

1                   A reviser's bill to be entitled  
 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

HB 7073

2013

29 | report or other paper of the commission with respect to a  
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  
 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

HB 7073

2013

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.

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

HB 7073

2013

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  
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

HB 7073

2013

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  
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,

HB 7073

2013

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  
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  
191 developing and adopting rules. The agency should consider the  
192 use of negotiated rulemaking when complex rules are being  
193 drafted or strong opposition to the rules is anticipated. The  
194 agency should consider, but is not limited to considering,  
195 whether a balanced committee of interested persons who will  
196 negotiate in good faith can be assembled, whether the agency is

HB 7073

2013

197 willing to support the work of the negotiating committee, and  
198 whether the agency can use the group consensus as the basis for  
199 its proposed rule. Negotiated rulemaking uses a committee of  
200 designated representatives to draft a mutually acceptable  
201 proposed rule.

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

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

220 (3) ADOPTION PROCEDURES.—

221 (a) Notices.—

222 1. Prior to the adoption, amendment, or repeal of any rule  
223 other than an emergency rule, an agency, upon approval of the  
224 agency head, shall give notice of its intended action, setting



HB 7073

2013

225 | forth a short, plain explanation of the purpose and effect of  
226 | the proposed action; the full text of the proposed rule or  
227 | amendment and a summary thereof; a reference to the grant of  
228 | rulemaking authority pursuant to which the rule is adopted; and  
229 | a reference to the section or subsection of the Florida Statutes  
230 | or the Laws of Florida being implemented or interpreted. The  
231 | notice must include a summary of the agency's statement of the  
232 | estimated regulatory costs, if one has been prepared, based on  
233 | the factors set forth in s. 120.541(2); a statement that any  
234 | person who wishes to provide the agency with information  
235 | regarding the statement of estimated regulatory costs, or to  
236 | provide a proposal for a lower cost regulatory alternative as  
237 | provided by s. 120.541(1), must do so in writing within 21 days  
238 | after publication of the notice; and a statement as to whether,  
239 | based on the statement of the estimated regulatory costs or  
240 | other information expressly relied upon and described by the  
241 | agency if no statement of regulatory costs is required, the  
242 | proposed rule is expected to require legislative ratification  
243 | pursuant to s. 120.541(3). The notice must state the procedure  
244 | for requesting a public hearing on the proposed rule. Except  
245 | when the intended action is the repeal of a rule, the notice  
246 | must include a reference both to the date on which and to the  
247 | place where the notice of rule development that is required by  
248 | subsection (2) appeared.

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

HB 7073

2013

253 publication of notice.

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

260         4. The adopting agency shall file with the committee, at  
261 least 21 days prior to the proposed adoption date, a copy of  
262 each rule it proposes to adopt; a copy of any material  
263 incorporated by reference in the rule; a detailed written  
264 statement of the facts and circumstances justifying the proposed  
265 rule; a copy of any statement of estimated regulatory costs that  
266 has been prepared pursuant to s. 120.541; a statement of the  
267 extent to which the proposed rule relates to federal standards  
268 or rules on the same subject; and the notice required by  
269 subparagraph 1.

270         (d) Modification or withdrawal of proposed rules.—

271         1. After the final public hearing on the proposed rule, or  
272 after the time for requesting a hearing has expired, if the rule  
273 has not been changed from the rule as previously filed with the  
274 committee, or contains only technical changes, the adopting  
275 agency shall file a notice to that effect with the committee at  
276 least 7 days prior to filing the rule for adoption. Any change,  
277 other than a technical change that does not affect the substance  
278 of the rule, must be supported by the record of public hearings  
279 held on the rule, must be in response to written material  
280 submitted to the agency within 21 days after the date of

281 publication of the notice of intended agency action or submitted  
 282 to the agency between the date of publication of the notice and  
 283 the end of the final public hearing, or must be in response to a  
 284 proposed objection by the committee. In addition, when any  
 285 change is made in a proposed rule, other than a technical  
 286 change, the adopting agency shall provide a copy of a notice of  
 287 change by certified mail or actual delivery to any person who  
 288 requests it in writing no later than 21 days after the notice  
 289 required in paragraph (a). The agency shall file the notice of  
 290 change with the committee, along with the reasons for the  
 291 change, and provide the notice of change to persons requesting  
 292 it, at least 21 days prior to filing the rule for adoption. The  
 293 notice of change shall be published in the Florida  
 294 Administrative Register ~~Weekly~~ at least 21 days prior to filing  
 295 the rule for adoption. This subparagraph does not apply to  
 296 emergency rules adopted pursuant to subsection (4).

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

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

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

307 c. If the rule requires ratification, when more than 90  
 308 days have passed since the rule was filed for adoption without

HB 7073

2013

309 the Legislature ratifying the rule, in which case the rule may  
310 be withdrawn but may not be modified; or

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

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

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

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

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

HB 7073

2013

337 agency head, and such rules shall be open to the public.

338       2. A rule may not be filed for adoption less than 28 days  
339 or more than 90 days after the notice required by paragraph (a),  
340 until 21 days after the notice of change required by paragraph  
341 (d), until 14 days after the final public hearing, until 21 days  
342 after a statement of estimated regulatory costs required under  
343 s. 120.541 has been provided to all persons who submitted a  
344 lower cost regulatory alternative and made available to the  
345 public, or until the administrative law judge has rendered a  
346 decision under s. 120.56(2), whichever applies. When a required  
347 notice of change is published prior to the expiration of the  
348 time to file the rule for adoption, the period during which a  
349 rule must be filed for adoption is extended to 45 days after the  
350 date of publication. If notice of a public hearing is published  
351 prior to the expiration of the time to file the rule for  
352 adoption, the period during which a rule must be filed for  
353 adoption is extended to 45 days after adjournment of the final  
354 hearing on the rule, 21 days after receipt of all material  
355 authorized to be submitted at the hearing, or 21 days after  
356 receipt of the transcript, if one is made, whichever is latest.  
357 The term "public hearing" includes any public meeting held by  
358 any agency at which the rule is considered. If a petition for an  
359 administrative determination under s. 120.56(2) is filed, the  
360 period during which a rule must be filed for adoption is  
361 extended to 60 days after the administrative law judge files the  
362 final order with the clerk or until 60 days after subsequent  
363 judicial review is complete.

364       3. At the time a rule is filed, the agency shall certify

HB 7073

2013

365 that the time limitations prescribed by this paragraph have been  
366 complied with, that all statutory rulemaking requirements have  
367 been met, and that there is no administrative determination  
368 pending on the rule.

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

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

386 6. The proposed rule shall be adopted on being filed with  
387 the Department of State and become effective 20 days after being  
388 filed, on a later date specified in the notice required by  
389 subparagraph (a)1., on a date required by statute, or upon  
390 ratification by the Legislature pursuant to s. 120.541(3). Rules  
391 not required to be filed with the Department of State shall  
392 become effective when adopted by the agency head, on a later

HB 7073

2013

393 date specified by rule or statute, or upon ratification by the  
394 Legislature pursuant to s. 120.541(3). If the committee notifies  
395 an agency that an objection to a rule is being considered, the  
396 agency may postpone the adoption of the rule to accommodate  
397 review of the rule by the committee. When an agency postpones  
398 adoption of a rule to accommodate review by the committee, the  
399 90-day period for filing the rule is tolled until the committee  
400 notifies the agency that it has completed its review of the  
401 rule.

402

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

405 (4) EMERGENCY RULES.—

406 (a) If an agency finds that an immediate danger to the  
407 public health, safety, or welfare requires emergency action, the  
408 agency may adopt any rule necessitated by the immediate danger.  
409 The agency may adopt a rule by any procedure which is fair under  
410 the circumstances if:

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

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

416 3. The agency publishes in writing at the time of, or  
417 prior to, its action the specific facts and reasons for finding  
418 an immediate danger to the public health, safety, or welfare and  
419 its reasons for concluding that the procedure used is fair under  
420 the circumstances. In any event, notice of emergency rules,

HB 7073

2013

421 other than those of educational units or units of government  
422 with jurisdiction in only one or a part of one county, including  
423 the full text of the rules, shall be published in the first  
424 available issue of the Florida Administrative Register ~~Weekly~~  
425 and provided to the committee along with any material  
426 incorporated by reference in the rules. The agency's findings of  
427 immediate danger, necessity, and procedural fairness shall be  
428 judicially reviewable.

429 (5) UNIFORM RULES.—

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

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



449 exceptions shall be published in the Florida Administrative  
450 Register ~~Weekly~~.

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

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

464 1. Uniform rules for the scheduling of public meetings,  
465 hearings, and workshops.

466 2. Uniform rules for use by each state agency that provide  
467 procedures for conducting public meetings, hearings, and  
468 workshops, and for taking evidence, testimony, and argument at  
469 such public meetings, hearings, and workshops, in person and by  
470 means of communications media technology. The rules shall  
471 provide that all evidence, testimony, and argument presented  
472 shall be afforded equal consideration, regardless of the method  
473 of communication. If a public meeting, hearing, or workshop is  
474 to be conducted by means of communications media technology, or  
475 if attendance may be provided by such means, the notice shall so  
476 state. The notice for public meetings, hearings, and workshops

HB 7073

2013

477 utilizing communications media technology shall state how  
478 persons interested in attending may do so and shall name  
479 locations, if any, where communications media technology  
480 facilities will be available. Nothing in this paragraph shall be  
481 construed to diminish the right to inspect public records under  
482 chapter 119. Limiting points of access to public meetings,  
483 hearings, and workshops subject to the provisions of s. 286.011  
484 to places not normally open to the public shall be presumed to  
485 violate the right of access of the public, and any official  
486 action taken under such circumstances is void and of no effect.  
487 Other laws relating to public meetings, hearings, and workshops,  
488 including penal and remedial provisions, shall apply to public  
489 meetings, hearings, and workshops conducted by means of  
490 communications media technology, and shall be liberally  
491 construed in their application to such public meetings,  
492 hearings, and workshops. As used in this subparagraph,  
493 "communications media technology" means the electronic  
494 transmission of printed matter, audio, full-motion video,  
495 freeze-frame video, compressed video, and digital video by any  
496 method available.

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

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

504 a. The identification of the petitioner, including the

HB 7073

2013

505 petitioner's e-mail address, if any, for the transmittal of  
506 subsequent documents by electronic means.

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

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

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

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

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

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

524 5. Uniform rules for the filing of request for  
525 administrative hearing by a respondent in agency enforcement and  
526 disciplinary actions. Such rules shall require a request to  
527 include:

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

HB 7073

2013

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

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

542

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

549           6. Uniform rules of procedure for the filing and prompt  
550 disposition of petitions for declaratory statements. The rules  
551 shall also describe the contents of the notices that must be  
552 published in the Florida Administrative Register ~~Weekly~~ under s.  
553 120.565, including any applicable time limit for the filing of  
554 petitions to intervene or petitions for administrative hearing  
555 by persons whose substantial interests may be affected.

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

HB 7073

2013

561 8. Uniform rules establishing procedures for granting or  
562 denying petitions for variances and waivers pursuant to s.  
563 120.542.

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

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

583 (d) Whenever any federal regulation adopted as an agency  
584 rule pursuant to this subsection is declared invalid or is  
585 withdrawn, revoked, repealed, remanded, or suspended, the agency  
586 shall, within 60 days thereafter, publish a notice of repeal of  
587 the substantively identical agency rule in the Florida  
588 Administrative Register ~~Weekly~~. Such repeal is effective upon

HB 7073

2013

589 publication of the notice. Whenever any federal regulation  
590 adopted as an agency rule pursuant to this subsection is  
591 substantially amended, the agency may adopt the amended  
592 regulation as a rule. If the amended regulation is not adopted  
593 as a rule within 180 days after the effective date of the  
594 amended regulation, the original rule is deemed repealed and the  
595 agency shall publish a notice of repeal of the original agency  
596 rule in the next available Florida Administrative Register  
597 ~~Weekly~~.

