:

2104 570.247 Promulgation of rules.—In conjunction with funds
2105 specifically appropriated for the purposes specified in this
2106 act, the department shall begin to promulgate rules no later
2107 than January 1, 1992, pursuant to s. 120.54, pertaining to:

2108 (1) Formal notification procedures for the availability of
2109 assistance, including publication in the Florida Administrative
2110 Register ~~Weekly~~ pursuant to s. 120.55.

2111 Section 52. Paragraph (b) of subsection (1) of section
2112 601.152, Florida Statutes, is amended to read:

2113 601.152 Special marketing orders.—

2114 (1)

2115 (b) Notice of the time, place, and purpose of such public
2116 hearing shall be:

2117 1. Mailed, at least 10 days before such hearing, to each

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2118 handler who, during the 12 months immediately before such
2119 mailing, has first handled in the primary channel of trade in
2120 the state the type, variety, and form of citrus fruit or citrus
2121 product specified in the proposed marketing order, and to each
2122 handler who the department has good cause to believe will,
2123 during the period of time covered by the proposed marketing
2124 order, first handle in the primary channel of trade in the state
2125 the type, variety, and form of citrus fruit or processed citrus
2126 product specified in such proposed marketing order.

2127 2. Published in the Florida Administrative Register ~~Weekly~~
2128 at least 10 days before such hearing.

2129 Section 53. Subsection (6) of section 627.091, Florida
2130 Statutes, is amended to read:

2131 627.091 Rate filings; workers' compensation and employer's
2132 liability insurances.—

2133 (6) Whenever the committee of a recognized rating
2134 organization with responsibility for workers' compensation and
2135 employer's liability insurance rates in this state meets to
2136 discuss the necessity for, or a request for, Florida rate
2137 increases or decreases, the determination of Florida rates, the
2138 rates to be requested, and any other matters pertaining
2139 specifically and directly to such Florida rates, such meetings
2140 shall be held in this state and shall be subject to s. 286.011.
2141 The committee of such a rating organization shall provide at
2142 least 3 weeks' prior notice of such meetings to the office and
2143 shall provide at least 14 days' prior notice of such meetings to
2144 the public by publication in the Florida Administrative Register
2145 ~~Weekly~~.

2146 Section 54. Paragraph (a) of subsection (13) of section

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2147 633.0215, Florida Statutes, is amended to read:

2148 633.0215 Florida Fire Prevention Code.—

2149 (13) (a) The State Fire Marshal shall issue an expedited
2150 declaratory statement relating to interpretations of provisions
2151 of the Florida Fire Prevention Code according to the following
2152 guidelines:

2153 1. The declaratory statement shall be rendered in
2154 accordance with s. 120.565, except that a final decision must be
2155 issued by the State Fire Marshal within 45 days after the
2156 division's receipt of a petition seeking an expedited
2157 declaratory statement. The State Fire Marshal shall give notice
2158 of the petition and the expedited declaratory statement or the
2159 denial of the petition in the next available issue of the
2160 Florida Administrative Register ~~Weekly~~ after the petition is
2161 filed and after the statement or denial is rendered.

2162 2. The petitioner must be the owner of the disputed project
2163 or the owner's representative.

2164 3. The petition for an expedited declaratory statement must
2165 be:

2166 a. Related to an active project that is under construction
2167 or must have been submitted for a permit.

2168 b. The subject of a written notice citing a specific
2169 provision of the Florida Fire Prevention Code which is in
2170 dispute.

2171 c. Limited to a single question that is capable of being
2172 answered with a "yes" or "no" response.

2173 Section 55. Subsection (8) of section 633.026, Florida
2174 Statutes, is amended to read:

2175 633.026 Legislative intent; informal interpretations of the

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2176 Florida Fire Prevention Code.—It is the intent of the
2177 Legislature that the Florida Fire Prevention Code be interpreted
2178 by fire officials and local enforcement agencies in a manner
2179 that reasonably and cost-effectively protects the public safety,
2180 health, and welfare; ensures uniform interpretations throughout
2181 this state; and provides just and expeditious processes for
2182 resolving disputes regarding such interpretations. It is the
2183 further intent of the Legislature that such processes provide
2184 for the expeditious resolution of the issues presented and that
2185 the resulting interpretation of such issues be published on the
2186 website of the Division of State Fire Marshal.

