

# Section 120.55

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## CHAPTER 74-310

Section 1. Chapter 120, Florida Statutes, consisting of sections 120.50, 120.51, 120.52, 120.53, 120.54, 120.55, 120.56, 120.57, 120.58, 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.65, 120.66, 120.68, 120.69, 120.70, and 120.71, is created to read:

Section 120.55 is created to read:

120.55 Publication.--

(1) The department of state shall:

(a) Conduct a systematic and continuing study of the rules of this state for the purpose of reducing their number and bulk, and removing redundancies and unnecessary repetitions, and it shall make such changes in style and form as are required by paragraph (d);

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency and complete indexes to all rules contained in the code. Supplementation shall be made as often as is practicable, but at least monthly. Rules general in form but applicable to only one district, community college district, county, or a part thereof shall not be published in the Florida Administrative Code. Rules omitted shall be filed in the Department of State, and exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department of state shall publish a compilation of and index to all rules so omitted at least annually;

(c) Publish a weekly pamphlet entitled the Florida Administrative Weekly which shall contain a summary of and an index to all rules filed during the preceding week; all hearing notices required by s. 120.54(1) showing the time, place and date of the hearing and the summary of all rules proposed for consideration; other material required by law; and other material deemed useful by the department.

(d) Prescribe by rule the style and form required for rules submitted for filing and establish the form for their certification;

(e) Correct grammatical, typographical and like errors not affecting the construction or meaning of the rules and insert history notes;

(f) Before making any change in any rules as provided in paragraphs (a) or (e), obtain the advice and consent of the affected agency;

(g) Make copies of the Florida administrative code and weekly available for sale at no more than cost.

(2) Each agency shall print or distribute copies of its rules at its own expense or purchase copies for distribution from the secretary of state.

(3)(a) The department of state shall furnish one copy of the Florida Administrative Code and Weekly without charge, upon request, to each federal; and state court having jurisdiction over the residents of the state, each Florida senator, congressman and state legislator, the legislative library, each state university library, the state library and each standing committee of the Senate and House of Representatives of Florida; two sets to each state department and three sets to the library of the attorney general, to each law school library in Florida, and to the secretary of the Senate and clerk of the House.

(b) The department of state shall furnish one copy of the Florida Administrative Weekly, at no more than cost, to the depository libraries of the Florida state library, to each clerk of the circuit court and to each state department, for posting for public inspection.

(4)(a) There is hereby created in the state treasury a revolving fund to be known as the department of state's publication revolving trust fund and there is hereby appropriated to said revolving trust fund from the general revenue fund of the state the sum of \$25,000.

(b) All fees and moneys collected by the department of state under this chapter shall be deposited in the revolving trust fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and Weekly and for associated costs incurred by the department of state in carrying out this chapter.

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed \$25,000 and any excess shall be transferred to the general revenue fund. An amount sufficient to bring the revolving trust fund up to \$25,000 is appropriated and shall be transferred from the general revenue fund for the purposes set forth in this section.

## **CHAPTER 75-107**

Section 1. Subsection (2) and paragraph (b) of subsection (1) of section 120.55, Florida Statutes, 1974 Supplements are amended to read:

120.55 Publication.--

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rule-making authority pursuant to which each rule was adopted, and complete indexes to all rules contained in the code. Supplementation shall be made as often as is practicable, but at least monthly. Rules general in form but applicable to only one district, community college district, county, or a part thereof shall not be published in the Florida Administrative Code. Rules omitted shall be filed in the Department of State, and exclusion from

publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish a compilation of, and index to, all rules so omitted at least annually.

(2) Each agency shall print or distribute copies of its rules, citing the specific rule-making authority pursuant to which each rule was adopted, at its own expense or purchase copies for distribution from the Department of State.

