

CHAPTER 2003-145

Committee Substitute for Senate Bill No. 1374

An act relating to to[sic] administrative procedures; amending s. 120.551, F.S.; eliminating the Internet publication pilot project; defining terms; providing that notices required to be published in the Florida Administrative Weekly by the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund shall be published on an Internet website; specifying Internet website requirements; specifying publication requirements; directing the Department of State to publish a statement in the Florida Administrative Weekly that indicates the Internet website address; providing for the future repeal of the section; providing an effective date.

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

Section 1. Section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication pilot project.—

(1) For purposes of this section, the term:

(a) “Agency” means the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund.

(b) “Internet website” means a centralized Internet website that is established and maintained by the Department of Environmental Protection, is provided to the public without charge, and permits the public to:

1. Search notices by type, publication date, program area, or rule number;

2. Search a permanent database that archives all notices published on the website; and

3. Subscribe to an automated e-mail notification of selected notice types.

(2) Whenever the agency is required to publish notices in the Florida Administrative Weekly, the agency shall instead publish the complete notice. On or before December 31, 2001, the Department of Environmental Protection and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet website in lieu of complete publication in the Florida Administrative Weekly. Notices published on the Internet website shall

clearly state the date the notice was first published and shall be published only on the same days as the Florida Administrative Weekly is published.
The pilot project shall end on July 1, 2003. Under this pilot project, notwithstanding any other provision of law, whenever the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of State shall Environmental Protection instead may publish a statement summary of such notice in the Florida Administrative Weekly that indicates along with the specific URL or Internet address for the Internet website where the complete notice required by law shall be published. The agency Department of Environmental Protection shall publish all other notices in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.

(3) This section is repealed effective July 1, 2004, unless reviewed and reenacted by the Legislature before that date.

(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."

(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and

~~recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.~~

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 2003.

Filed in Office Secretary of State June 12, 2003.