598 (7) PETITION TO INITIATE RULEMAKING.—

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

612 (c) Within 30 days following the public hearing provided  
613 for by paragraph (b), if the agency does not initiate rulemaking  
614 or otherwise comply with the requested action, the agency shall  
615 publish in the Florida Administrative Register ~~Weekly~~ a  
616 statement of its reasons for not initiating rulemaking or

HB 7073

2013

617 otherwise complying with the requested action, and of any  
618 changes it will make in the scope or application of the  
619 unadopted rule. The agency shall file the statement with the  
620 committee. The committee shall forward a copy of the statement  
621 to the substantive committee with primary oversight jurisdiction  
622 of the agency in each house of the Legislature. The committee or  
623 the committee with primary oversight jurisdiction may hold a  
624 hearing directed to the statement of the agency. The committee  
625 holding the hearing may recommend to the Legislature the  
626 introduction of legislation making the rule a statutory standard  
627 or limiting or otherwise modifying the authority of the agency.

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

630 120.542 Variances and waivers.—

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

641 (8) An agency shall grant or deny a petition for variance  
642 or waiver within 90 days after receipt of the original petition,  
643 the last item of timely requested additional material, or the  
644 petitioner's written request to finish processing the petition.

HB 7073

2013

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

667 Section 6. Paragraph (c) of subsection (3), subsections  
668 (4) and (7), and paragraph (b) of subsection (8) of section  
669 120.545, Florida Statutes, are amended to read:

670 120.545 Committee review of agency rules.—

671 (3) Within 30 days after receipt of the objection, if the  
672 agency is headed by an individual, or within 45 days after



HB 7073

2013

673 receipt of the objection, if the agency is headed by a collegial  
674 body, the agency shall:

675 (c) If the objection is to the statement of estimated  
676 regulatory costs:

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

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

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

695 (7) If the committee objects to a rule and the agency  
696 refuses to modify, amend, withdraw, or repeal the rule, the  
697 committee shall file with the Department of State a notice of  
698 the objection, detailing with particularity the committee's  
699 objection to the rule. The Department of State shall publish  
700 this notice in the Florida Administrative Register ~~Weekly~~. If

701 the rule is published in the Florida Administrative Code, a  
 702 reference to the committee's objection and to the issue of the  
 703 Florida Administrative Register ~~Weekly~~ in which the full text  
 704 thereof appears shall be recorded in a history note.

705 (8)

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

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

718 a. Temporarily suspend the rule or suspend the adoption of  
 719 the proposed rule; or

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

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

HB 7073

2013

729 | portion of such rule, prior to expiration of the suspension. A  
730 | suspended rule or suspended proposed rule, or portion of such  
731 | rule, continues to be subject to administrative determination  
732 | and judicial review as provided by law.

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

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

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

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

HB 7073

2013

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

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

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

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

774 120.56 Challenges to rules.—

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

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

785 | withdraw the proposed rule in its entirety. The agency whose  
 786 | proposed rule has been declared invalid in whole or part shall  
 787 | give notice of the decision in the first available issue of the  
 788 | Florida Administrative Register ~~Weekly~~.

789 | (3) CHALLENGING EXISTING RULES; SPECIAL PROVISIONS.—

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

797 | (4) CHALLENGING AGENCY STATEMENTS DEFINED AS RULES;  
 798 | SPECIAL PROVISIONS.—

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

806 | Section 9. Subsection (3) of section 120.565, Florida  
 807 | Statutes, is amended to read:

808 | 120.565 Declaratory statement by agencies.—

809 | (3) The agency shall give notice of the filing of each  
 810 | petition in the next available issue of the Florida  
 811 | Administrative Register ~~Weekly~~ and transmit copies of each  
 812 | petition to the committee. The agency shall issue a declaratory

HB 7073

2013

813 statement or deny the petition within 90 days after the filing  
814 of the petition. The declaratory statement or denial of the  
815 petition shall be noticed in the next available issue of the  
816 Florida Administrative Register ~~Weekly~~. Agency disposition of  
817 petitions shall be final agency action.

818 Section 10. Paragraph (a) of subsection (2) of section  
819 120.63, Florida Statutes, is amended to read:

820 120.63 Exemption from act.—

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

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

838 Section 11. Paragraph (b) of subsection (7) of section  
839 120.745, Florida Statutes, is amended to read:

840 120.745 Legislative review of agency rules in effect on or

HB 7073

2013

841 before November 16, 2010.—

842 (7) MANNER OF PUBLICATION OF NOTICES, DETERMINATIONS, AND  
843 REPORTS.—Agencies shall publish notices, determinations, and  
844 reports required under this section exclusively in the following  
845 manner:

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

848 [Address of agency's Internet website]/  
849 2011\_Rule\_review/Notices.

850 (Example:

851 [http://www.dos.state.fl.us/2011\\_Rule\\_review/Notices](http://www.dos.state.fl.us/2011_Rule_review/Notices)).

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

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

860 a. The name of the agency.

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

865 c. The particular Internet address through which the  
866 publication may be accessed.

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

HB 7073

2013

869 Section 12. Paragraph (a) of subsection (3) of section  
870 120.80, Florida Statutes, is amended to read:

871 120.80 Exceptions and special requirements; agencies.—

872 (3) OFFICE OF FINANCIAL REGULATION.—

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

876 1.a. The Office of Financial Regulation of the Financial  
877 Services Commission shall have published in the Florida  
878 Administrative Register ~~Weekly~~ notice of the application within  
879 21 days after receipt.

880 b. Within 21 days after publication of notice, any person  
881 may request a hearing. Failure to request a hearing within 21  
882 days after notice constitutes a waiver of any right to a  
883 hearing. The Office of Financial Regulation or an applicant may  
884 request a hearing at any time prior to the issuance of a final  
885 order. Hearings shall be conducted pursuant to ss. 120.569 and  
886 120.57, except that the Financial Services Commission shall by  
887 rule provide for participation by the general public.

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

894 3. Notwithstanding s. 120.60(1), and except as provided in  
895 subparagraph 4., every application for license for a new bank,  
896 new trust company, new credit union, or new savings and loan



HB 7073

2013

897 association shall be approved or denied within 180 days after  
898 receipt of the original application or receipt of the timely  
899 requested additional information or correction of errors or  
900 omissions. Any application for such a license or for acquisition  
901 of such control which is not approved or denied within the 180-  
902 day period or within 30 days after conclusion of a public  
903 hearing on the application, whichever is later, shall be deemed  
904 approved subject to the satisfactory completion of conditions  
905 required by statute as a prerequisite to license and approval of  
906 insurance of accounts for a new bank, a new savings and loan  
907 association, or a new credit union by the appropriate insurer.

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

925 conclusion of the public hearing on the application, whichever  
 926 is later.

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

930 120.81 Exceptions and special requirements; general  
 931 areas.—

932 (1) EDUCATIONAL UNITS.—

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

938 1. By publication in a newspaper of general circulation in  
 939 the affected area;

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

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

947 (2) LOCAL UNITS OF GOVERNMENT.—

948 (b) Notwithstanding any other provision of this chapter,  
 949 units of government with jurisdiction in only one county or part  
 950 thereof need not publish required notices in the Florida  
 951 Administrative Register ~~Weekly~~, but shall publish these notices  
 952 in the manner required by their enabling acts for notice of

HB 7073

2013

953 rulemaking or notice of meeting. Notices relating to rules are  
954 not required to include the full text of the rule or rule  
955 amendment.

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

958 155.40 Sale or lease of county, district, or municipal  
959 hospital; effect of sale.—

960 (5) The governing board of a county, district, or  
961 municipal hospital or health care system shall commence an  
962 evaluation of the possible benefits to an affected community  
963 from the sale or lease of hospital facilities owned by the board  
964 to a not-for-profit or for-profit entity no later than December  
965 31, 2012. In the course of evaluating the benefits of the sale  
966 or lease, the board shall:

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

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

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

981           2. This evaluation is not required if a district, county,  
 982 or municipal hospital has issued a public request for proposals  
 983 for the sale or lease of a hospital on or before February 1,  
 984 2012, for the purpose of receiving proposals from qualified  
 985 purchasers or lessees, either not-for-profit or for-profit.

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

988           159.703 Creation of research and development authorities.—

989           (6) A majority of the members of the authority shall  
 990 constitute a quorum, and the affirmative vote of a majority of  
 991 the members present shall be necessary for any action taken by  
 992 the authority, provided that the president of each affiliated  
 993 institution of higher education or that president's designee  
 994 shall be present and vote on any action taken by the authority  
 995 involving the issuance of bonds or the transfer, development,  
 996 lease or encumbrance of any lands owned by the Trustees of the  
 997 Internal Improvement Trust Fund and leased to the authority; and  
 998 provided, further, that the president of each affiliated  
 999 institution of higher education or such president's designee  
 1000 shall be present and vote in the affirmative on any action taken  
 1001 by the authority involving the lease of any park lands to a  
 1002 state agency. No vacancy in the membership of the authority  
 1003 shall impair the right of a quorum to exercise all the rights  
 1004 and perform all the duties of the authority. Any action taken by  
 1005 the authority under the provisions of ss. 159.701-159.7095 may  
 1006 be authorized by resolution at any regular or special meeting,  
 1007 and each such resolution shall take effect immediately and need  
 1008 not be published or posted. Notice of meetings of the authority

HB 7073

2013

1009 shall be published in the Florida Administrative Register  
1010 ~~Weekly~~.

1011 Section 16. Paragraph (a) of subsection (2) of section  
1012 161.053, Florida Statutes, is amended to read:

1013 161.053 Coastal construction and excavation; regulation on  
1014 county basis.—

1015 (2)(a) Coastal construction control lines shall be  
1016 established by the department only after it has been determined  
1017 from a comprehensive engineering study and topographic survey  
1018 that the establishment of such control lines is necessary for  
1019 the protection of upland properties and the control of beach  
1020 erosion. No such line shall be set until a public hearing has  
1021 been held in each affected county. After the department has  
1022 given consideration to the results of such public hearing, it  
1023 shall, after considering ground elevations in relation to  
1024 historical storm and hurricane tides, predicted maximum wave  
1025 uprush, beach and offshore ground contours, the vegetation line,  
1026 erosion trends, the dune or bluff line, if any exist, and  
1027 existing upland development, set and establish a coastal  
1028 construction control line and cause such line to be duly filed  
1029 in the public records of any county affected and shall furnish  
1030 the clerk of the circuit court in each county affected a survey  
1031 of such line with references made to permanently installed  
1032 monuments at such intervals and locations as may be considered  
1033 necessary. However, no coastal construction control line shall  
1034 be set until a public hearing has been held by the department  
1035 and the affected persons have an opportunity to appear. The  
1036 hearing shall constitute a public hearing and shall satisfy all

HB 7073

2013

1037 requirements for a public hearing pursuant to s. 120.54(3). The  
1038 hearing shall be noticed in the Florida Administrative Register  
1039 ~~Weekly~~ in the same manner as a rule. Any coastal construction  
1040 control line adopted pursuant to this section shall not be  
1041 subject to a s. 120.56(2) rule challenge or a s. 120.54(3)(c)2.  
1042 drawout proceeding, but, once adopted, shall be subject to a s.  
1043 120.56(3) invalidity challenge. The rule shall be adopted by the  
1044 department and shall become effective upon filing with the  
1045 Department of State, notwithstanding the provisions of s.  
1046 120.54(3)(e)6. Upon such filing with the Department of State, no  
1047 person, firm, corporation, or governmental agency shall  
1048 construct any structure whatsoever seaward thereof; make any  
1049 excavation, remove any beach material, or otherwise alter  
1050 existing ground elevations; drive any vehicle on, over, or  
1051 across any sand dune; or damage or cause to be damaged such sand  
1052 dune or the vegetation growing thereon seaward thereof, except  
1053 as hereinafter provided. Control lines established under the  
1054 provisions of this section shall be subject to review at the  
1055 discretion of the department after consideration of hydrographic  
1056 and topographic data that indicate shoreline changes that render  
1057 established coastal construction control lines to be ineffective  
1058 for the purposes of this act or at the written request of  
1059 officials of affected counties or municipalities. Any riparian  
1060 upland owner who feels that such line as established is unduly  
1061 restrictive or prevents a legitimate use of the owner's property  
1062 shall be granted a review of the line upon written request.  
1063 After such review, the department shall decide if a change in  
1064 the control line as established is justified and shall so notify

HB 7073

2013

1065 the person or persons making the request. The decision of the  
1066 department shall be subject to judicial review as provided in  
1067 chapter 120.

