

By the Committee on Governmental Oversight and Productivity;  
and Senator Peadar

302-1968-03

1                                   A bill to be entitled  
2           An act relating to to administrative  
3           procedures; amending s. 120.55, F.S.; providing  
4           for electronic publication of the Florida  
5           Administrative Weekly on an Internet website in  
6           lieu of paper publication; amending content  
7           requirements for the Florida Administrative  
8           Weekly; requiring the Department of State to  
9           review notices; eliminating fees associated  
10          with the Florida Administrative Weekly;  
11          providing website search and archiving  
12          requirements; providing for free agency and  
13          public access to the Florida Administrative  
14          Weekly Internet website; eliminating trust fund  
15          provisions; amending s. 120.551, F.S.;  
16          extending the time for the Department of  
17          Environmental Protection's Internet publication  
18          pilot project; amending s. 287.042, F.S.;  
19          eliminating obsolete provisions; repealing s.  
20          120.551, F.S.; providing for the future repeal  
21          of provisions requiring an Internet publication  
22          pilot project; providing for discontinuation of  
23          the paper version of the Florida Administrative  
24          Weekly; requiring notice of discontinuation;  
25          providing for agency training courses;  
26          providing effective dates.

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28 Be It Enacted by the Legislature of the State of Florida:

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30           Section 1. Effective January 1, 2004, section 120.55,  
31 Florida Statutes, is amended to read:

1           120.55 Publication.--  
2           (1) The Department of State shall:  
3           (a)1. Publish in a permanent compilation entitled  
4 "Florida Administrative Code" all rules adopted by each  
5 agency, citing the specific rulemaking authority pursuant to  
6 which each rule was adopted, all history notes as authorized  
7 in s. 120.545(9), and complete indexes to all rules contained  
8 in the code. Supplementation shall be made as often as  
9 practicable, but at least monthly. The department may  
10 contract with a publishing firm for the publication, in a  
11 timely and useful form, of the Florida Administrative Code;  
12 however, the department shall retain responsibility for the  
13 code as provided in this section. This publication shall be  
14 the official compilation of the administrative rules of this  
15 state. The Department of State shall retain the copyright  
16 over the Florida Administrative Code.  
17           2. Rules general in form but applicable to only one  
18 school district, community college district, or county, or a  
19 part thereof, or state university rules relating to internal  
20 personnel or business and finance shall not be published in  
21 the Florida Administrative Code. Exclusion from publication in  
22 the Florida Administrative Code shall not affect the validity  
23 or effectiveness of such rules.  
24           3. At the beginning of the section of the code dealing  
25 with an agency that files copies of its rules with the  
26 department, the department shall publish the address and  
27 telephone number of the executive offices of each agency, the  
28 manner by which the agency indexes its rules, a listing of all  
29 rules of that agency excluded from publication in the code,  
30 and a statement as to where those rules may be inspected.  
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1           4. Forms shall not be published in the Florida  
2 Administrative Code; but any form which an agency uses in its  
3 dealings with the public, along with any accompanying  
4 instructions, shall be filed with the committee before it is  
5 used. Any form or instruction that ~~which~~ meets the definition  
6 of "rule" provided in s. 120.52 shall be incorporated by  
7 reference into the appropriate rule. The reference shall  
8 specifically state that the form is being incorporated by  
9 reference and shall include the number, title, and effective  
10 date of the form and an explanation of how the form may be  
11 obtained.

12           (b) Electronically publish on an Internet website,  
13 established and maintained by the State Technology Office, a  
14 weekly publication entitled the "Florida Administrative  
15 Weekly," which shall contain:

16           1. Notice of adoption of, and an index to, all rules  
17 filed during the preceding week.

18           2. All notices required by s. 120.54(3)(a), showing  
19 the text of all rules proposed for consideration ~~or a~~  
20 ~~reference to the location in the Florida Administrative Weekly~~  
21 ~~where the text of the proposed rules is published.~~

22           3. All notices of public meetings, hearings, and  
23 workshops conducted in accordance with the provisions of s.  
24 120.525, including a statement of the manner in which a copy  
25 of the agenda may be obtained.

26           4. A notice of each request for authorization to amend  
27 or repeal an existing uniform rule or for the adoption of new  
28 uniform rules.

29           5. Notice of petitions for declaratory statements or  
30 administrative determinations.

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1           6. A summary of each objection to any rule filed by  
2 the Administrative Procedures Committee during the preceding  
3 week.

4           7. Any other material required or authorized by law or  
5 deemed useful by the department.

6           (c) Review notices for compliance with format and  
7 numbering requirements prior to publishing on the Florida  
8 Administrative Weekly Internet website.

