

CHAPTER 83-351

Senate Bill No. 4-C

An act relating to the Florida School for the Deaf and the Blind; amending s. 242.331(3), Florida Statutes; authorizing the board of trustees of the Florida School for the Deaf and the Blind to adopt rules and submit same to the State Board of Education for approval or amendment; amending s. 120.54(11)(a), Florida Statutes; requiring the Florida School for the Deaf and the Blind to file rules with the Administrative Procedures Committee; amending s. 120.55(1)(a), Florida Statutes; deleting the Florida School for the Deaf and the Blind from those entities not required to publish rules in the Florida Administrative Code; providing an effective date.

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

Section 1. Subsection (3) of section 242.331, Florida Statutes is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.--

(3) The board of trustees shall be authorized to adopt rules as re necessary to operate the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval., If any rule is not disapproved by the State Board of Education within 60 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with and under the supervision and general policies adopted by the State Board of Education.

Section 2. Paragraph (a) of subsection (11) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking; adoption procedures.—

(11)(a) The adopting agency shall file with the committee, at least 21 days prior to the proposed adoption date, a copy of each rule it proposes to adopt; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of the estimate of economic impact required by subsection (2); a statement of the extent to which the proposed rule establishes standards more restrictive than federal standards or a statement that the proposed rule is no more restrictive than federal standards or that a federal rule on the same subject does not exist; and the notice required by subsection (1). After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file any changes in the proposed rule and the reasons therefor with the committee or advise the committee that there are no changes. In addition, when any change is made in a proposed rule other than a technical change, the adopting agency shall provide a detailed statement of such change by certified mail or actual delivery to any person who requests it in writing at the public hearing. The agency shall file the change with the committee, and provide the statement of change to persons

requesting it, at least 7 days prior to filing the rule for adoption. Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, and local units of government with jurisdiction in only one county or part thereof shall not be required to make filing with the committee. This paragraph shall not apply to emergency rules adopted pursuant to subsection (9). However, agencies, other than those listed herein, adopting emergency rules shall file a copy of each emergency rule with the committee.

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 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 were 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 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.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor July 19, 1983.

Filed in Office Secretary of State July 19, 1983.