1068 Section 17. Paragraph (a) of subsection (2) of section  
1069 202.22, Florida Statutes, is amended to read:

1070 202.22 Determination of local tax situs.—

1071 (2)(a) The department shall, subject to legislative  
1072 appropriation, create as soon as practical and feasible, and  
1073 thereafter maintain, an electronic database that gives due and  
1074 proper regard to any format that is approved by the American  
1075 National Standards Institute's Accredited Standards Committee  
1076 X12 and that designates for each street address, address range,  
1077 post office box, or post office box range in the state,  
1078 including any multiple postal street addresses applicable to one  
1079 street location, the local taxing jurisdiction in which the  
1080 street address, address range, post office box, or post office  
1081 box range is located and the appropriate code for each such  
1082 local taxing jurisdiction, identified by one nationwide standard  
1083 numeric code. The nationwide standard numeric code must contain  
1084 the same number of numeric digits, and each digit, or  
1085 combination of digits, must refer to the same level of taxing  
1086 jurisdiction throughout the United States using a format similar  
1087 to FIPS 55-3 or other appropriate standard approved by the  
1088 Federation of Tax Administrators and the Multistate Tax  
1089 Commission. Each address or address range or post office box or  
1090 post office box range must be provided in standard postal  
1091 format, including the street number, street number range, street  
1092 name, post office box number, post office box range, and zip

1093 | code. The department shall provide notice of the availability of  
 1094 | the database, and any subsequent revision thereof, by  
 1095 | publication in the Florida Administrative Register ~~Weekly~~.

1096 | Section 18. Paragraph (c) of subsection (4) and paragraph  
 1097 | (d) of subsection (18) of section 215.555, Florida Statutes, are  
 1098 | amended to read:

1099 | 215.555 Florida Hurricane Catastrophe Fund.—

1100 | (4) REIMBURSEMENT CONTRACTS.—

1101 | (c)1. The contract shall also provide that the obligation  
 1102 | of the board with respect to all contracts covering a particular  
 1103 | contract year shall not exceed the actual claims-paying capacity  
 1104 | of the fund up to a limit of \$17 billion for that contract year,  
 1105 | unless the board determines that there is sufficient estimated  
 1106 | claims-paying capacity to provide \$17 billion of capacity for  
 1107 | the current contract year and an additional \$17 billion of  
 1108 | capacity for subsequent contract years. If the board makes such  
 1109 | a determination, the estimated claims-paying capacity for the  
 1110 | particular contract year shall be determined by adding to the  
 1111 | \$17 billion limit one-half of the fund's estimated claims-paying  
 1112 | capacity in excess of \$34 billion. However, the dollar growth in  
 1113 | the limit may not increase in any year by an amount greater than  
 1114 | the dollar growth of the balance of the fund as of December 31,  
 1115 | less any premiums or interest attributable to optional coverage,  
 1116 | as defined by rule which occurred over the prior calendar year.

1117 | 2. In May and October of the contract year, the board  
 1118 | shall publish in the Florida Administrative Register ~~Weekly~~ a  
 1119 | statement of the fund's estimated borrowing capacity, the fund's  
 1120 | estimated claims-paying capacity, and the projected balance of



HB 7073

2013

1121 the fund as of December 31. After the end of each calendar year,  
1122 the board shall notify insurers of the estimated borrowing  
1123 capacity, estimated claims-paying capacity, and the balance of  
1124 the fund as of December 31 to provide insurers with data  
1125 necessary to assist them in determining their retention and  
1126 projected payout from the fund for loss reimbursement purposes.  
1127 In conjunction with the development of the premium formula, as  
1128 provided for in subsection (5), the board shall publish factors  
1129 or multiples that assist insurers in determining their retention  
1130 and projected payout for the next contract year. For all  
1131 regulatory and reinsurance purposes, an insurer may calculate  
1132 its projected payout from the fund as its share of the total  
1133 fund premium for the current contract year multiplied by the sum  
1134 of the projected balance of the fund as of December 31 and the  
1135 estimated borrowing capacity for that contract year as reported  
1136 under this subparagraph.

1137 (18) FACILITATION OF INSURERS' PRIVATE CONTRACT  
1138 NEGOTIATIONS BEFORE THE START OF THE HURRICANE SEASON.—

1139 (d) The board shall publish in the Florida Administrative  
1140 Register ~~Weekly~~ the maximum statutory adjusted capacity for the  
1141 mandatory coverage for a particular contract year, the maximum  
1142 statutory coverage for any optional coverage for the particular  
1143 contract year, and the aggregate fund retention used to  
1144 calculate individual insurer's retention multiples for the  
1145 particular contract year no later than January 1 of the  
1146 immediately preceding contract year.

1147 Section 19. Subsection (3) of section 252.62, Florida  
1148 Statutes, is amended to read:

HB 7073

2013

1149 252.62 Director of Office of Financial Regulation; powers  
 1150 in a state of emergency.—

1151 (3) The director shall publish, in the next available  
 1152 publication of the Florida Administrative Register ~~Weekly~~, a  
 1153 copy of the text of any order issued under this section,  
 1154 together with a statement describing the modification or  
 1155 suspension and explaining how the modification or suspension  
 1156 will facilitate recovery from the emergency and maintain the  
 1157 safety and soundness of financial institutions in this state.

1158 Section 20. Subsection (3) of section 252.63, Florida  
 1159 Statutes, is amended to read:

1160 252.63 Commissioner of Insurance Regulation; powers in a  
 1161 state of emergency.—

1162 (3) The commissioner shall publish in the next available  
 1163 publication of the Florida Administrative Register ~~Weekly~~ a copy  
 1164 of the text of any order issued under this section, together  
 1165 with a statement describing the modification or suspension and  
 1166 explaining how the modification or suspension will facilitate  
 1167 recovery from the emergency.

1168 Section 21. Subsection (1) of section 255.0525, Florida  
 1169 Statutes, is amended to read:

1170 255.0525 Advertising for competitive bids or proposals.—

1171 (1) The solicitation of competitive bids or proposals for  
 1172 any state construction project that is projected to cost more  
 1173 than \$200,000 shall be publicly advertised once in the Florida  
 1174 Administrative Register ~~Weekly~~ at least 21 days prior to the  
 1175 established bid opening. For state construction projects that  
 1176 are projected to cost more than \$500,000, the advertisement

1177 shall be published in the Florida Administrative Register ~~Weekly~~  
 1178 at least 30 days prior to the established bid opening and at  
 1179 least once in a newspaper of general circulation in the county  
 1180 where the project is located at least 30 days prior to the  
 1181 established bid opening and at least 5 days prior to any  
 1182 scheduled prebid conference. The bids or proposals shall be  
 1183 received and opened publicly at the location, date, and time  
 1184 established in the bid or proposal advertisement. In cases of  
 1185 emergency, the Secretary of Management Services may alter the  
 1186 procedures required in this section in any manner that is  
 1187 reasonable under the emergency circumstances.

1188 Section 22. Subsection (1) of section 280.11, Florida  
 1189 Statutes, is amended to read:

1190 280.11 Withdrawal from public deposits program; return of  
 1191 pledged collateral.—

1192 (1) A qualified public depository may withdraw from the  
 1193 public deposits program by giving written notice to the Chief  
 1194 Financial Officer. The contingent liability, required  
 1195 collateral, and reporting requirements of the depository  
 1196 withdrawing from the program shall continue for a period of 12  
 1197 months after the effective date of the withdrawal, except that  
 1198 the filing of reports may no longer be required when the average  
 1199 monthly balance of public deposits is equal to zero. Notice of  
 1200 withdrawal shall be mailed or delivered in sufficient time to be  
 1201 received by the Chief Financial Officer at least 30 days before  
 1202 the effective date of withdrawal. The Chief Financial Officer  
 1203 shall timely publish the withdrawal notice in the Florida  
 1204 Administrative Register ~~Weekly~~ which shall constitute notice to

HB 7073

2013

1205 all depositors. The withdrawing depository shall not receive or  
1206 retain public deposits after the effective date of the  
1207 withdrawal until such time as it again becomes a qualified  
1208 public depository. The Chief Financial Officer shall, upon  
1209 request, return to the depository that portion of the collateral  
1210 pledged that is in excess of the required collateral as reported  
1211 on the current public depository monthly report. Losses of  
1212 interest or other accumulations, if any, because of withdrawal  
1213 under this section shall be assessed and paid as provided in s.  
1214 280.09.

1215 Section 23. Paragraph (a) of subsection (4) of section  
1216 310.151, Florida Statutes, is amended to read:

1217 310.151 Rates of pilotage; Pilotage Rate Review  
1218 Committee.—

1219 (4) (a) The applicant shall be given written notice, either  
1220 in person or by certified mail, that the committee intends to  
1221 modify the pilotage rates in that port and that the applicant  
1222 may, within 21 days after receipt of the notice, request a  
1223 hearing pursuant to the Administrative Procedure Act. Notice of  
1224 the intent to modify the pilotage rates in that port shall also  
1225 be published in the Florida Administrative Register ~~Weekly~~ and  
1226 in a newspaper of general circulation in the affected port area  
1227 and shall be mailed to any person who has formally requested  
1228 notice of any rate change in the affected port area. Within 21  
1229 days after receipt or publication of notice, any person whose  
1230 substantial interests will be affected by the intended committee  
1231 action may request a hearing pursuant to the Administrative  
1232 Procedure Act. If the committee concludes that the petitioner

HB 7073

2013

1233 has raised a disputed issue of material fact, the committee  
1234 shall designate a hearing, which shall be conducted by formal  
1235 proceeding before an administrative law judge assigned by the  
1236 Division of Administrative Hearings pursuant to ss. 120.569 and  
1237 120.57(1), unless waived by all parties. If the committee  
1238 concludes that the petitioner has not raised a disputed issue of  
1239 material fact and does not designate the petition for hearing,  
1240 that decision shall be considered final agency action for  
1241 purposes of s. 120.68. The failure to request a hearing within  
1242 21 days after receipt or publication of notice shall constitute  
1243 a waiver of any right to an administrative hearing and shall  
1244 cause the order modifying the pilotage rates in that port to be  
1245 entered. If an administrative hearing is requested pursuant to  
1246 this subsection, notice of the time, date, and location of the  
1247 hearing shall be published in the Florida Administrative  
1248 Register ~~Weekly~~ and in a newspaper of general circulation in the  
1249 affected port area and shall be mailed to the applicant and to  
1250 any person who has formally requested notice of any rate change  
1251 for the affected port area.

1252 Section 24. Subsection (1) of section 320.642, Florida  
1253 Statutes, is amended to read:

1254 320.642 Dealer licenses in areas previously served;  
1255 procedure.—

1256 (1) Any licensee who proposes to establish an additional  
1257 motor vehicle dealership or permit the relocation of an existing  
1258 dealer to a location within a community or territory where the  
1259 same line-make vehicle is presently represented by a franchised  
1260 motor vehicle dealer or dealers shall give written notice of its

1261 | intention to the department. The notice must state:

1262 |         (a) The specific location at which the additional or  
1263 | relocated motor vehicle dealership will be established.

