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

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

25  
26           Section 1.   Section 120.55, Florida Statutes, is amended to  
27   read:  
28           120.55   Publication.—

29           (1) The Department of State shall:  
 30           (a)1. Through a continuous revision and publication  
 31 system, compile and publish electronically, on an Internet  
 32 website managed by the department, the "Florida Administrative  
 33 Code." The Florida Administrative Code shall contain all rules  
 34 adopted by each agency, citing the grant of rulemaking authority  
 35 and the specific law implemented pursuant to which each rule was  
 36 adopted, all history notes as authorized in s. 120.545(7),  
 37 complete indexes to all rules contained in the code, and any  
 38 other material required or authorized by law or deemed useful by  
 39 the department. The electronic code shall display each rule  
 40 chapter currently in effect in browse mode and allow full text  
 41 search of the code and each rule chapter. The department ~~shall~~  
 42 ~~publish a printed version of the Florida Administrative Code and~~  
 43 may contract with a publishing firm for a such printed  
 44 publication; however, the department shall retain responsibility  
 45 for the code as provided in this section. ~~Supplementation of the~~  
 46 ~~printed code shall be made as often as practicable, but at least~~  
 47 ~~monthly.~~ The electronic ~~printed~~ publication shall be the  
 48 official compilation of the administrative rules of this state.  
 49 The Department of State shall retain the copyright over the  
 50 Florida Administrative Code.  
 51           2. Rules general in form but applicable to only one school  
 52 district, community college district, or county, or a part  
 53 thereof, or state university rules relating to internal  
 54 personnel or business and finance shall not be published in the  
 55 Florida Administrative Code. Exclusion from publication in the  
 56 Florida Administrative Code shall not affect the validity or

57 effectiveness of such rules.

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

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

80 5. The department shall allow adopted rules and material  
81 incorporated by reference to be filed in electronic form as  
82 prescribed by department rule. When a rule is filed for adoption  
83 with incorporated material in electronic form, the department's  
84 publication of the Florida Administrative Code on its Internet

85 website must contain a hyperlink from the incorporating  
 86 reference in the rule directly to that material. The department  
 87 may not allow hyperlinks from rules in the Florida  
 88 Administrative Code to any material other than that filed with  
 89 and maintained by the department, but may allow hyperlinks to  
 90 incorporated material maintained by the department from the  
 91 adopting agency's website or other sites.

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

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

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

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

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

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

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

112 ~~7. A cumulative list of all rules that have been proposed~~

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113 ~~but not filed for adoption.~~

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

116

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

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

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

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

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

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

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

140 (a) Search for notices by type, publication date, rule

141 number, word, subject, and agency.~~†~~

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

144 (c) Subscribe to an automated e-mail notification of  
145 selected notices to be sent out before or concurrently with  
146 ~~weekly~~ publication of the ~~printed and~~ electronic Florida  
147 Administrative Register ~~Weekly~~. Such notification must include  
148 in the text of the e-mail a summary of the content of each  
149 notice.~~†~~

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

153 (e) Comment on proposed rules.

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

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

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

167 (6) Access to the Florida Administrative Register ~~Weekly~~  
168 Internet website and its contents, including the e-mail

169 notification service, shall be free for the public.

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

173 ~~1. One subscription to each federal and state court having~~  
 174 ~~jurisdiction over the residents of the state; the Legislative~~  
 175 ~~Library; each state university library; the State Library; each~~  
 176 ~~depository library designated pursuant to s. 257.05; and each~~  
 177 ~~standing committee of the Senate and House of Representatives~~  
 178 ~~and each state legislator.~~

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

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

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

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

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

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

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197 excess shall be transferred to the General Revenue Fund.

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

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