## **CHAPTER 75-191**

Section 4. Paragraph (b), (c) and (g) of subsection (1) of section 120.55, Florida Statutes, 1974 Supplement, are amended, paragraph (h) of subsection (1) of section 120.55, Florida Statutes, 1974 Supplement is created, and paragraph (c) is added to subsection (3) of said section and subsection (4) of said section is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency and complete indexes to all rules contained in the code. Supplementation shall be made as often as is practicable, but at least monthly. Rules general in form but applicable to only one district, community college district, county, or a part thereof or to the Florida School for the Deaf and Blind shall not be published in the Florida Administrative Code. Rules omitted shall be filed in the Department of State, and exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish a compilation of, and index to, all rules so omitted at least annually.

(c) Publish a weekly publication entitled "Florida Administrative Weekly" which shall contain:

1. A summary of and index to all proposed rules filed during the preceding week.
2. All hearing notices required by s. 120.54(1), showing the time, place and date of the hearings and the summaries of all rules proposed for consideration.
3. All notice of meetings, hearings and workshops conducted in accordance with the provisions of s. 120.53(1)(d), including a statement of the location at which a copy of the agenda may be obtained.
4. Notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.
5. Notice of each request for exemption from any provision of Chapter 120.
6. Notice of petitions for declaratory statements or administrative determinations.

7. A summary of each objection filed by the Joint Administrative Procedures Committee during the preceding week to any rule.

~~3.8. Any other material required or authorized by law; or~~

~~4. Other material deemed useful by the department.~~

(g) Make copies of the Florida Administrative Code ~~and the Florida Administrative Weekly~~ available for sale at no more than cost and copies of the Florida Administrative Weekly on an annual subscription basis for not more than five (\$5) dollars per year.

(h) Charge each agency using the Florida Administrative Weekly a space rate computed to cover all costs related to the Florida Administrative Weekly.

(4)(a) There is hereby created in the state treasury a revolving fund to be known as the Department of State's "Publication Revolving Trust Fund;" ~~and there is hereby appropriated to said revolving trust fund from the general revenue fund of the state the sum of \$25,000.~~

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

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed ~~\$25,000~~ \$100,000, and any excess shall be transferred to the general revenue fund. ~~An amount sufficient to bring the revolving trust fund up to \$25,000 is appropriated and shall be transferred from the general revenue fund for the purposes set forth in this section.~~

(d) It is the intent of the legislature that the Florida Administrative Weekly be supported entirely from funds collected for subscriptions to and advertisements in the Florida Administrative Weekly. To that end, the department of state is authorized to add a surcharge of 10% to any charge relating to the Florida Administrative Weekly until such time as the Publication Revolving Trust Fund has transferred to the general revenue fund an amount equal to all funds appropriated to the trust fund.

## CHAPTER 76-131

Section 5. Paragraphs (c) and (g) of subsection (1) of section 120.55, Florida Statutes, are amended, paragraphs (i) and (j) are added to said subsection, and paragraph (a) of subsection (3) of said section is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(c) Publish a weekly publication entitled the "Florida Administrative Weekly" which shall contain:

1. A summary of, and an index to, all rules filed during the preceding week.
2. All hearing notices required by subsection 120.54(1), showing the time, place, and date of the hearings and the summaries of all rules proposed for consideration.
3. All notices of meetings, hearings, and workshops conducted in accordance with the provisions of paragraph 120.53(1)(d), including a statement of the manner in location at which a copy of the agenda may be obtained.
4. Notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.
5. Notice of each request for exemption from any provision of this chapter.
6. Notice of petitions for declaratory statements or administrative determinations.
7. A summary of each objection filed by the Administrative Procedures Committee during the preceding week to any rule.
8. Any other material required or authorized by law or deemed useful by the department.

(g) Make copies of the Florida Administrative Code available for sale at no more than cost and copies of the Florida Administrative Weekly on an annual subscription basis for not more than \$25 \$5 per year.

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; each Florida senator, congressman, and state legislator; the legislative library; each state university library; the state library; and each standing committee of the senate and house of representatives.
2. Two sets to each state department.

3. Three sets to the library of the attorney general, each law school library in Florida, the secretary of the senate, and the clerk of the house.