1264 |         (b) The date on or after which the licensee intends to be  
1265 | engaged in business with the additional or relocated motor  
1266 | vehicle dealer at the proposed location.

1267 |         (c) The identity of all motor vehicle dealers who are  
1268 | franchised to sell the same line-make vehicle with licensed  
1269 | locations in the county and any contiguous county to the county  
1270 | where the additional or relocated motor vehicle dealer is  
1271 | proposed to be located.

1272 |         (d) The names and addresses of the dealer-operator and  
1273 | principal investors in the proposed additional or relocated  
1274 | motor vehicle dealership.

1275 |

1276 | Immediately upon receipt of the notice the department shall  
1277 | cause a notice to be published in the Florida Administrative  
1278 | Register ~~Weekly~~. The published notice must state that a petition  
1279 | or complaint by any dealer with standing to protest pursuant to  
1280 | subsection (3) must be filed within 30 days following the date  
1281 | of publication of the notice in the Florida Administrative  
1282 | Register ~~Weekly~~. The published notice must describe and identify  
1283 | the proposed dealership sought to be licensed, and the  
1284 | department shall cause a copy of the notice to be mailed to  
1285 | those dealers identified in the licensee's notice under  
1286 | paragraph (c). The licensee shall pay a fee of \$75 and a service  
1287 | charge of \$2.50 for each publication. Proceeds from the fee and  
1288 | service charge shall be deposited into the Highway Safety

1289 | Operating Trust Fund.

1290 |       Section 25. Paragraph (a) of subsection (6) of section  
1291 | 334.30, Florida Statutes, is amended to read:

1292 |       334.30 Public-private transportation facilities.—The  
1293 | Legislature finds and declares that there is a public need for  
1294 | the rapid construction of safe and efficient transportation  
1295 | facilities for the purpose of traveling within the state, and  
1296 | that it is in the public's interest to provide for the  
1297 | construction of additional safe, convenient, and economical  
1298 | transportation facilities.

1299 |       (6) The procurement of public-private partnerships by the  
1300 | department shall follow the provisions of this section. Sections  
1301 | 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,  
1302 | 337.185, 337.19, 337.221, and 337.251 shall not apply to  
1303 | procurements under this section unless a provision is included  
1304 | in the procurement documents. The department shall ensure that  
1305 | generally accepted business practices for exemptions provided by  
1306 | this subsection are part of the procurement process or are  
1307 | included in the public-private partnership agreement.

1308 |       (a) The department may request proposals from private  
1309 | entities for public-private transportation projects or, if the  
1310 | department receives an unsolicited proposal, the department  
1311 | shall publish a notice in the Florida Administrative Register  
1312 | ~~Weekly~~ and a newspaper of general circulation at least once a  
1313 | week for 2 weeks stating that the department has received the  
1314 | proposal and will accept, for 120 days after the initial date of  
1315 | publication, other proposals for the same project purpose. A  
1316 | copy of the notice must be mailed to each local government in

1317 the affected area.

1318 Section 26. Paragraph (g) of subsection (4) of section  
 1319 339.135, Florida Statutes, is amended to read:

1320 339.135 Work program; legislative budget request;  
 1321 definitions; preparation, adoption, execution, and amendment.—

1322 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

1323 (g)1. The Florida Transportation Commission shall conduct  
 1324 a statewide public hearing on the tentative work program and  
 1325 shall advertise the time, place, and purpose of the hearing in  
 1326 the Florida Administrative Register ~~Weekly~~ at least 7 days prior  
 1327 to the hearing. As part of the statewide public hearing, the  
 1328 commission shall, at a minimum:

1329 a. Conduct an in-depth evaluation of the tentative work  
 1330 program for compliance with applicable laws and departmental  
 1331 policies; and

1332 b. Hear all questions, suggestions, or other comments  
 1333 offered by the public.

1334 2. By no later than 14 days after the regular legislative  
 1335 session begins, the commission shall submit to the Executive  
 1336 Office of the Governor and the legislative appropriations  
 1337 committees a report that evaluates the tentative work program  
 1338 for:

1339 a. Financial soundness;

1340 b. Stability;

1341 c. Production capacity;

1342 d. Accomplishments, including compliance with program  
 1343 objectives in s. 334.046;

1344 e. Compliance with approved local government comprehensive



- 1345 plans;
- 1346 f. Objections and requests by metropolitan planning
- 1347 organizations;
- 1348 g. Policy changes and effects thereof;
- 1349 h. Identification of statewide or regional projects; and
- 1350 i. Compliance with all other applicable laws.

1351 Section 27. Paragraph (a) of subsection (5) of section  
 1352 339.155, Florida Statutes, is amended to read:

1353 339.155 Transportation planning.—

1354 (5) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION  
 1355 PLANNING.—

1356 (a) During the development of the Florida Transportation  
 1357 Plan and prior to substantive revisions, the department shall  
 1358 provide citizens, affected public agencies, representatives of  
 1359 transportation agency employees, other affected employee  
 1360 representatives, private providers of transportation, and other  
 1361 known interested parties with an opportunity to comment on the  
 1362 proposed plan or revisions. These opportunities shall include,  
 1363 at a minimum, publishing a notice in the Florida Administrative  
 1364 Register ~~Weekly~~ and within a newspaper of general circulation  
 1365 within the area of each department district office.

1366 Section 28. Subsection (3) of section 343.875, Florida  
 1367 Statutes, is amended to read:

1368 343.875 Public-private partnerships.—

1369 (3) The authority may request proposals for public-private  
 1370 transportation projects or, if it receives an unsolicited  
 1371 proposal, it must publish a notice in the Florida Administrative  
 1372 Register ~~Weekly~~ and a newspaper of general circulation in the

HB 7073

2013

1373 county in which it is located at least once a week for 2 weeks  
1374 stating that it has received the proposal and will accept, for  
1375 60 days after the initial date of publication, other proposals  
1376 for the same project purpose. A copy of the notice must be  
1377 mailed to each local government in the affected areas. After the  
1378 public notification period has expired, the authority shall rank  
1379 the proposals in order of preference. In ranking the proposals,  
1380 the authority shall consider professional qualifications,  
1381 general business terms, innovative engineering or cost-reduction  
1382 terms, finance plans, and the need for state funds to deliver  
1383 the proposal. If the authority is not satisfied with the results  
1384 of the negotiations, it may, at its sole discretion, terminate  
1385 negotiations with the proposer. If these negotiations are  
1386 unsuccessful, the authority may go to the second and lower-  
1387 ranked firms, in order, using the same procedure. If only one  
1388 proposal is received, the authority may negotiate in good faith  
1389 and, if it is not satisfied with the results, it may, at its  
1390 sole discretion, terminate negotiations with the proposer.  
1391 Notwithstanding this subsection, the authority may, at its  
1392 discretion, reject all proposals at any point in the process up  
1393 to completion of a contract with the proposer.

1394 Section 29. Subsection (3) of section 343.962, Florida  
1395 Statutes, is amended to read:

1396 343.962 Public-private partnerships.—

1397 (3) The authority may request proposals and receive  
1398 unsolicited proposals for public-private multimodal  
1399 transportation projects, and, upon receipt of any unsolicited  
1400 proposal or determination to issue a request for proposals, the

HB 7073

2013

1401 authority must publish a notice in the Florida Administrative  
1402 Register ~~Weekly~~ and a newspaper of general circulation in the  
1403 county in which the proposed project is located at least once a  
1404 week for 2 weeks requesting proposals or, if an unsolicited  
1405 proposal was received, stating that it has received the proposal  
1406 and will accept, for 60 days after the initial date of  
1407 publication, other proposals for the same project purpose. A  
1408 copy of the notice must be mailed to each local government in  
1409 the affected areas. After the public notification period has  
1410 expired, the authority shall rank the proposals in order of  
1411 preference. In ranking the proposals, the authority shall  
1412 consider professional qualifications, general business terms,  
1413 innovative engineering or cost-reduction terms, finance plans,  
1414 and the need for state funds to deliver the proposal. If the  
1415 authority is not satisfied with the results of the negotiations,  
1416 it may, at its sole discretion, terminate negotiations with the  
1417 proposer. If these negotiations are unsuccessful, the authority  
1418 may go to the second and lower-ranked firms, in order, using the  
1419 same procedure. If only one proposal is received, the authority  
1420 may negotiate in good faith and, if it is not satisfied with the  
1421 results, it may, at its sole discretion, terminate negotiations  
1422 with the proposer. Notwithstanding this subsection, the  
1423 authority may, at its discretion, reject all proposals at any  
1424 point in the process up to completion of a contract with the  
1425 proposer.

1426 Section 30. Paragraph (c) of subsection (9) of section  
1427 348.0004, Florida Statutes, is amended to read:

1428 348.0004 Purposes and powers.—

HB 7073

2013

1429           (9) The Legislature declares that there is a public need  
1430 for the rapid construction of safe and efficient transportation  
1431 facilities for traveling within the state and that it is in the  
1432 public's interest to provide for public-private partnership  
1433 agreements to effectuate the construction of additional safe,  
1434 convenient, and economical transportation facilities.

1435           (c) The authority may request proposals for public-private  
1436 transportation projects or, if it receives an unsolicited  
1437 proposal, it must publish a notice in the Florida Administrative  
1438 Register ~~Weekly~~ and a newspaper of general circulation in the  
1439 county in which it is located at least once a week for 2 weeks,  
1440 stating that it has received the proposal and will accept, for  
1441 60 days after the initial date of publication, other proposals  
1442 for the same project purpose. A copy of the notice must be  
1443 mailed to each local government in the affected areas. After the  
1444 public notification period has expired, the authority shall rank  
1445 the proposals in order of preference. In ranking the proposals,  
1446 the authority shall consider professional qualifications,  
1447 general business terms, innovative engineering or cost-reduction  
1448 terms, finance plans, and the need for state funds to deliver  
1449 the proposal. If the authority is not satisfied with the results  
1450 of the negotiations, it may, at its sole discretion, terminate  
1451 negotiations with the proposer. If these negotiations are  
1452 unsuccessful, the authority may go to the second and lower-  
1453 ranked firms, in order, using the same procedure. If only one  
1454 proposal is received, the authority may negotiate in good faith,  
1455 and if it is not satisfied with the results, it may, at its sole  
1456 discretion, terminate negotiations with the proposer. The

HB 7073

2013

1457 authority may, at its discretion, reject all proposals at any  
1458 point in the process up to completion of a contract with the  
1459 proposer.

1460 Section 31. Subsection (3) of section 349.22, Florida  
1461 Statutes, is amended to read:

1462 349.22 Public-private transportation facilities.—

1463 (3) The authority may request proposals and receive  
1464 unsolicited proposals for public-private transportation projects  
1465 and, upon receipt of any unsolicited proposal or determination  
1466 to issue a request for proposals, must publish a notice in the  
1467 Florida Administrative Register ~~Weekly~~ and a newspaper of  
1468 general circulation in the county in which the proposed project  
1469 is located at least once a week for 2 weeks requesting proposals  
1470 or, if an unsolicited proposal was received, stating that it has  
1471 received the proposal and will accept, for 60 days after the  
1472 initial date of publication, other proposals for the same  
1473 project purpose. A copy of the notice must be mailed to each  
1474 local government in the affected areas. After the public  
1475 notification period has expired, the authority shall rank the  
1476 proposals in order of preference. In ranking the proposals, the  
1477 authority shall consider professional qualifications, general  
1478 business terms, innovative engineering or cost-reduction terms,  
1479 finance plans, and the need for state funds to deliver the  
1480 proposal. If the authority is not satisfied with the results of  
1481 the negotiations, it may, at its sole discretion, terminate  
1482 negotiations with the proposer. If these negotiations are  
1483 unsuccessful, the authority may go to the second and lower-  
1484 ranked firms, in order, using the same procedure. If only one

1485 | proposal is received, the authority may negotiate in good faith  
 1486 | and, if it is not satisfied with the results, may, at its sole  
 1487 | discretion, terminate negotiations with the proposer.  
 1488 | Notwithstanding this subsection, the authority may, at its  
 1489 | discretion, reject all proposals at any point in the process up  
 1490 | to completion of a contract with the proposer. Any person  
 1491 | submitting an unsolicited proposal shall submit with the  
 1492 | proposal the sum of \$25,000 to the authority to be applied by  
 1493 | the authority to its costs of review and analysis of the  
 1494 | proposal, and such person shall remain liable for any additional  
 1495 | costs and expenses of the authority incurred for the review and  
 1496 | analysis.