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10 ~~The department may contract with a publishing firm for~~  
11 ~~publication of the Florida Administrative Weekly.~~

12           ~~(d)(e)~~ Prescribe by rule the style and form required  
13 for rules submitted for filing and establish the form for  
14 their certification.

15           ~~(e)(d)~~ Correct grammatical, typographical, and like  
16 errors not affecting the construction or meaning of the rules,  
17 after having obtained the advice and consent of the  
18 appropriate agency, and insert history notes.

19           ~~(e) Make copies of the Florida Administrative Weekly~~  
20 ~~available on an annual subscription basis computed to cover a~~  
21 ~~pro rata share of 50 percent of the costs related to the~~  
22 ~~publication of the Florida Administrative Weekly.~~

23           ~~(f) Charge each agency using the Florida~~  
24 ~~Administrative Weekly a space rate computed to cover a pro~~  
25 ~~rata share of 50 percent of the costs related to the Florida~~  
26 ~~Administrative Weekly.~~

27           (2) The Florida Administrative Weekly Internet website  
28 shall allow users to:

29           (a) Search for notices by type, publication date,  
30 program area, rule number, or agency;

31           (b) Search by word or subject;

1           (c) Search a permanent database that archives all  
2 notices published on the website; and

3           (d) Subscribe to an automated e-mail notification of  
4 selected notices.

5           ~~(3)(2)~~ Each agency shall print or distribute copies of  
6 its rules, citing the specific rulemaking authority pursuant  
7 to which each rule was adopted.

8           ~~(4)(3)~~ Any publication of a proposed rule promulgated  
9 by an agency, whether published in the Florida Administrative  
10 Code or elsewhere, shall include, along with the rule, the  
11 name of the person or persons originating such rule, the name  
12 of the supervisor or person who approved the rule, and the  
13 date upon which the rule was approved.

14           ~~(5)(4)(a)~~ Agencies shall not be assessed any charge  
15 for publishing in the Florida Administrative Weekly, and  
16 access to the Florida Administrative Weekly Internet website  
17 and its contents, including the e-mail notification service,  
18 shall be free for agencies and the public.~~Each year the~~  
19 ~~Department of State shall furnish the Florida Administrative~~  
20 ~~Weekly, without charge and upon request, as follows:~~

21           ~~1. One subscription to each federal and state court~~  
22 ~~having jurisdiction over the residents of the state; the~~  
23 ~~Legislative Library; each state university library; the State~~  
24 ~~Library; each depository library designated pursuant to s.~~  
25 ~~257.05; and each standing committee of the Senate and House of~~  
26 ~~Representatives and each state legislator.~~

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

28           ~~3. Three subscriptions to the library of the Supreme~~  
29 ~~Court of Florida, the library of each state district court of~~  
30 ~~appeal, the division, the library of the Attorney General,~~  
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1 ~~each law school library in Florida, the Secretary of the~~  
2 ~~Senate, and the Clerk of the House of Representatives.~~

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

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

8 ~~(5)(a) There is hereby created in the State Treasury a~~  
9 ~~revolving fund to be known as the "Publication Revolving Trust~~  
10 ~~Fund" of the Department of State.~~

11 ~~(b) All fees and moneys collected by the Department of~~  
12 ~~State under this chapter shall be deposited in the revolving~~  
13 ~~trust fund for the purpose of paying for the publication and~~  
14 ~~distribution of the Florida Administrative Code and the~~  
15 ~~Florida Administrative Weekly and for associated costs~~  
16 ~~incurred by the department in carrying out this chapter.~~

17 ~~(c) The unencumbered balance in the revolving trust~~  
18 ~~fund at the beginning of each fiscal year shall not exceed~~  
19 ~~\$300,000, and any excess shall be transferred to the General~~  
20 ~~Revenue Fund.~~

21 ~~(d) It is the intent of the Legislature that the~~  
22 ~~Florida Administrative Weekly be supported entirely from funds~~  
23 ~~collected for subscriptions to and advertisements in the~~  
24 ~~Florida Administrative Weekly. To that end, the Department of~~  
25 ~~State is authorized to add a surcharge of 10 percent to any~~  
26 ~~charge relating to the Florida Administrative Weekly until~~  
27 ~~such time as the Publication Revolving Trust Fund has~~  
28 ~~transferred to the General Revenue Fund an amount equal to all~~  
29 ~~funds appropriated to the trust fund.~~