4. Seven sets to the committee.

#### **CHAPTER 77-174**

##### Section 1

120.55 Publication.--

(1) The Department of State shall:

(g) Make copies of the Florida Administrative Code available for sale at no more than cost and copies of the Florida Administrative Weekly available on an annual subscription basis for not more than \$25 per year.

#### **CHAPTER 77-453**

Section 4. Paragraph (b) of subsection (1) of section 120.55, Florida Statutes, 1976 Supplement, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind shall not be published in the Florida Administrative Code. ~~Rules so omitted shall be filed in the Department of State, and~~ Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. ~~The department shall publish a compilation of, and index to, all rules omitted at least annually. The~~ department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to 120.63(2)(b).

## CHAPTER 78-425

Section 3. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(b) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and Blind, and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish, at the beginning of the section of the code dealing with an agency summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to 120.63(2)(b).

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; each Florida senator, congressman, and state legislator; the Legislative Library; each state university library; the State Library; and each standing committee of the Senate and House of Representatives.
2. Two sets to each state department.
3. Three sets to the library of the Supreme Court of Florida, the library of each state District Court of Appeal, the division, the library of the Attorney General, each law school in Florida, the Secretary of the Senate, and the Clerk of the House.
4. Seven sets to the committee.

## CHAPTER 79-299

Section 4. Paragraphs (g) and (h) of subsection (1) of section 120.55, Florida Statutes, 1978 Supplement, are redesignated as paragraphs (h) and (i), respectively, paragraph (f) is amended and redesignated and a new paragraph (f) is added to said subsection, and paragraph (a) of subsection (3) of said section is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(f) Remove from the code any rules the authority for which has been repealed.

~~(g)(f)~~ Before making any change in any rules as provided in paragraphs (a), ~~or~~ (e) or (f), obtain the advise and consent of the affected agency.

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; each Florida senator, congressman, and state legislator; the Legislative Library; each state university library; the State Library; and each standing committee of the Senate and House of Representatives.

2. Two sets to each state department.

3. Three sets to the library of the Supreme Court of Florida, the library of each state district court of appeal, the division, the library of the Attorney General, each law school in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Ten ~~Seven~~ sets to the committee.

## CHAPTER 80-391

Section 7. Subsections (1) and (2) of section 120.55, Florida Statutes, are amended to read:

120.55 Publication.--

(1) The Department of State shall:

~~(a) Conduct a systematic and continuing study of the rules of this state for the purpose of reducing their number and bulk and removing redundancies and unnecessary repetitions and make such changes in style and form as are required by paragraph (d).~~

~~(b)~~ Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was

adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to 120.63(2)(b). The department shall, by July 1, 1981, contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of Florida.

(b)(e) Publish a weekly publication entitled the "Florida Administrative Weekly," which shall contain:

1. Notice of adoption ~~A summary~~ of, and an index to, all rules filed during the preceding week.
2. All hearing notices required by s. 120.54(1), showing the time, place, and date of the hearings and the text summaries of all rules proposed for consideration or a reference to the location in the Florida Administrative Weekly where the text of the proposed rules is published.
3. All notices of meetings, hearings, and workshops conducted in accordance with the provisions of s. 120.53(1)(d), including a statement of the manner in which a copy of the agenda may be obtained.
4. A notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.
5. A notice of each request for exemption from any provision of this chapter.
6. Notice of petitions for declaratory statements or administrative determinations.
7. A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week.
8. Any other material required or authorized by law or deemed useful by the department.

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

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

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

~~(f)~~ ~~Remove making the code any rules the authority for which has been repealed.~~

~~(g)~~ ~~Before making any change in any rules as provided in paragraph (a), (e), or paragraph (f), obtain the advise and consent of the affected agency.~~

~~(e)(h)~~ Make copies ~~of the Florida Administrative Code available for sale at no more than cost~~ and copies of the Florida Administrative Weekly available on an annual subscription basis computed to cover a pro rata share of 50 percent of the costs related to the publication of the Florida Administrative Weekly for not more than \$25 per year.