1497 |         Section 32. Subsection (1) of section 366.04, Florida  
 1498 | Statutes, is amended to read:

1499 |             366.04 Jurisdiction of commission.—

1500 |             (1) In addition to its existing functions, the commission  
 1501 | shall have jurisdiction to regulate and supervise each public  
 1502 | utility with respect to its rates and service; assumption by it  
 1503 | of liabilities or obligations as guarantor, endorser, or surety;  
 1504 | and the issuance and sale of its securities, except a security  
 1505 | which is a note or draft maturing not more than 1 year after the  
 1506 | date of such issuance and sale and aggregating (together with  
 1507 | all other then-outstanding notes and drafts of a maturity of 1  
 1508 | year or less on which such public utility is liable) not more  
 1509 | than 5 percent of the par value of the other securities of the  
 1510 | public utility then outstanding. In the case of securities  
 1511 | having no par value, the par value for the purpose of this  
 1512 | section shall be the fair market value as of the date of issue.

HB 7073

2013

1513 The commission, upon application by a public utility, may  
1514 authorize the utility to issue and sell securities of one or  
1515 more offerings, or of one or more types, over a period of up to  
1516 12 months; or, if the securities are notes or drafts maturing  
1517 not more than 1 year after the date of issuance and sale, the  
1518 commission, upon such application, may authorize the utility to  
1519 issue and sell such securities over a period of up to 24 months.  
1520 The commission may take final action to grant an application by  
1521 a public utility to issue and sell securities or to assume  
1522 liabilities or obligations after having given notice in the  
1523 Florida Administrative Register ~~Weekly~~ published at least 7 days  
1524 in advance of final agency action. In taking final action on  
1525 such application, the commission may deny authorization for the  
1526 issuance or sale of a security or assumption of a liability or  
1527 obligation if the security, liability, or obligation is for  
1528 nonutility purposes; and shall deny authorization for the  
1529 issuance or sale of a security or assumption of a liability or  
1530 obligation if the financial viability of the public utility is  
1531 adversely affected such that the public utility's ability to  
1532 provide reasonable service at reasonable rates is jeopardized.  
1533 Securities issued by a public utility or liabilities or  
1534 obligations assumed by a public utility as guarantor, endorser,  
1535 or surety pursuant to an order of the commission, which order is  
1536 certified by the clerk of the commission and which order  
1537 approves or authorizes the issuance and sale of such securities  
1538 or the assumption of such liabilities or obligations, shall not  
1539 be invalidated by a modification, repeal, or amendment to that  
1540 order or by a supplemental order; however, the commission's

HB 7073

2013

1541 approval of the issuance of securities or the assumption of  
1542 liabilities or obligations shall constitute approval only as to  
1543 the legality of the issue or assumption, and in no way shall it  
1544 be considered commission approval of the rates, service,  
1545 accounts, valuation, estimates, or determinations of cost or any  
1546 other such matter. The jurisdiction conferred upon the  
1547 commission shall be exclusive and superior to that of all other  
1548 boards, agencies, political subdivisions, municipalities, towns,  
1549 villages, or counties, and, in case of conflict therewith, all  
1550 lawful acts, orders, rules, and regulations of the commission  
1551 shall in each instance prevail.

1552 Section 33. Paragraph (d) of subsection (1) of section  
1553 373.036, Florida Statutes, is amended to read:

1554 373.036 Florida water plan; district water management  
1555 plans.—

1556 (1) FLORIDA WATER PLAN.—In cooperation with the water  
1557 management districts, regional water supply authorities, and  
1558 others, the department shall develop the Florida water plan. The  
1559 Florida water plan shall include, but not be limited to:

1560 (d) Goals, objectives, and guidance for the development  
1561 and review of programs, rules, and plans relating to water  
1562 resources, based on statutory policies and directives. The state  
1563 water policy rule, renamed the water resource implementation  
1564 rule pursuant to s. 373.019(25), shall serve as this part of the  
1565 plan. Amendments or additions to this part of the Florida water  
1566 plan shall be adopted by the department as part of the water  
1567 resource implementation rule. In accordance with s. 373.114, the  
1568 department shall review rules of the water management districts



HB 7073

2013

1569 for consistency with this rule. Amendments to the water resource  
 1570 implementation rule must be adopted by the secretary of the  
 1571 department and be submitted to the President of the Senate and  
 1572 the Speaker of the House of Representatives within 7 days after  
 1573 publication in the Florida Administrative Register Weekly.  
 1574 Amendments shall not become effective until the conclusion of  
 1575 the next regular session of the Legislature following their  
 1576 adoption.

1577 Section 34. Section 373.044, Florida Statutes, is amended  
 1578 to read:

1579 373.044 Rules; enforcement; availability of personnel  
 1580 rules.—The governing board of the district is authorized to  
 1581 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 1582 the provisions of this chapter. Rules and orders may be enforced  
 1583 by mandatory injunction or other appropriate action in the  
 1584 courts of the state. Rules relating to personnel matters shall  
 1585 be made available to the public and affected persons at no more  
 1586 than cost but need not be published in the Florida  
 1587 Administrative Code or the Florida Administrative Register  
 1588 Weekly.

1589 Section 35. Subsection (8) of section 373.103, Florida  
 1590 Statutes, is amended to read:

1591 373.103 Powers which may be vested in the governing board  
 1592 at the department's discretion.—In addition to the other powers  
 1593 and duties allowed it by law, the governing board of a water  
 1594 management district may be specifically authorized by the  
 1595 department to:

1596 (8) Delegate to a local government by rule or agreement

HB 7073

2013

1597 the power and duty to administer and enforce any of the  
 1598 statutes, rules, or regulations relating to stormwater  
 1599 permitting or surface water management which the district is  
 1600 authorized or required to administer, including those delegated  
 1601 by a state agency to the district, if the governing board  
 1602 determines that such a delegation is necessary or desirable.  
 1603 Such a delegation shall be made only if the governing board  
 1604 determines that the local government's program for administering  
 1605 the delegated statute, rule, or regulation:

1606 (a) Provides by ordinance, regulation, or local law for  
 1607 requirements compatible with or stricter or more extensive than  
 1608 those imposed by the statute or the rules and regulations  
 1609 adopted pursuant thereto;

1610 (b) Provides for the enforcement of such requirements by  
 1611 appropriate administrative and judicial processes; and

1612 (c) Provides for administrative organization, staff, and  
 1613 financial and other resources necessary to effectively and  
 1614 efficiently enforce such requirements.

1615  
 1616 The governing board shall give prior notice of its intention to  
 1617 enter into an agreement described in this subsection. At a  
 1618 minimum, such notice shall be published in the Florida  
 1619 Administrative Register ~~Weekly~~ at least 21 days in advance of  
 1620 the governing board's action. At least once every 6 months, the  
 1621 district shall update its rules to include a list of the  
 1622 agreements adopted pursuant to this subsection to which the  
 1623 district is a party. The list shall identify the parties to, and  
 1624 the date and location of each agreement, and shall specify the

HB 7073

2013

1625 nature of the authority delegated by the agreement.

1626 Section 36. Paragraph (c) of subsection (2) of section  
1627 373.4131, Florida Statutes, is amended to read:

1628 373.4131 Statewide environmental resource permitting  
1629 rules.—

1630 (2)

1631 (c) Until the rules adopted pursuant to this section  
1632 become effective, existing rules adopted pursuant to this part  
1633 remain in full force and effect. Existing rules that are  
1634 superseded by the rules adopted pursuant to this section may be  
1635 repealed without further rulemaking pursuant to s. 120.54 by  
1636 publication of a notice of repeal in the Florida Administrative  
1637 Register ~~Weekly~~ and subsequent filing of a list of the rules  
1638 repealed with the Department of State.

1639 Section 37. Subsection (3) of section 378.212, Florida  
1640 Statutes, is amended to read:

1641 378.212 Variances.—

1642 (3) The department shall publish a notice of proposed  
1643 agency action in the Florida Administrative Register ~~Weekly~~ and  
1644 in a newspaper of general circulation in the area affected, and  
1645 the department shall afford an opportunity for a hearing on each  
1646 application for a variance, pursuant to the provisions of  
1647 chapter 120. If no request for a hearing is filed with the  
1648 department within 14 days of publication of the notice, the  
1649 department may proceed to final agency action without a hearing.

1650 Section 38. Paragraph (f) of subsection (2) of section  
1651 379.2431, Florida Statutes, is amended to read:

1652 379.2431 Marine animals; regulation.—

HB 7073

2013

1653 (2) PROTECTION OF MANATEES OR SEA COWS.—

1654 (f)1. Except for emergency rules adopted under s. 120.54,  
1655 all proposed rules of the commission for which a notice of  
1656 intended agency action is filed proposing to govern the speed  
1657 and operation of motorboats for purposes of manatee protection  
1658 shall be submitted to the counties in which the proposed rules  
1659 will take effect for review by local rule review committees.

1660 2. No less than 60 days prior to filing a notice of rule  
1661 development in the Florida Administrative Register ~~Weekly~~, as  
1662 provided in s. 120.54(3)(a), the commission shall notify the  
1663 counties for which a rule to regulate the speed and operation of  
1664 motorboats for the protection of manatees is proposed. A county  
1665 so notified shall establish a rule review committee or several  
1666 counties may combine rule review committees.

1667 3. The county commission of each county in which a rule to  
1668 regulate the speed and operation of motorboats for the  
1669 protection of manatees is proposed shall designate a rule review  
1670 committee. The designated voting membership of the rule review  
1671 committee must be comprised of waterway users, such as fishers,  
1672 boaters, water skiers, other waterway users, as compared to the  
1673 number of manatee and other environmental advocates. A county  
1674 commission may designate an existing advisory group as the rule  
1675 review committee. With regard to each committee, fifty percent  
1676 of the voting members shall be manatee advocates and other  
1677 environmental advocates, and fifty percent of the voting members  
1678 shall be waterway users.

1679 4. The county shall invite other state, federal, county,  
1680 municipal, or local agency representatives to participate as

HB 7073

2013

1681 nonvoting members of the local rule review committee.

1682         5. The county shall provide logistical and administrative  
1683 staff support to the local rule review committee and may request  
1684 technical assistance from commission staff.

1685         6. Each local rule review committee shall elect a chair  
1686 and recording secretary from among its voting members.

1687         7. Commission staff shall submit the proposed rule and  
1688 supporting data used to develop the rule to the local rule  
1689 review committees.

1690         8. The local rule review committees shall have 60 days  
1691 from the date of receipt of the proposed rule to submit a  
1692 written report to commission members and staff. The local rule  
1693 review committees may use supporting data supplied by the  
1694 commission, as well as public testimony which may be collected  
1695 by the committee, to develop the written report. The report may  
1696 contain recommended changes to proposed manatee protection zones  
1697 or speed zones, including a recommendation that no rule be  
1698 adopted, if that is the decision of the committee.

1699         9. Prior to filing a notice of proposed rulemaking in the  
1700 Florida Administrative Register ~~Weekly~~ as provided in s.  
1701 120.54(3)(a), the commission staff shall provide a written  
1702 response to the local rule review committee reports to the  
1703 appropriate counties, to the commission members, and to the  
1704 public upon request.

