

**SUMMARY OF
SB 1320**

SB 1320 relating to the Administrative Procedures Act added several new provisions to the existing Chapter 74-310 adopted during the 1974 legislative session.

The act defines “educational units” and provides agenda rules for special meetings of the school boards. The educational units will not have to publish their actions in the Florida Administrative Weekly, nor submit all their rules to the Administrative Procedures Committee or the Division of Administrative Hearings.

It also provides for postponement of final action in rule making proceedings under certain conditions and provides a time limit within which a hearing shall be granted or denied.

The new act provides for per diem, travel and fees.

An amendment to 120.66(1)F.S. defines ex parte communications in relation to rulemaking under 120.54. The creation of 120.73 provides that the Act shall not supersede Chapter 86 F.S. or any right to a proceeding in the circuit court and it requires reinstatement of certain agency actions.

The act will allow for a space available cost in printing information in the Florida Administrative Weekly and it provides for a revolving trust fund in the administering of the Weekly.

And finally the new act eliminates the authority to contract for hearing officers.

SB 1320-A bill to be entitled. An act relating to the Administrative Procedure Act: adding s.120.52(14), (15), Florida Statutes, 1974 Supplement, to provide definitions for “educational unit” and “hearing officer”; amending s.120.53(1)(d), Florida Statutes, 1974 Supplement, to provide agenda rules for school board meetings; amending s.120.54(1)(a), Florida Statutes, 1974 Supplement, to provide notice procedures for educational units; amending s.120.54(3), Florida Statutes, 1974 Supplement, to delete the requirement that copies of all rules be filed with the Division of Administrative Hearings of the Department of Administration; providing that the division director of said division determine if petitions meet statutory requirements and establishing a time during which a hearing officer must be assigned; providing that the hearing officer’s order is final agency action; amending s.120.54(8)(a), Florida Statutes, 1974 Supplement, to require publication of emergency rules in the Florida Administrative Weekly; amending s.120.54(9), Florida Statutes, to provide for separate model rules for educational units; amending s.120.54(10), (11) and (1), Florida Statutes, 1974 Supplement, and adding a new subsection to said section to provide for notification of potential objections to rules; providing for three copies of rules to be filed; providing authority for the Department of State to decline to accept improper rules for filing; providing for a stay of the effective date of specified rules; providing a new effective date for rules of educational units; deleting the requirement that copies of rules be sent to the speaker of the house of representatives and the president of the senate; amending s.120.55(1)(b), Florida Statutes, 1974 Supplement, to delete the requirement that rules of limited geographical application be filed with the Department of State; adding s.120.55(3)(c), Florida Statutes, 1974 Supplement; providing for distribution of certain publications to the Administrative Procedures Committee; amending s.120.56, Florida Statutes, 1974 Supplement, to remove references to declaratory statements and to conform its provisions to s.120.54(3), Florida Statutes, 1974 Supplement; creating s.120.565, Florida Statutes, to provide for declaratory Statements; amending s.120.57, Florida Statutes, 1974 Supplement; limiting certain requirements; providing qualifications for agency-designed hearing officers; providing legal assistance for lay hearing officers; providing for petitions for specified hearings to be filed with the agency concerned; providing for representation by other than bar members; providing for oral evidence at informal proceedings; amending s.120.58(1), Florida Statutes, 1974 Supplement, and adding a new paragraph to said subsection, to provide for witness fees; amending s.120.65(2), Florida Statutes, 1974 Supplement, to provide restrictions upon the use of contract hearing officers by the division; amending s.120.68(1), Florida Statutes, 1974 Supplement; providing judicial review; amending s.120.72(4)(a), Florida Statutes, 1974 Supplement, to clarify automatic repeal of specified prior rules; creating s.120.73, Florida Statutes, to preserve rights to circuit court hearings and to declaratory judgments; providing an effective date.