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

(2) Each agency shall print or distribute copies of its rules, citing the specific rulemaking authority pursuant to which each rule was adopted, ~~at its own expense or purchase copies for distribution from the Department of State.~~

## **CHAPTER 81-309**

Section 4. Paragraphs (a) and (b) of subsection (1) of section 120.55, Florida Statutes, 1980 Supplement, are amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or to the Florida School for the Deaf and the Blind and university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. Forms shall not be published in the Florida Administrative Code but shall be included in rules by reference. The reference shall state, at a minimum, the title and the effective date of the form and an explanation of how the form may be obtained. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the

department, a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to w. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to 120.63(2)(b). The department shall, by July 1, 1981, contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of Florida.

(b) Publish a weekly publication entitled the "Florida Administrative Weekly," which shall contain:

1. Notice of adoption of, and an index to, all rules filed during the preceding week.
2. All hearing notices required by s. 120.54(1), showing the time, place, and date of the hearings and the text of all rules proposed for consideration or a reference to the location in the Florida Administrative Weekly where the text of the proposed rules is published. Forms shall not be published in the Florida Administrative Weekly, but shall be included in the rules by reference. The reference shall state, at a minimum, the title and the effective date of the form and an explanation of how the form may be obtained.
3. All notices of meetings, hearings, and workshops conducted in accordance with the provisions of s. 120.53(1)(d), including a statement of the manner in which a copy of the agenda may be obtained.
4. A notice of each request for authorization to amend or repeal an existing model rule or for the adoption of new model rules.
5. A notice of each request for exemption from any provision of this chapter.
6. Notice of petitions for declaratory statements or administrative determinations.
7. A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week.
8. Any other material required or authorized by law or deemed useful by the department.

The department may contract with a publishing form for publication of the Florida Administrative Weekly.

## **CHAPTER 82-19**

Section 1. Subsection (3) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(3)(a) The Department of State shall furnish the Florida Administrative Code and the Florida Administrative Weekly, without charge and upon request, as follows:

1. One set to each federal and state court having jurisdiction over the residents of the state; ~~each Florida senator, congressman, and state legislator~~, the Legislative Library; each state university library; the State Library; each depository library designated pursuant to s. 257.05; and each standing committee of the Senate and House of Representatives and each state legislator upon request of the President's or Speaker's Office.

2. Two sets to each state department.

3. Three sets to the library of the Supreme Court of Florida, the library of each state district court of appeal, the division, the library of the Attorney General, each law school library in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Ten sets to the committee.

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

#### **CHAPTER 82-47**

Section 1. Subsection (4) of section 120.55, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

120.55 Publication.--

(4) Any publication of any proposed rule promulgated by any agency, whether published in the Florida Administrative Code or elsewhere, shall include, along with the rule, the name of the person or persons originating such rule, the name of the supervisor or person who approved the rule, and the date upon which the rule was approved.

#### **CHAPTER 83-351**

Section 3. Paragraph (a) of subsection (1) of section 120.55 Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a) Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was

adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or ~~to the Florida School for the Deaf and the blind and~~ university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect their validity or effectiveness. Forms shall not be published in the Florida Administrative Code but shall be included in rules by reference. The reference shall state, at a minimum, the title and the effective date of the form and an explanation of how the form may be obtained. The department shall publish, at the beginning of the section of the code dealing with an agency that files copies of its rules with the department, a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined. The department shall also publish, at the beginning of the section of the code dealing with an agency, any exemptions granted that agency pursuant to s. 120.63(2)(b). The department shall, by July 1, 1981, contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of Florida.

### **CHAPTER 84-203**

Section 3. Paragraphs (a) and (b) of subsection (1) of section 120.55, Florida Statutes, are amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable but at least monthly. The department shall, by July 1, 1981, contract with a publishing firm for the publication, in a timely and useful form of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined and shall also publish any exemptions granted that agency pursuant to s.