1705         10. In conducting a review of the proposed manatee  
1706 protection rule, the local rule review committees may address  
1707 such factors as whether the best available scientific  
1708 information supports the proposed rule, whether seasonal zones

HB 7073

2013

1709 are warranted, and such other factors as may be necessary to  
1710 balance manatee protection and public access to and use of the  
1711 waters being regulated under the proposed rule.

1712 11. The written reports submitted by the local rule review  
1713 committees shall contain a majority opinion. If the majority  
1714 opinion is not unanimous, a minority opinion shall also be  
1715 included.

1716 12. The members of the commission shall fully consider any  
1717 timely submitted written report submitted by a local rule review  
1718 committee prior to authorizing commission staff to move forward  
1719 with proposed rulemaking and shall fully consider any timely  
1720 submitted subsequent reports of the committee prior to adoption  
1721 of a final rule. The written reports of the local rule review  
1722 committees and the written responses of the commission staff  
1723 shall be part of the rulemaking record and may be submitted as  
1724 evidence regarding the committee's recommendations in any  
1725 proceeding relating to a rule proposed or adopted pursuant to  
1726 this subsection.

1727 13. The commission is relieved of any obligations  
1728 regarding the local rule review committee process created in  
1729 this paragraph if a timely noticed county commission fails to  
1730 timely designate the required rule review committee.

1731 Section 39. Subsection (6) of section 380.05, Florida  
1732 Statutes, is amended to read:

1733 380.05 Areas of critical state concern.—

1734 (6) Once the state land planning agency determines whether  
1735 the land development regulations or local comprehensive plan or  
1736 amendment submitted by a local government is consistent with the

HB 7073

2013

1737 principles for guiding the development of the area specified  
1738 under the rule designating the area, the state land planning  
1739 agency shall approve or reject the land development regulations  
1740 or portions thereof by final order, and shall determine  
1741 compliance of the plan or amendment, or portions thereof,  
1742 pursuant to s. 163.3184. The state land planning agency shall  
1743 publish its final order to approve or reject land development  
1744 regulations, which shall constitute final agency action, in the  
1745 Florida Administrative Register ~~Weekly~~. If the final order is  
1746 challenged pursuant to s. 120.57, the state planning agency has  
1747 the burden of proving the validity of the final order. Such  
1748 approval or rejection of the land development regulations shall  
1749 be no later than 60 days after submission of the land  
1750 development regulations by the local government. No proposed  
1751 land development regulation within an area of critical state  
1752 concern becomes effective under this subsection until the state  
1753 land planning agency issues its final order or, if the final  
1754 order is challenged, until the challenge to the order is  
1755 resolved pursuant to chapter 120.

1756 Section 40. Subsection (10) of section 395.003, Florida  
1757 Statutes, is amended to read:

1758 395.003 Licensure; denial, suspension, and revocation.—

1759 (10) The agency may adopt rules implementing the licensure  
1760 requirements set forth in subsection (8). Within 14 days after  
1761 rendering its decision on a license application or revocation,  
1762 the agency shall publish its proposed decision in the Florida  
1763 Administrative Register ~~Weekly~~. Within 21 days after publication  
1764 of the agency's decision, any authorized person may file a

HB 7073

2013

1765 request for an administrative hearing. In administrative  
 1766 proceedings challenging the approval, denial, or revocation of a  
 1767 license pursuant to subsection (8), the hearing must be based on  
 1768 the facts and law existing at the time of the agency's proposed  
 1769 agency action. Existing hospitals may initiate or intervene in  
 1770 an administrative hearing to approve, deny, or revoke licensure  
 1771 under subsection (8) based upon a showing that an established  
 1772 program will be substantially affected by the issuance or  
 1773 renewal of a license to a hospital within the same district or  
 1774 service area.

1775 Section 41. Subsection (3) of section 403.201, Florida  
 1776 Statutes, is amended to read:

1777 403.201 Variances.—

1778 (3) The department shall publish notice, or shall require  
 1779 a petitioner for a variance to publish notice, in the Florida  
 1780 Administrative Register ~~Weekly~~ and in a newspaper of general  
 1781 circulation in the area affected, of proposed agency action; and  
 1782 the department shall afford interested persons an opportunity  
 1783 for a hearing on each application for a variance. If no request  
 1784 for hearing is filed with the department within 14 days of  
 1785 published notice, the department may proceed to final agency  
 1786 action without a hearing.

1787 Section 42. Subsection (3) of section 403.805, Florida  
 1788 Statutes, is amended to read:

1789 403.805 Secretary; powers and duties; review of specified  
 1790 rules.—

1791 (3) After adoption of proposed rule 62-302.531(9), Florida  
 1792 Administrative Code, a nonseverability and effective date



HB 7073

2013

1793 provision approved by the commission on December 8, 2011, in  
1794 accordance with the commission's legislative authority under s.  
1795 403.804, notice of which was published by the department on  
1796 December 22, 2011, in the Florida Administrative Register  
1797 ~~Weekly~~, Vol. 37, No. 51, page 4446, any subsequent rule or  
1798 amendment altering the effect of such rule shall be submitted to  
1799 the President of the Senate and the Speaker of the House of  
1800 Representatives no later than 30 days before the next regular  
1801 legislative session, and such amendment may not take effect  
1802 until it is ratified by the Legislature.

1803 Section 43. Subsection (1) of section 403.8055, Florida  
1804 Statutes, is amended to read:

1805 403.8055 Department adoption of federal standards.—  
1806 Notwithstanding ss. 120.54 and 403.804, the secretary is  
1807 empowered to adopt rules substantively identical to regulations  
1808 adopted in the Federal Register by the United States  
1809 Environmental Protection Agency pursuant to federal law, in  
1810 accordance with the following procedures:

1811 (1) The secretary shall publish notice of intent to adopt  
1812 a rule pursuant to this section in the Florida Administrative  
1813 Register ~~Weekly~~ at least 21 days prior to filing the rule with  
1814 the Department of State. The secretary shall mail a copy of the  
1815 notice of intent to adopt a rule to the Administrative  
1816 Procedures Committee at least 21 days prior to the date of  
1817 filing with the Department of State. Prior to filing the rule  
1818 with the Department of State, the secretary shall consider any  
1819 written comments received within 21 days after the date of  
1820 publication of the notice of intent to adopt a rule. The rule

1821 shall be adopted upon filing with the Department of State.  
 1822 Substantive changes from the rules as noticed shall require  
 1823 republishing of notice as required in this section.

1824 Section 44. Paragraph (e) of subsection (1) of section  
 1825 403.9411, Florida Statutes, is amended to read:

1826 403.9411 Notice; proceedings; parties and participants.—

1827 (1)

1828 (e) The department shall publish in the Florida  
 1829 Administrative Register ~~Weekly~~ notices of the application; of  
 1830 the certification hearing; of the hearing before the board; and  
 1831 of stipulations, proposed agency action, or petitions for  
 1832 modification.

1833 Section 45. Paragraph (a) of subsection (1) of section  
 1834 403.9422, Florida Statutes, is amended to read:

1835 403.9422 Determination of need for natural gas  
 1836 transmission pipeline; powers and duties.—

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

HB 7073

2013

1849 of a request for determination by an applicant, the commission  
1850 shall set a date for the hearing. The hearing shall be held  
1851 pursuant to s. 350.01 within 75 days after the filing of the  
1852 request, and a decision shall be rendered within 90 days after  
1853 such filing.

1854 Section 46. Paragraph (d) of subsection (2) and paragraph  
1855 (c) of subsection (4) of section 408.039, Florida Statutes, are  
1856 amended to read:

1857 408.039 Review process.—The review process for  
1858 certificates of need shall be as follows:

1859 (2) LETTERS OF INTENT.—

1860 (d) Within 21 days after filing a letter of intent, the  
1861 agency shall publish notice of the filing of letters of intent  
1862 in the Florida Administrative Register ~~Weekly~~ and notice that,  
1863 if requested, a public hearing shall be held at the local level  
1864 within 21 days after the application is deemed complete. Notices  
1865 under this paragraph must contain due dates applicable to the  
1866 cycle for filing applications and for requesting a hearing.

1867 (4) STAFF RECOMMENDATIONS.—

1868 (c) The agency shall publish its proposed decision set  
1869 forth in the Notice of Intent in the Florida Administrative  
1870 Register ~~Weekly~~ within 14 days after the Notice of Intent is  
1871 issued.

1872 Section 47. Subsection (10) of section 409.912, Florida  
1873 Statutes, is amended to read:

1874 409.912 Cost-effective purchasing of health care.—The  
1875 agency shall purchase goods and services for Medicaid recipients  
1876 in the most cost-effective manner consistent with the delivery

HB 7073

2013

1877 of quality medical care. To ensure that medical services are  
1878 effectively utilized, the agency may, in any case, require a  
1879 confirmation or second physician's opinion of the correct  
1880 diagnosis for purposes of authorizing future services under the  
1881 Medicaid program. This section does not restrict access to  
1882 emergency services or poststabilization care services as defined  
1883 in 42 C.F.R. part 438.114. Such confirmation or second opinion  
1884 shall be rendered in a manner approved by the agency. The agency  
1885 shall maximize the use of prepaid per capita and prepaid  
1886 aggregate fixed-sum basis services when appropriate and other  
1887 alternative service delivery and reimbursement methodologies,  
1888 including competitive bidding pursuant to s. 287.057, designed  
1889 to facilitate the cost-effective purchase of a case-managed  
1890 continuum of care. The agency shall also require providers to  
1891 minimize the exposure of recipients to the need for acute  
1892 inpatient, custodial, and other institutional care and the  
1893 inappropriate or unnecessary use of high-cost services. The  
1894 agency shall contract with a vendor to monitor and evaluate the  
1895 clinical practice patterns of providers in order to identify  
1896 trends that are outside the normal practice patterns of a  
1897 provider's professional peers or the national guidelines of a  
1898 provider's professional association. The vendor must be able to  
1899 provide information and counseling to a provider whose practice  
1900 patterns are outside the norms, in consultation with the agency,  
1901 to improve patient care and reduce inappropriate utilization.  
1902 The agency may mandate prior authorization, drug therapy  
1903 management, or disease management participation for certain  
1904 populations of Medicaid beneficiaries, certain drug classes, or

HB 7073

2013

1905 | particular drugs to prevent fraud, abuse, overuse, and possible  
1906 | dangerous drug interactions. The Pharmaceutical and Therapeutics  
1907 | Committee shall make recommendations to the agency on drugs for  
1908 | which prior authorization is required. The agency shall inform  
1909 | the Pharmaceutical and Therapeutics Committee of its decisions  
1910 | regarding drugs subject to prior authorization. The agency is  
1911 | authorized to limit the entities it contracts with or enrolls as  
1912 | Medicaid providers by developing a provider network through  
1913 | provider credentialing. The agency may competitively bid single-  
1914 | source-provider contracts if procurement of goods or services  
1915 | results in demonstrated cost savings to the state without  
1916 | limiting access to care. The agency may limit its network based  
1917 | on the assessment of beneficiary access to care, provider  
1918 | availability, provider quality standards, time and distance  
1919 | standards for access to care, the cultural competence of the  
1920 | provider network, demographic characteristics of Medicaid  
1921 | beneficiaries, practice and provider-to-beneficiary standards,  
1922 | appointment wait times, beneficiary use of services, provider  
1923 | turnover, provider profiling, provider licensure history,  
1924 | previous program integrity investigations and findings, peer  
1925 | review, provider Medicaid policy and billing compliance records,  
1926 | clinical and medical record audits, and other factors. Providers  
1927 | are not entitled to enrollment in the Medicaid provider network.  
1928 | The agency shall determine instances in which allowing Medicaid  
1929 | beneficiaries to purchase durable medical equipment and other  
1930 | goods is less expensive to the Medicaid program than long-term  
1931 | rental of the equipment or goods. The agency may establish rules  
1932 | to facilitate purchases in lieu of long-term rentals in order to

HB 7073

2013

1933 protect against fraud and abuse in the Medicaid program as  
 1934 defined in s. 409.913. The agency may seek federal waivers  
 1935 necessary to administer these policies.