30 Section 2. Subsection (1) of section 120.551, Florida  
31 Statutes, is amended to read:

1           120.551 Internet publication pilot project.--  
2           (1) On or before December 31, 2001, the Department of  
3 Environmental Protection and the State Technology Office shall  
4 establish and commence a pilot project to determine the  
5 cost-effectiveness of publication of notices on the Internet  
6 in lieu of complete publication in the Florida Administrative  
7 Weekly. The pilot project shall end on December 31, 2003 ~~July~~  
8 ~~1, 2003~~. Under this pilot project, notwithstanding any other  
9 provision of law, whenever the Department of Environmental  
10 Protection is required to publish notices in the Florida  
11 Administrative Weekly, the Department of Environmental  
12 Protection instead may publish a summary of such notice in the  
13 Florida Administrative Weekly along with the specific URL or  
14 Internet address where the complete notice required by law  
15 shall be published. The Department of Environmental Protection  
16 shall publish all other notices in the manner prescribed by  
17 law. Notices published on the Internet under this section  
18 shall clearly state the date the notice was first posted on  
19 the Internet and shall be initially posted only on the same  
20 days the Florida Administrative Weekly is published. Notices  
21 related to rulemaking published on the Internet under this  
22 provision shall be maintained on the Internet for a period of  
23 at least 12 months after the effective date of the rule or at  
24 least 3 months after the publication of a notice of withdrawal  
25 of the proposed rule. All other notices published on the  
26 Internet under this provision shall be maintained on the  
27 Internet for a period of at least 3 months after the date  
28 first posted. A searchable database or other electronic system  
29 to be permanently maintained on the Internet for the purpose  
30 of archiving all notices published on the Internet and  
31 allowing citizens permanent electronic access to such archived

1 records shall also be established by the pilot project. No  
2 notice posted on the Internet shall be removed until the  
3 searchable database is implemented.

4 Section 3. Paragraph (b) of subsection (3) of section  
5 287.042, Florida Statutes, is amended to read:

6 287.042 Powers, duties, and functions.--The department  
7 shall have the following powers, duties, and functions:

8 (3) To establish a system of coordinated, uniform  
9 procurement policies, procedures, and practices to be used by  
10 agencies in acquiring commodities and contractual services,  
11 which shall include, but not be limited to:

12 (b)1. Development of procedures for advertising  
13 solicitations. These procedures must provide for electronic  
14 posting of solicitations for at least 10 days before the date  
15 set for receipt of bids, proposals, or replies, unless the  
16 department or other agency determines in writing that a  
17 shorter period of time is necessary to avoid harming the  
18 interests of the state. The Office of Supplier Diversity may  
19 consult with the department regarding the development of  
20 solicitation distribution procedures to ensure that maximum  
21 distribution is afforded to certified minority business  
22 enterprises as defined in s. 288.703.

23 2. Development of procedures for electronic posting.  
24 The department shall designate a centralized website on the  
25 Internet for the department and other agencies to  
26 electronically post solicitations, decisions or intended  
27 decisions, and other matters relating to procurement. ~~From~~  
28 ~~July 1, 2002, until July 1, 2003, the department shall publish~~  
29 ~~a notice in each edition of the Florida Administrative Weekly~~  
30 ~~which indicates the specific URL or Internet address for the~~  
31 ~~centralized website.~~



1           Section 4. Effective December 31, 2003, section  
2 120.551, Florida Statutes, is repealed.

3           Section 5. Publication of the paper version of the  
4 Florida Administrative Weekly shall be discontinued as of  
5 December 31, 2003. Beginning October 1, 2003, each Florida  
6 Administrative Weekly issue published shall include a notice  
7 indicating that the paper version of the Florida  
8 Administrative Weekly will no longer be published as of the  
9 date established in this section and indicating the specific  
10 Internet URL or address for the future Florida Administrative  
11 Weekly Internet website.

12           Section 6. The Department of State, with the  
13 assistance of the State Technology Office, shall, prior to  
14 December 31, 2003, make training courses available to all  
15 agencies currently required to publish in the paper version of  
16 the Florida Administrative Weekly. The training courses shall  
17 be for the purpose of assisting the agencies with their  
18 transition to publishing on the Florida Administrative Weekly  
19 Internet website and may be provided in the form of workshops  
20 or self-training software packages.

21           Section 7. Except as otherwise expressly provided in  
22 this act, this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1374

Removes the bill's provisions that permitted agencies required to publish in the Florida Administrative Weekly to discretionarily elect to publish administrative notices on individual agency Internet websites. Requires the Department of State to discontinue paper publication of the Florida Adminstrative Weekly and to begin publishing the Florida Administrative Weekly on a single Internet website established and maintained by the State Technology Office. Specifies requirements for the contents of the website. Requires that access to the website be provided free of charge to agencies and the public. Requires training courses to be provided to agencies to assist with their transition to Internet publishing.