120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used ~~included in rules by reference.~~ Any form or instruction which meets the definition of "rule" provided in s. 120.52(15) shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include, at a minimum the number, title, and the effective date of the form and an explanation of how the form may be obtained.

(b) Publish a weekly publication entitled the "Florida Administrative Weekly," which shall contain:

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

2. All hearing notices required by s. 120.54(1), showing the time, place, and date of the hearings and the text of all rules proposed for consideration or a reference to the location in the Florida Administrative Weekly where the text of the proposed rules is published. ~~Forms shall not be published in the Florida Administrative Weekly but shall be included in the rules by reference. The reference shall state, at a minimum, the title and the effective date of the form and an explanation of how the form may be obtained.~~

3. All notices of meetings, hearings, and workshops conducted in accordance with the provisions of s. 120.53(1)(d), including a statement of the manner in which a copy of the agenda may be obtained.

4. A notice of each request for authorization to amend or repeal an existing model rule or for the adoption of a new model rules.

5. A notice of each request for exemption from any provision of this chapter.

6. Notice of petitions for declaratory statements or administrative determinations.

7. A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week.

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

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

#### **CHAPTER 87-224**

Section 17. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable but at least monthly. The department shall, ~~by July 1, 1981,~~ contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined and shall also publish any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52(15) shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

Reviser's note.--Amended to delete a provision that has served its purpose.

**CHAPTER 87-322**

Section 1. Paragraph (a) of subsection (4) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

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

1. One subscription set to each federal and state court having jurisdiction over the residents of the state; the Legislative Library; each state university library; the State Library; each depository library designated pursuant to s. 257.05; and each standing committee of the Senate and House of Representatives and each state legislator upon request of the Senate President's or House Speakers's Office.

2. Two subscriptions sets to each state department.

3. Three subscriptions sets to the library of the Supreme Court of Florida, the library of each state district court of appeal, the division, the library of the Attorney General, each law school library in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Ten subscriptions sets to the committee.

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

#### **CHAPTER 91-45**

Section 20. Paragraph (a) or subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department shall contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish a summary or listing of all rules of the agency excluded from publication in the code and a statement as to where those rules may be inspected or examined and shall also publish any exemptions granted that agency pursuant to s.

120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provide in s. 120.52(16) ~~120.52(15)~~ shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

Reviser's note.--Amended to conform to the renumbering of subsections of s. 120.52 by s. 2, ch. 87-385, Laws of Florida.

## CHAPTER 96-159

Section 1. It is the intent of the Legislature to consider the impact of any agency rulemaking required by proposed legislation and to determine whether the proposed legislation provides adequate and appropriate standards and guidelines to direct the agency's implementation of the proposed legislation.

Section 15. Section 120.55, Florida Statutes, is amended to read:

### 120.55 Publication

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545 (9) (8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department ~~may shall~~ contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish the address and telephone number of the executive offices of each agency, the manner by which the agency indexes its rules, a summary or listing of all rules of that agency excluded from publication in the code, and a statement as to where those rules

may be inspected ~~or examined and shall also publish any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).~~

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52(46) shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

(b) Publish a weekly publication entitled the "Florida Administrative Weekly," which shall contain:

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

2. All ~~hearing~~ notices required by s. 120.54 ~~(3)(a) (4)~~, showing ~~the time, place, and date of the hearings and~~ the text of all rules proposed for consideration or a reference to the location in the Florida Administrative Weekly where the text of the proposed rules is published.

3. All notices of public meetings, hearings, and workshops conducted in accordance with the provisions of s. ~~120.525 120.53(1)(d)~~, including a statement of the manner in which a copy of the agenda may be obtained.

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

~~5. A notice of each request for exemption from any provision of this chapter.~~

~~5.6.~~ Notice of petitions for declaratory statements or administrative determinations.

~~6~~ 7. A summary of each objection to any rule filed by the Administrative Procedures Committee during the preceding week.

~~7.~~ 8 Any other material required or authorized by law or deemed useful by the department.