1936 (10) The agency, after notifying the Legislature, may  
 1937 apply for waivers of applicable federal laws and regulations as  
 1938 necessary to implement more appropriate systems of health care  
 1939 for Medicaid recipients and reduce the cost of the Medicaid  
 1940 program to the state and federal governments and shall implement  
 1941 such programs, after legislative approval, within a reasonable  
 1942 period of time after federal approval. These programs must be  
 1943 designed primarily to reduce the need for inpatient care,  
 1944 custodial care and other long-term or institutional care, and  
 1945 other high-cost services. Prior to seeking legislative approval  
 1946 of such a waiver as authorized by this subsection, the agency  
 1947 shall provide notice and an opportunity for public comment.  
 1948 Notice shall be provided to all persons who have made requests  
 1949 of the agency for advance notice and shall be published in the  
 1950 Florida Administrative Register ~~Weekly~~ not less than 28 days  
 1951 prior to the intended action. This subsection expires October 1,  
 1952 2016.

1953 Section 48. Subsection (4) of section 493.6104, Florida  
 1954 Statutes, is amended to read:

1955 493.6104 Advisory council.—

1956 (4) The council shall meet at least 4 times yearly upon  
 1957 the call of the chairperson, at the request of a majority of the  
 1958 membership, or at the request of the department. Notice of  
 1959 council meetings and the agenda shall be published in the  
 1960 Florida Administrative Register ~~Weekly~~ at least 14 days prior to

HB 7073

2013

1961 such meeting.

1962 Section 49. Paragraph (c) of subsection (3) of section  
1963 553.775, Florida Statutes, is amended to read:

1964 553.775 Interpretations.—

1965 (3) The following procedures may be invoked regarding  
1966 interpretations of the Florida Building Code:

1967 (c) The commission shall review decisions of local  
1968 building officials and local enforcement agencies regarding  
1969 interpretations of the Florida Building Code after the local  
1970 board of appeals has considered the decision, if such board  
1971 exists, and if such appeals process is concluded within 25  
1972 business days.

1973 1. The commission shall coordinate with the Building  
1974 Officials Association of Florida, Inc., to designate panels  
1975 composed of five members to hear requests to review decisions of  
1976 local building officials. The members must be licensed as  
1977 building code administrators under part XII of chapter 468 and  
1978 must have experience interpreting and enforcing provisions of  
1979 the Florida Building Code.

1980 2. Requests to review a decision of a local building  
1981 official interpreting provisions of the Florida Building Code  
1982 may be initiated by any substantially affected person, including  
1983 an owner or builder subject to a decision of a local building  
1984 official or an association of owners or builders having members  
1985 who are subject to a decision of a local building official. In  
1986 order to initiate review, the substantially affected person must  
1987 file a petition with the commission. The commission shall adopt  
1988 a form for the petition, which shall be published on the

1989 Building Code Information System. The form shall, at a minimum,  
 1990 require the following:

1991       a. The name and address of the county or municipality in  
 1992 which provisions of the Florida Building Code are being  
 1993 interpreted.

1994       b. The name and address of the local building official who  
 1995 has made the interpretation being appealed.

1996       c. The name, address, and telephone number of the  
 1997 petitioner; the name, address, and telephone number of the  
 1998 petitioner's representative, if any; and an explanation of how  
 1999 the petitioner's substantial interests are being affected by the  
 2000 local interpretation of the Florida Building Code.

2001       d. A statement of the provisions of the Florida Building  
 2002 Code which are being interpreted by the local building official.

2003       e. A statement of the interpretation given to provisions  
 2004 of the Florida Building Code by the local building official and  
 2005 the manner in which the interpretation was rendered.

2006       f. A statement of the interpretation that the petitioner  
 2007 contends should be given to the provisions of the Florida  
 2008 Building Code and a statement supporting the petitioner's  
 2009 interpretation.

2010       g. Space for the local building official to respond in  
 2011 writing. The space shall, at a minimum, require the local  
 2012 building official to respond by providing a statement admitting  
 2013 or denying the statements contained in the petition and a  
 2014 statement of the interpretation of the provisions of the Florida  
 2015 Building Code which the local jurisdiction or the local building  
 2016 official contends is correct, including the basis for the



2017 | interpretation.

2018 |         3. The petitioner shall submit the petition to the local  
 2019 | building official, who shall place the date of receipt on the  
 2020 | petition. The local building official shall respond to the  
 2021 | petition in accordance with the form and shall return the  
 2022 | petition along with his or her response to the petitioner within  
 2023 | 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
 2024 | holidays. The petitioner may file the petition with the  
 2025 | commission at any time after the local building official  
 2026 | provides a response. If no response is provided by the local  
 2027 | building official, the petitioner may file the petition with the  
 2028 | commission 10 days after submission of the petition to the local  
 2029 | building official and shall note that the local building  
 2030 | official did not respond.

2031 |         4. Upon receipt of a petition that meets the requirements  
 2032 | of subparagraph 2., the commission shall immediately provide  
 2033 | copies of the petition to a panel, and the commission shall  
 2034 | publish the petition, including any response submitted by the  
 2035 | local building official, on the Building Code Information System  
 2036 | in a manner that allows interested persons to address the issues  
 2037 | by posting comments.

2038 |         5. The panel shall conduct proceedings as necessary to  
 2039 | resolve the issues; shall give due regard to the petitions, the  
 2040 | response, and to comments posed on the Building Code Information  
 2041 | System; and shall issue an interpretation regarding the  
 2042 | provisions of the Florida Building Code within 21 days after the  
 2043 | filing of the petition. The panel shall render a determination  
 2044 | based upon the Florida Building Code or, if the code is

2045 | ambiguous, the intent of the code. The panel's interpretation  
 2046 | shall be provided to the commission, which shall publish the  
 2047 | interpretation on the Building Code Information System and in  
 2048 | the Florida Administrative Register ~~Weekly~~. The interpretation  
 2049 | shall be considered an interpretation entered by the commission,  
 2050 | and shall be binding upon the parties and upon all jurisdictions  
 2051 | subject to the Florida Building Code, unless it is superseded by  
 2052 | a declaratory statement issued by the Florida Building  
 2053 | Commission or by a final order entered after an appeal  
 2054 | proceeding conducted in accordance with subparagraph 7.

2055 |         6. It is the intent of the Legislature that review  
 2056 | proceedings be completed within 21 days after the date that a  
 2057 | petition seeking review is filed with the commission, and the  
 2058 | time periods set forth in this paragraph may be waived only upon  
 2059 | consent of all parties.

2060 |         7. Any substantially affected person may appeal an  
 2061 | interpretation rendered by a hearing officer panel by filing a  
 2062 | petition with the commission. Such appeals shall be initiated in  
 2063 | accordance with chapter 120 and the uniform rules of procedure  
 2064 | and must be filed within 30 days after publication of the  
 2065 | interpretation on the Building Code Information System or in the  
 2066 | Florida Administrative Register ~~Weekly~~. Hearings shall be  
 2067 | conducted pursuant to chapter 120 and the uniform rules of  
 2068 | procedure. Decisions of the commission are subject to judicial  
 2069 | review pursuant to s. 120.68. The final order of the commission  
 2070 | is binding upon the parties and upon all jurisdictions subject  
 2071 | to the Florida Building Code.

2072 |         8. The burden of proof in any proceeding initiated in

2073 | accordance with subparagraph 7. is on the party who initiated  
 2074 | the appeal.

2075 |         9. In any review proceeding initiated in accordance with  
 2076 | this paragraph, including any proceeding initiated in accordance  
 2077 | with subparagraph 7., the fact that an owner or builder has  
 2078 | proceeded with construction may not be grounds for determining  
 2079 | an issue to be moot if the issue is one that is likely to arise  
 2080 | in the future.

2081 |  
 2082 | This paragraph provides the exclusive remedy for addressing  
 2083 | requests to review local interpretations of the code and appeals  
 2084 | from review proceedings.

2085 |         Section 50. Subsection (4) of section 561.19, Florida  
 2086 | Statutes, is amended to read:

2087 |             561.19 License issuance upon approval of division.—

2088 |             (4) The issuance of licenses pursuant to subsection (2) or  
 2089 | subsection (3) shall not be governed by the provisions of s.  
 2090 | 120.60. The issuance of any such license shall occur no later  
 2091 | than 180 days after a drawing is held pursuant to notice  
 2092 | published in the Florida Administrative Register ~~Weekly~~ or, in  
 2093 | the event no drawing is held, within 180 days of the final date  
 2094 | for filing applications. Any applicant who is not included in  
 2095 | the pool for drawing to determine priority shall file, within 30  
 2096 | days of the date of mailing of notice to such applicant, a  
 2097 | challenge to such action pursuant to ss. 120.569 and 120.57, or  
 2098 | the right to file any action as to such matter shall be forever  
 2099 | lost. Any applicant whose name is included in the pool for  
 2100 | drawing to determine priority but who is not issued a license

HB 7073

2013

2101 shall be entitled to request a hearing on the denial pursuant to  
 2102 ss. 120.569 and 120.57 only on the grounds that the selection  
 2103 process was not conducted in accordance with law or that the  
 2104 licensee selected does not possess the qualifications required  
 2105 by law.

2106 Section 51. Subsection (1) of section 570.247, Florida  
 2107 Statutes, is amended to read:

2108 570.247 Promulgation of rules.—In conjunction with funds  
 2109 specifically appropriated for the purposes specified in this  
 2110 act, the department shall begin to promulgate rules no later  
 2111 than January 1, 1992, pursuant to s. 120.54, pertaining to:

2112 (1) Formal notification procedures for the availability of  
 2113 assistance, including publication in the Florida Administrative  
 2114 Register ~~Weekly~~ pursuant to s. 120.55.

2115 Section 52. Paragraph (b) of subsection (1) of section  
 2116 601.152, Florida Statutes, is amended to read:

2117 601.152 Special marketing orders.—

2118 (1)

2119 (b) Notice of the time, place, and purpose of such public  
 2120 hearing shall be:

2121 1. Mailed, at least 10 days before such hearing, to each  
 2122 handler who, during the 12 months immediately before such  
 2123 mailing, has first handled in the primary channel of trade in  
 2124 the state the type, variety, and form of citrus fruit or citrus  
 2125 product specified in the proposed marketing order, and to each  
 2126 handler who the department has good cause to believe will,  
 2127 during the period of time covered by the proposed marketing  
 2128 order, first handle in the primary channel of trade in the state

HB 7073

2013

2129 the type, variety, and form of citrus fruit or processed citrus  
 2130 product specified in such proposed marketing order.

2131 2. Published in the Florida Administrative Register ~~Weekly~~  
 2132 at least 10 days before such hearing.

2133 Section 53. Subsection (6) of section 627.091, Florida  
 2134 Statutes, is amended to read:

2135 627.091 Rate filings; workers' compensation and employer's  
 2136 liability insurances.—

2137 (6) Whenever the committee of a recognized rating  
 2138 organization with responsibility for workers' compensation and  
 2139 employer's liability insurance rates in this state meets to  
 2140 discuss the necessity for, or a request for, Florida rate  
 2141 increases or decreases, the determination of Florida rates, the  
 2142 rates to be requested, and any other matters pertaining  
 2143 specifically and directly to such Florida rates, such meetings  
 2144 shall be held in this state and shall be subject to s. 286.011.  
 2145 The committee of such a rating organization shall provide at  
 2146 least 3 weeks' prior notice of such meetings to the office and  
 2147 shall provide at least 14 days' prior notice of such meetings to  
 2148 the public by publication in the Florida Administrative Register  
 2149 ~~Weekly~~.

