

2009 SUMMARY OF AMENDMENTS TO CHAPTER 120

Chapter 2009-85, Laws of Florida, amended subsection 120.52(1), F.S., to provide that the definition of “agency” does not include any transportation authority under chapter 343 or chapter 349. Effective date: July 1, 2009.

Chapter 2009-187, Laws of Florida, amended several sections of Chapter 120.

Section 120.52

- Subsection 120.52(1), the definition of “agency,” is amended to simplify the statutory language and codify existing judicial interpretations. No substantive change to the definition of “agency” is intended.

Section 120.525

- Subsection 120.525(1) is amended to require that agencies give notice of public meetings, hearings and workshops on their websites in addition to publication in the Florida Administrative Weekly.
- Subsection 120.525(2) is amended to require that the agenda, along with materials available in electronic form, excluding confidential and exempt information, be published on the agency’s website.

Section 120.54

- Sub-subparagraph 120.54(3)(b)2.a. is amended to provide that an agency may define “small business” to include businesses employing more than 200 persons, consistent with the definition of “small business” in s. 288.703, F.S.
- Subparagraph 120.54(3)(c)1. is amended to require that, when a public hearing is held, the agency must ensure that staff are available to explain the agency’s proposal and respond to questions or comments regarding the proposed rule. The subparagraph is further amended to provide that written material submitted to the agency between the date of publication of the rulemaking notice and the end of the final public hearing shall be considered by the agency.
- Subparagraph 120.54(3)(d)1. is amended to clarify that written material submitted to the agency within 21 days after the date of publication of the rulemaking notice or submitted to the agency between the date of publication of the rulemaking notice and the end of the final public hearing may serve as the basis for a notice of change.
- Subparagraph 120.54(3)(e)6. is amended to provide, in part, that a rule becomes effective on a date specified in the notice of proposed rulemaking, rather than on a date specified in the text of the rule.
- Subparagraph 120.54(5)(b)7. is amended to provide that the uniform rules of procedure shall require that the statement concerning the agency’s organization and operations be published on the agency’s website.
- Paragraph 120.54(6)(b) is amended to provide that a rule adopted pursuant to the expedited process for adopting substantively identical federal regulations becomes effective upon the date designated in the notice of proposed rulemaking, rather than upon the date designated in the text of the rule.

Section 120.80

- Subsection 120.80(16), which provided an exception from certain rulemaking requirements for the Department of Environmental Protection in implementing

s. 403.08725, F.S., is deleted and subsequent subsections are renumbered. Section 403.08725 was repealed several years ago.

Effective date: July 1, 2009.

Chapter 2009-228, Laws of Florida, amended subsection 120.65(11), F.S., to change a reference from the Division of Community Colleges to the renamed Division of Florida Colleges.

Effective date: July 1, 2009.