

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McClain offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Remove lines 872-933 and insert:

5 the administrative rules of this state. The Department of State
6 shall retain the copyright over the Florida Administrative Code.

7 2. Not publish in the Florida Administrative Code rules
8 general in form but applicable to only one school district,
9 community college district, or county, or a part thereof, or
10 state university rules relating to internal personnel or
11 business and finance ~~shall not be published in the Florida~~
12 ~~Administrative Code~~. Exclusion from publication in the Florida
13 Administrative Code does ~~shall~~ not affect the validity or

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14 effectiveness of such rules.

15 3. At the beginning of the section of the code dealing
16 with an agency that files copies of its rules with the
17 department, ~~the department shall~~ publish the address and
18 telephone number of the executive offices of each agency, the
19 manner by which the agency indexes its rules, a listing of all
20 rules of that agency excluded from publication in the code, a
21 listing of all forms and material incorporated by reference
22 adopted by rule which are used by the agency, and a statement as
23 to where those rules may be inspected.

24 4. Not publish forms ~~shall not be published~~ in the Florida
25 Administrative Code. However,; ~~but~~ any form that ~~which~~ an agency
26 uses in its dealings with the public, along with any
27 accompanying instructions, shall be filed with the committee
28 before it is used. Any form or instruction which meets the
29 definition of the term "rule" as defined ~~provided~~ in s. 120.52
30 shall be incorporated by reference into the appropriate rule.
31 The reference shall specifically state that the form is being
32 incorporated by reference and shall include the number, title,
33 and effective date of the form and an explanation of how the
34 form may be obtained. Each form created by an agency which is
35 incorporated by reference in a rule notice of which is given
36 under s. 120.54(3)(a) after December 31, 2007, must clearly
37 display the number, title, and effective date of the form and
38 the number of the rule in which the form is incorporated.

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39 5. Require all materials incorporated by reference in any
40 part of an adopted rule after December 31, 2022, The department
41 shall allow adopted rules and material incorporated by reference
42 to be filed in the manner prescribed by s. 120.54(1)(i)3.a. or
43 b. electronic form as prescribed by department rule. When a rule
44 is filed for adoption with incorporated material in electronic
45 form, the department's publication of the Florida Administrative
46 Code on its website must contain a hyperlink from the
47 incorporating reference in the rule directly to that material.
48 The department may not allow hyperlinks from rules in the
49 Florida Administrative Code to any material other than that
50 filed with and maintained by the department, but may allow
51 hyperlinks to incorporated material maintained by the department
52 from the adopting agency's website or other sites.

53 6. Include the date of any technical changes to a rule in
54 the history note of the rule in the Florida Administrative Code.
55 A technical change does not affect the effective date of the
56 rule. A technical change made after the adoption of a rule must
57 be published as a notice of correction.

58 (b) Electronically publish on a website managed by the
59 department a continuous revision and publication entitled the
60 "Florida Administrative Register," which shall serve as the
61 official publication and shall be published once daily by 8 a.m.
62 If, after publication, a rule is corrected and replaced, the
63 Florida Administrative Register shall indicate that the Florida

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64 Administrative Register has been republished and the rule that
65 has been corrected by the Department of State. The Florida
66 Administrative Register must contain:

67 1. All notices required by s. 120.54(2) and (3)(a),
68 showing the text of all rules proposed for consideration.

69 2. All notices of public meetings, hearings, and workshops
70 conducted in accordance with s. 120.525, including a statement
71 of the manner in which a copy of the agenda may be obtained.

72 3. A notice of each request for authorization to amend or
73 repeal an existing uniform rule or for the adoption of new
74 uniform rules.

75 4. Notice of petitions for declaratory statements or
76 administrative determinations.

77 5. A summary of each objection to any rule filed by the
78 Administrative Procedures Committee.

79 6. A list of rules filed for adoption in the previous 7
80 days.

81 7. A list of all rules filed for adoption pending
82 legislative ratification under s. 120.541(3). A rule shall be
83 removed from the list once notice of ratification or withdrawal
84 of the rule is received.

85 8. Any other material required or authorized by law or
86 deemed useful by the department.

87
88 The department may contract with a publishing firm for a printed

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89 publication of the Florida Administrative Register and make
90 copies available on an annual subscription basis.

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D I R E C T O R Y A M E N D M E N T

93 Remove line 852 and insert:
94 Section 5. Paragraphs (a), (b), and (c) of subsection (1)
95 of
96

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98 -----

T I T L E A M E N D M E N T

99 Remove lines 74-83 and insert:
100 requiring material incorporated by reference to be
101 filed in a specified manner after a certain date;
102 requiring the department to include the date of a
103 technical change in the Florida Administrative Code;
104 providing that a technical change does not affect the
105 effective date of a rule; requiring a technical change
106 made after rule adoption to be published as a notice
107 of correction; requiring the Florida Administrative
108 Register to be published once daily and indicate
109 certain information; requiring specified rulemaking;
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