2150 Section 54. Paragraph (a) of subsection (13) of section  
 2151 633.0215, Florida Statutes, is amended to read:

2152 633.0215 Florida Fire Prevention Code.—

2153 (13) (a) The State Fire Marshal shall issue an expedited  
 2154 declaratory statement relating to interpretations of provisions  
 2155 of the Florida Fire Prevention Code according to the following  
 2156 guidelines:

HB 7073

2013

2157 1. The declaratory statement shall be rendered in  
2158 accordance with s. 120.565, except that a final decision must be  
2159 issued by the State Fire Marshal within 45 days after the  
2160 division's receipt of a petition seeking an expedited  
2161 declaratory statement. The State Fire Marshal shall give notice  
2162 of the petition and the expedited declaratory statement or the  
2163 denial of the petition in the next available issue of the  
2164 Florida Administrative Register ~~Weekly~~ after the petition is  
2165 filed and after the statement or denial is rendered.

2166 2. The petitioner must be the owner of the disputed  
2167 project or the owner's representative.

2168 3. The petition for an expedited declaratory statement  
2169 must be:

2170 a. Related to an active project that is under construction  
2171 or must have been submitted for a permit.

2172 b. The subject of a written notice citing a specific  
2173 provision of the Florida Fire Prevention Code which is in  
2174 dispute.

2175 c. Limited to a single question that is capable of being  
2176 answered with a "yes" or "no" response.

2177 Section 55. Subsection (8) of section 633.026, Florida  
2178 Statutes, is amended to read:

2179 633.026 Legislative intent; informal interpretations of  
2180 the Florida Fire Prevention Code.—It is the intent of the  
2181 Legislature that the Florida Fire Prevention Code be interpreted  
2182 by fire officials and local enforcement agencies in a manner  
2183 that reasonably and cost-effectively protects the public safety,  
2184 health, and welfare; ensures uniform interpretations throughout

HB 7073

2013

2185 | this state; and provides just and expeditious processes for  
2186 | resolving disputes regarding such interpretations. It is the  
2187 | further intent of the Legislature that such processes provide  
2188 | for the expeditious resolution of the issues presented and that  
2189 | the resulting interpretation of such issues be published on the  
2190 | website of the Division of State Fire Marshal.

2191 |       (8) The committee shall conduct proceedings as necessary  
2192 | to resolve the issues and give due regard to the petition, the  
2193 | facts of the matter at issue, specific code sections cited, and  
2194 | any statutory implications affecting the Florida Fire Prevention  
2195 | Code. The committee shall issue an interpretation regarding the  
2196 | provisions of the Florida Fire Prevention Code within 10 days  
2197 | after the filing of a petition. The committee shall issue an  
2198 | interpretation based upon the Florida Fire Prevention Code or,  
2199 | if the code is ambiguous, the intent of the code. The  
2200 | committee's interpretation shall be provided to the petitioner  
2201 | and shall include a notice that if the petitioner disagrees with  
2202 | the interpretation, the petitioner may file a request for formal  
2203 | interpretation by the State Fire Marshal under s. 633.01(6). The  
2204 | committee's interpretation shall be provided to the State Fire  
2205 | Marshal, and the division shall publish the interpretation on  
2206 | the State Fire Marshal's website and in the Florida  
2207 | Administrative Register ~~Weekly~~.

2208 |       Section 56. Paragraph (c) of subsection (2) of section  
2209 | 658.26, Florida Statutes, is amended to read:

2210 |       658.26 Places of transacting business; branches;  
2211 | facilities.—

2212 |       (2)

2213 (c) Applications filed pursuant to this subsection need  
 2214 not be published in the Florida Administrative Register Weekly,  
 2215 but shall otherwise be subject to chapter 120.

2216 Section 57. Paragraph (d) of subsection (3) of section  
 2217 766.105, Florida Statutes, is amended to read:

2218 766.105 Florida Patient's Compensation Fund.—

2219 (3) THE FUND.—

2220 (d) Fees and assessments.—Each health care provider, as  
 2221 set forth in subsection (2), electing to comply with paragraph  
 2222 (2)(b) for a given fiscal year shall pay the fees and any  
 2223 assessments established under this section relative to such  
 2224 fiscal year, for deposit into the fund. Those entering the fund  
 2225 after the fiscal year has begun shall pay a prorated share of  
 2226 the yearly fees for a prorated membership. Actuarially sound  
 2227 membership fees payable annually, semiannually, or quarterly  
 2228 with appropriate service charges shall be established by the  
 2229 fund before January 1 of each fiscal year, based on the  
 2230 following considerations:

2231 1. Past and prospective loss and expense experience in  
 2232 different types of practice and in different geographical areas  
 2233 within the state;

2234 2. The prior claims experience of the members covered  
 2235 under the fund; and

2236 3. Risk factors for persons who are retired, semiretired,  
 2237 or part-time professionals.

2238  
 2239 Such fees shall be based on not more than three geographical  
 2240 areas, not necessarily contiguous, with five categories of



HB 7073

2013

2241 practice and with categories which contemplate separate risk  
2242 ratings for hospitals, for health maintenance organizations, for  
2243 ambulatory surgical facilities, and for other medical  
2244 facilities. The fund is authorized to adjust the fees of an  
2245 individual member to reflect the claims experience of such  
2246 member. Each fiscal year of the fund shall operate independently  
2247 of preceding fiscal years. Participants shall only be liable for  
2248 assessments for claims from years during which they were members  
2249 of the fund; in cases in which a participant is a member of the  
2250 fund for less than the total fiscal year, a member shall be  
2251 subject to assessments for that year on a pro rata basis  
2252 determined by the percentage of participation for the year. The  
2253 fund shall submit to the Office of Insurance Regulation the  
2254 classifications and membership fees to be charged, and the  
2255 Office of Insurance Regulation shall review such fees and shall  
2256 approve them if they comply with all the requirements of this  
2257 section and fairly reflect the considerations provided for in  
2258 this section. If the classifications or membership fees do not  
2259 comply with this section, the Office of Insurance Regulation  
2260 shall set classifications or membership fees which do comply and  
2261 which give due recognition to all considerations provided for in  
2262 this section. Nothing contained herein shall be construed as  
2263 imposing liability for payment of any part of a fund deficit on  
2264 the Joint Underwriting Association authorized by s. 627.351(4)  
2265 or its member insurers. If the fund determines that the amount  
2266 of money in an account for a given fiscal year is in excess of  
2267 or not sufficient to satisfy the claims made against the  
2268 account, the fund shall certify the amount of the projected

HB 7073

2013

2269 excess or insufficiency to the Office of Insurance Regulation  
2270 and request the office to levy an assessment against or refund  
2271 to all participants in the fund for that fiscal year, prorated,  
2272 based on the number of days of participation during the year in  
2273 question. The Office of Insurance Regulation shall approve the  
2274 request of the fund to refund to, or levy any assessment  
2275 against, the participants, provided the refund or assessment  
2276 fairly reflects the same considerations and classifications upon  
2277 which the membership fees were based. The assessment shall be in  
2278 an amount sufficient to satisfy reserve requirements for known  
2279 claims, including expenses to satisfy the claims, made against  
2280 the account for a given fiscal year. In any proceeding to  
2281 challenge the amount of the refund or assessment, it is to be  
2282 presumed that the amount of refund or assessment requested by  
2283 the fund is correct, if the fund demonstrates that it has used  
2284 reasonable claims handling and reserving procedures. Additional  
2285 assessments may be certified and levied in accordance with this  
2286 paragraph as necessary for any fiscal year. If a fund member  
2287 objects to his or her assessment, he or she shall, as a  
2288 condition precedent to bringing legal action contesting the  
2289 assessment, pay the assessment, under protest, to the fund. The  
2290 fund may borrow money needed for current operations, if  
2291 necessary to pay claims and related expenses, fees, and costs  
2292 timely for a given fiscal year, from an account for another  
2293 fiscal year until such time as sufficient funds have been  
2294 obtained through the assessment process. Any such money,  
2295 together with interest at the mean interest rate earned on the  
2296 investment portfolio of the fund, shall be repaid from the next

HB 7073

2013

2297 assessment for the given fiscal year. If any assessments are  
 2298 levied in accordance with this subsection as a result of claims  
 2299 in excess of \$500,000 per occurrence, and such assessments are a  
 2300 result of the liability of certain individuals and entities  
 2301 specified in paragraph (2)(e), only hospitals shall be subject  
 2302 to such assessments. Before approving the request of the fund to  
 2303 charge membership fees, issue refunds, or levy assessments, the  
 2304 Office of Insurance Regulation shall publish notice of the  
 2305 request in the Florida Administrative Register ~~Weekly~~. Pursuant  
 2306 to chapter 120, any party substantially affected may request an  
 2307 appropriate proceeding. Any petition for such a proceeding shall  
 2308 be filed with the Office of Insurance Regulation within 21 days  
 2309 after the date of publication of the notice in the Florida  
 2310 Administrative Register ~~Weekly~~.

2311 Section 58. Subsection (1) of section 791.013, Florida  
 2312 Statutes, is amended to read:

2313 791.013 Testing and approval of sparklers; penalties.—

2314 (1) A person who wishes to sell sparklers must submit  
 2315 samples of his or her product to the division for testing to  
 2316 determine whether it is a sparkler as defined in s. 791.01. Such  
 2317 samples must be received by the division by September 1 to be  
 2318 considered for approval the following year. On February 1 of  
 2319 each year the division shall approve those products which it has  
 2320 tested and found to meet the requirements for sparklers. All  
 2321 approved sparkler products are legal for sale until January 31  
 2322 of the following year. The list of approved sparkler products  
 2323 shall be published in the Florida Administrative Register ~~Weekly~~  
 2324 and shall prominently state the dates between which the products

HB 7073

2013

2325 | may be sold. The division shall make copies of this list  
2326 | available to the public. A product must be tested and approved  
2327 | for sale in accordance with the rules adopted to implement this  
2328 | section. Beginning February 1, 1988, only those products  
2329 | approved by the division may be sold in the state. The State  
2330 | Fire Marshal shall adopt rules describing the testing, approval,  
2331 | and listing procedures.

2332 |       Section 59. Section 957.12, Florida Statutes, is amended  
2333 | to read:

2334 |       957.12 Prohibition on contact.—A bidder or potential  
2335 | bidder is not permitted to have any contact with any member or  
2336 | employee of or consultant to the commission regarding a request  
2337 | for proposal, a proposal, or the evaluation or selection process  
2338 | from the time a request for proposals for a private correctional  
2339 | facility is issued until the time a notification of intent to  
2340 | award is announced, except if such contact is in writing or in a  
2341 | meeting for which notice was provided in the Florida  
2342 | Administrative Register ~~Weekly~~.

2343 |       Section 60. Paragraph (a) of subsection (1) of section  
2344 | 1006.33, Florida Statutes, is amended to read:

2345 |       1006.33 Bids or proposals; advertisement and its  
2346 | contents.—

2347 |       (1) (a) Beginning on or before May 15 of any year in which  
2348 | an instructional materials adoption is to be initiated, the  
2349 | department shall advertise in the Florida Administrative  
2350 | Register ~~Weekly~~ 4 weeks preceding the date on which the bids  
2351 | shall be received, that at a certain designated time, not later  
2352 | than June 15, sealed bids or proposals to be deposited with the

HB 7073

2013

2353 department will be received from publishers or manufacturers for  
2354 the furnishing of instructional materials proposed to be adopted  
2355 as listed in the advertisement beginning April 1 following the  
2356 adoption.

2357 Reviser's note.—Amended pursuant to the directive of the  
2358 Legislature in s. 3, ch. 2012-63, Laws of Florida, to  
2359 prepare a reviser's bill for the 2013 Regular Session of  
2360 the Legislature to substitute the term "Florida  
2361 Administrative Register" for the term "Florida  
2362 Administrative Weekly" throughout the Florida Statutes.  
2363 Section 61. This act shall take effect on the 60th day  
2364 after adjournment sine die of the session of the Legislature in  
2365 which enacted.