2187 (8) The committee shall conduct proceedings as necessary to
2188 resolve the issues and give due regard to the petition, the
2189 facts of the matter at issue, specific code sections cited, and
2190 any statutory implications affecting the Florida Fire Prevention
2191 Code. The committee shall issue an interpretation regarding the
2192 provisions of the Florida Fire Prevention Code within 10 days
2193 after the filing of a petition. The committee shall issue an
2194 interpretation based upon the Florida Fire Prevention Code or,
2195 if the code is ambiguous, the intent of the code. The
2196 committee's interpretation shall be provided to the petitioner
2197 and shall include a notice that if the petitioner disagrees with
2198 the interpretation, the petitioner may file a request for formal
2199 interpretation by the State Fire Marshal under s. 633.01(6). The
2200 committee's interpretation shall be provided to the State Fire
2201 Marshal, and the division shall publish the interpretation on
2202 the State Fire Marshal's website and in the Florida
2203 Administrative Register ~~Weekly~~.

2204 Section 56. Paragraph (c) of subsection (2) of section

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2205 658.26, Florida Statutes, is amended to read:

2206 658.26 Places of transacting business; branches;
2207 facilities.—

2208 (2)

2209 (c) Applications filed pursuant to this subsection need not
2210 be published in the Florida Administrative Register ~~Weekly~~, but
2211 shall otherwise be subject to chapter 120.

2212 Section 57. Paragraph (d) of subsection (3) of section
2213 766.105, Florida Statutes, is amended to read:

2214 766.105 Florida Patient's Compensation Fund.—

2215 (3) THE FUND.—

2216 (d) *Fees and assessments.*—Each health care provider, as set
2217 forth in subsection (2), electing to comply with paragraph
2218 (2)(b) for a given fiscal year shall pay the fees and any
2219 assessments established under this section relative to such
2220 fiscal year, for deposit into the fund. Those entering the fund
2221 after the fiscal year has begun shall pay a prorated share of
2222 the yearly fees for a prorated membership. Actuarially sound
2223 membership fees payable annually, semiannually, or quarterly
2224 with appropriate service charges shall be established by the
2225 fund before January 1 of each fiscal year, based on the
2226 following considerations:

2227 1. Past and prospective loss and expense experience in
2228 different types of practice and in different geographical areas
2229 within the state;

2230 2. The prior claims experience of the members covered under
2231 the fund; and

2232 3. Risk factors for persons who are retired, semiretired,
2233 or part-time professionals.

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2234
2235 Such fees shall be based on not more than three geographical
2236 areas, not necessarily contiguous, with five categories of
2237 practice and with categories which contemplate separate risk
2238 ratings for hospitals, for health maintenance organizations, for
2239 ambulatory surgical facilities, and for other medical
2240 facilities. The fund is authorized to adjust the fees of an
2241 individual member to reflect the claims experience of such
2242 member. Each fiscal year of the fund shall operate independently
2243 of preceding fiscal years. Participants shall only be liable for
2244 assessments for claims from years during which they were members
2245 of the fund; in cases in which a participant is a member of the
2246 fund for less than the total fiscal year, a member shall be
2247 subject to assessments for that year on a pro rata basis
2248 determined by the percentage of participation for the year. The
2249 fund shall submit to the Office of Insurance Regulation the
2250 classifications and membership fees to be charged, and the
2251 Office of Insurance Regulation shall review such fees and shall
2252 approve them if they comply with all the requirements of this
2253 section and fairly reflect the considerations provided for in
2254 this section. If the classifications or membership fees do not
2255 comply with this section, the Office of Insurance Regulation
2256 shall set classifications or membership fees which do comply and
2257 which give due recognition to all considerations provided for in
2258 this section. Nothing contained herein shall be construed as
2259 imposing liability for payment of any part of a fund deficit on
2260 the Joint Underwriting Association authorized by s. 627.351(4)
2261 or its member insurers. If the fund determines that the amount
2262 of money in an account for a given fiscal year is in excess of

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2263 or not sufficient to satisfy the claims made against the
2264 account, the fund shall certify the amount of the projected
2265 excess or insufficiency to the Office of Insurance Regulation
2266 and request the office to levy an assessment against or refund
2267 to all participants in the fund for that fiscal year, prorated,
2268 based on the number of days of participation during the year in
2269 question. The Office of Insurance Regulation shall approve the
2270 request of the fund to refund to, or levy any assessment
2271 against, the participants, provided the refund or assessment
2272 fairly reflects the same considerations and classifications upon
2273 which the membership fees were based. The assessment shall be in
2274 an amount sufficient to satisfy reserve requirements for known
2275 claims, including expenses to satisfy the claims, made against
2276 the account for a given fiscal year. In any proceeding to
2277 challenge the amount of the refund or assessment, it is to be
2278 presumed that the amount of refund or assessment requested by
2279 the fund is correct, if the fund demonstrates that it has used
2280 reasonable claims handling and reserving procedures. Additional
2281 assessments may be certified and levied in accordance with this
2282 paragraph as necessary for any fiscal year. If a fund member
2283 objects to his or her assessment, he or she shall, as a
2284 condition precedent to bringing legal action contesting the
2285 assessment, pay the assessment, under protest, to the fund. The
2286 fund may borrow money needed for current operations, if
2287 necessary to pay claims and related expenses, fees, and costs
2288 timely for a given fiscal year, from an account for another
2289 fiscal year until such time as sufficient funds have been
2290 obtained through the assessment process. Any such money,
2291 together with interest at the mean interest rate earned on the