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

(c) Prescribe by rule the style and form required for rules submitted for filing and establish the form for their certification.

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

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

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

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

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

(4)(a) Each year the Department of State shall furnish the Florida Administrative Weekly, without charge and upon request, as follows:

1. One subscription to each federal and state court having jurisdiction over the residents of the state; the Legislative Library; each state university library; the State Library; each depository library designated pursuant to s. 257.05; and each standing committee of the Senate and House of Representatives and each state legislator ~~upon request of the Senate President's or House Speaker's Office~~

2. Two subscriptions to each state department.

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

4. Ten subscriptions to the committee.

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

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

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

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed \$300,000 ~~\$100,000~~, and any excess shall be transferred to the General Revenue Fund.

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

## **CHAPTER 2002-387**

### **Senate Bill No. 20-E**

Section 896. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled “Florida Administrative Code” all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of “rule” provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

## CHAPTER 2004-235

### **Committee Substitute for Senate Bill No. 2646**

Section 5. Subsection (5) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

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

~~(a)(b)~~ All fees and moneys collected by the Department of State under this chapter shall be deposited in the Records Management revolving Trust Fund for the purpose of paying for the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated costs incurred by the department in carrying out this chapter.

~~(b)(e)~~ The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter revolving trust fund at the beginning of each fiscal year shall not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

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

Section 9. This act shall take effect July 1, 2004.

Approved by the Governor May 25, 2004.

Filed in Office Secretary of State May 25, 2004.

## CHAPTER 2004-335

### **Committee Substitute for Senate Bill No. 1678**

Section 14. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision system, compile and publish the “Florida Administrative Code.” The Florida Administrative Code shall contain ~~Publish in a permanent compilation entitled “Florida Administrative Code”~~ all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of “rule” provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

Section 57. This act shall take effect October 1, 2004.

Approved by the Governor June 18, 2004.

Filed in Office Secretary of State June

## **CHAPTER 2006-82**

### **Committee Substitute for Committee Substitute for Senate Bill No. 262**

Section 4. Effective December 31, 2007, section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision system, compile and publish the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

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

(b) Electronically publish on an Internet website managed by the department a weekly publication entitled the “Florida Administrative Weekly,” which shall serve as the official Internet website for such publication and must contain:

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

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

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

4. A notice of each request for authorization to amend or repeal an existing uniform rule or for

the adoption of new uniform rules.

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

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

7. A cumulative list of all rules that have been proposed but not filed for adoption.

~~8.7.~~ Any other material required or authorized by law or deemed useful by the department.

The department shall publish a printed version of the Florida Administrative Weekly and make copies available on an annual subscription basis. The department may contract with a publishing firm for printed publication of the Florida Administrative Weekly.

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

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

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

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

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

(g) Maintain a permanent record of all notices published in the Florida Administrative Weekly.

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

(a) Search for notices by type, publication date, rule number, word, subject, and agency;

(b) Search a database that makes available all notices published on the website for a period of at least 5 years;

(c) Subscribe to an automated e-mail notification of selected notices;

(d) View agency forms incorporated by reference in proposed rules; and

(e) Comment on proposed rules.

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

(4)(2) Each agency shall provide copies of its rules upon request, with citations to the grant of rulemaking authority and the specific law implemented for each rule ~~print or distribute copies of its rules, citing the specific rulemaking authority pursuant to which each rule was adopted.~~

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

(6) Access to the Florida Administrative Weekly Internet website and its contents, including the e-mail notification service, shall be free for the public.

(7)(a)(4)(a) Each year the Department of State shall furnish the Florida Administrative Weekly, without charge and upon request, as follows:

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

2. Two subscriptions to each state department.

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

4. Ten subscriptions to the committee.

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

(8)(a)(5)(a) All fees and moneys collected by the Department of State under this chapter shall be deposited in the Records Management Trust Fund for the purpose of paying for ~~the publication and distribution of the Florida Administrative Code and the Florida Administrative Weekly and for associated~~ costs incurred by the department in carrying out this chapter.