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2292 investment portfolio of the fund, shall be repaid from the next
2293 assessment for the given fiscal year. If any assessments are
2294 levied in accordance with this subsection as a result of claims
2295 in excess of \$500,000 per occurrence, and such assessments are a
2296 result of the liability of certain individuals and entities
2297 specified in paragraph (2)(e), only hospitals shall be subject
2298 to such assessments. Before approving the request of the fund to
2299 charge membership fees, issue refunds, or levy assessments, the
2300 Office of Insurance Regulation shall publish notice of the
2301 request in the Florida Administrative Register ~~Weekly~~. Pursuant
2302 to chapter 120, any party substantially affected may request an
2303 appropriate proceeding. Any petition for such a proceeding shall
2304 be filed with the Office of Insurance Regulation within 21 days
2305 after the date of publication of the notice in the Florida
2306 Administrative Register ~~Weekly~~.

2307 Section 58. Subsection (1) of section 791.013, Florida
2308 Statutes, is amended to read:

2309 791.013 Testing and approval of sparklers; penalties.—

2310 (1) A person who wishes to sell sparklers must submit
2311 samples of his or her product to the division for testing to
2312 determine whether it is a sparkler as defined in s. 791.01. Such
2313 samples must be received by the division by September 1 to be
2314 considered for approval the following year. On February 1 of
2315 each year the division shall approve those products which it has
2316 tested and found to meet the requirements for sparklers. All
2317 approved sparkler products are legal for sale until January 31
2318 of the following year. The list of approved sparkler products
2319 shall be published in the Florida Administrative Register ~~Weekly~~
2320 and shall prominently state the dates between which the products

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2321 may be sold. The division shall make copies of this list
2322 available to the public. A product must be tested and approved
2323 for sale in accordance with the rules adopted to implement this
2324 section. Beginning February 1, 1988, only those products
2325 approved by the division may be sold in the state. The State
2326 Fire Marshal shall adopt rules describing the testing, approval,
2327 and listing procedures.

2328 Section 59. Section 957.12, Florida Statutes, is amended to
2329 read:

2330 957.12 Prohibition on contact.—A bidder or potential bidder
2331 is not permitted to have any contact with any member or employee
2332 of or consultant to the commission regarding a request for
2333 proposal, a proposal, or the evaluation or selection process
2334 from the time a request for proposals for a private correctional
2335 facility is issued until the time a notification of intent to
2336 award is announced, except if such contact is in writing or in a
2337 meeting for which notice was provided in the Florida
2338 Administrative Register ~~Weekly~~.

2339 Section 60. Paragraph (a) of subsection (1) of section
2340 1006.33, Florida Statutes, is amended to read:

2341 1006.33 Bids or proposals; advertisement and its contents.—

2342 (1) (a) Beginning on or before May 15 of any year in which
2343 an instructional materials adoption is to be initiated, the
2344 department shall advertise in the Florida Administrative
2345 Register ~~Weekly~~ 4 weeks preceding the date on which the bids
2346 shall be received, that at a certain designated time, not later
2347 than June 15, sealed bids or proposals to be deposited with the
2348 department will be received from publishers or manufacturers for
2349 the furnishing of instructional materials proposed to be adopted

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2350 as listed in the advertisement beginning April 1 following the
2351 adoption.

2352 Reviser's note.—Amended pursuant to the directive of
2353 the Legislature in s. 3, ch. 2012-63, Laws of Florida,
2354 to prepare a reviser's bill for the 2013 Regular
2355 Session of the Legislature to substitute the term
2356 "Florida Administrative Register" for the term
2357 "Florida Administrative Weekly" throughout the Florida
2358 Statutes.

2359 Section 61. This act shall take effect on the 60th day
2360 after adjournment sine die of the session of the Legislature in
2361 which enacted.