(b) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter may shall not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

~~(c) It is the intent of the Legislature that the Florida Administrative Weekly be supported entirely from funds collected for subscriptions to and advertisements in the Florida Administrative Weekly.~~

## **CHAPTER 2008-104**

### **Committee Substitute for Committee Substitute for Senate Bill No. 704**

Section 9. Effective July 1, 2010, paragraph (a) of subsection (1) and subsection (2) of section 120.55, Florida Statutes, as amended by this act, are amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision system, compile and publish electronically, on an Internet website managed by the department, the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), ~~and complete indexes to all rules contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. Supplementation shall be made as often as practicable, but at least monthly.~~ The department shall publish a printed version of the Florida Administrative Code and may contract with a publishing firm for such printed the publication, ~~in a timely and useful form, of the Florida Administrative Code;~~ however, the department shall retain responsibility for the code as provided in this section. Supplementation of the printed code shall be made as often as practicable, but at least monthly. ~~The printed~~ This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of “rule” provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall

specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. The department shall allow material incorporated by reference to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its Internet website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

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

(a) Search for notices by type, publication date, rule number, word, subject, and agency;

(b) Search a database that makes available all notices published on the website for a period of at least 5 years;

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

(d) View agency forms and other materials submitted to the department in electronic form and incorporated by reference in proposed rules; and

(e) Comment on proposed rules.

## **CHAPTER 2010-5**

### **Senate Bill No. 1784**

Section 11. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision system, compile and publish the "Florida Administrative Code." The Florida Administrative Code shall contain all rules adopted by each agency, citing the

grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. ~~120.545(7)~~ 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department may contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

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

Reviser’s note.—Amended to correct an apparent error and conform to context. Prior to the amendment of s. 120.55 by ss. 8 and 9, ch. 2008- 104, Laws of Florida, the reference to history notes was cited at s. 120.545(9); s. 120.545(9) became s. 120.545(7) by s. 7, ch. 2008-104; current s. 120.545(7) references history notes.

Section 12. Effective July 1, 2010, paragraph (a) of subsection (1) of section 120.55, Florida Statutes, as amended by section 9 of chapter 2008- 104, Laws of Florida, is amended to read: 120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision system, compile and publish electronically, on an Internet website managed by the department, the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. ~~120.545(7)~~ 120.545(8), complete indexes to all rules contained in the code, and any other material

required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department shall publish a printed version of the Florida Administrative Code and may contract with a publishing firm for such printed publication; however, the department shall retain responsibility for the code as provided in this section. Supplementation of the printed code shall be made as often as practicable, but at least monthly. The printed publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

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

5. The department shall allow material incorporated by reference to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department’s publication of the Florida Administrative Code on its Internet website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency’s website or other sites.

Reviser’s note.—Amended to correct an apparent error and conform to context. Prior to the amendment of s. 120.55 by ss. 8 and 9, ch. 2008- 104, Laws of Florida, the reference to history notes was cited at s. 120.545(9); s. 120.545(9) became s. 120.545(7) by s. 7, ch. 2008-104; current s. 120.545(7) references history notes.

## **CHAPTER 2012-63**

### **House Bill No. 541**

Section 2. Section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision and publication system, compile and publish electronically, on an Internet website managed by the department, the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(7), complete indexes to all rules contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department ~~shall publish a printed version of the Florida Administrative Code and~~ may contract with a publishing firm for a ~~such~~ printed publication; however, the department shall retain responsibility for the code as provided in this section. ~~Supplementation of the printed code shall be made as often as practicable, but at least monthly.~~ The electronic printed publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of “rule” provided in

s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained. Each form created by an agency which is incorporated by reference in a rule notice of which is given under s. 120.54(3)(a) after December 31, 2007, must clearly display the number, title, and effective date of the form and the number of the rule in which the form is incorporated.

5. The department shall allow adopted rules and material incorporated by reference to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its Internet website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

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

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

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

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

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

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

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

~~7. A cumulative list of all rules that have been proposed but not filed for adoption.~~

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

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

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

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

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

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

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

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

~~(a)~~ Search for notices by type, publication date, rule number, word, subject, and agency.;

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

(c) Subscribe to an automated e-mail notification of selected notices to be sent out before or concurrently with ~~weekly~~ publication of the ~~printed and~~ electronic Florida Administrative Register

~~Weekly~~. Such notification must include in the text of the e-mail a summary of the content of each notice.;

(d) View agency forms and other materials submitted to the department in electronic form and incorporated by reference in proposed rules.;

(e) Comment on proposed rules.

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

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

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

(6) Access to the Florida Administrative Register ~~Weekly~~ Internet website and its contents, including the e-mail notification service, shall be free for the public.

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

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

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

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

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

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

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

(b) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter may not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

## **CHAPTER 2016-116**

### **Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 183**

Section 2. Section 120.55, Florida Statutes, is amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Through a continuous revision and publication system, compile and publish electronically, on a ~~an Internet~~ website managed by the department, the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(7), complete indexes to all rules contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department may contract with a publishing firm for a printed publication; however, the department shall retain responsibility for the code as provided in this section. The electronic publication shall be the official compilation of the administrative rules of this state. The Department of State shall retain the copyright over the Florida Administrative Code.

2. Rules general in form but applicable to only one school district, community college district, or

county, or a part thereof, or state university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

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

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

5. The department shall allow adopted rules and material incorporated by reference to be filed in electronic form as prescribed by department rule. When a rule is filed for adoption with incorporated material in electronic form, the department's publication of the Florida Administrative Code on its ~~Internet~~ website must contain a hyperlink from the incorporating reference in the rule directly to that material. The department may not allow hyperlinks from rules in the Florida Administrative Code to any material other than that filed with and maintained by the department, but may allow hyperlinks to incorporated material maintained by the department from the adopting agency's website or other sites.

(b) Electronically publish on a ~~an Internet~~ website managed by the department a continuous revision and publication entitled the "Florida Administrative Register," which shall serve as the official publication and must contain:

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

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

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

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

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

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

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

8.6. Any other material required or authorized by law or deemed useful by the department.

The department may contract with a publishing firm for a printed publication of the Florida Administrative Register and make copies available on an annual subscription basis.

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

(d) Charge each agency using the Florida Administrative Register a space rate to cover the costs related to the Florida Administrative Register and the Florida Administrative Code.

(e) Maintain a permanent record of all notices published in the Florida Administrative Register.

(2) The Florida Administrative Register ~~Internet~~ website must allow users to:

(a) Search for notices by type, publication date, rule number, word, subject, and agency.

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

(c) Subscribe to an automated e-mail notification of selected notices to be sent out before or concurrently with publication of the electronic Florida Administrative Register. Such notification must include in the text of the email a summary of the content of each notice.

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

(e) Comment on proposed rules.

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

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

(5) Each agency that provides an e-mail notification service to inform licensees or other registered recipients of notices shall use that service to notify recipients of each notice required under s. 120.54(2) and (3) and provide Internet links to the appropriate rule page on the Secretary of State's website or Internet links to an agency website that contains the proposed rule or final rule.

~~(6)(5)~~ Any publication of a proposed rule promulgated by an agency, whether published in the Florida Administrative Register or elsewhere, shall include, along with the rule, the name of the person or persons originating such rule, the name of the agency head who approved the rule, and the date upon which the rule was approved.

~~(7)(6)~~ Access to the Florida Administrative Register ~~Internet~~ website and its contents, including the e-mail notification service, shall be free for the public.

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

(b) The unencumbered balance in the Records Management Trust Fund for fees collected pursuant to this chapter may not exceed \$300,000 at the beginning of each fiscal year, and any excess shall be transferred to the General Revenue Fund.

(9) The failure to comply with this section may not be raised in a proceeding challenging the validity of a rule pursuant to s. 120.52(8)(a).