

Chapter 91-30

House Bill No. 1879

AN ACT relating to administrative procedures; amending s. 119.041, F.S.; prohibiting state agencies from disposing of records of certain agency orders; requiring each state agency to permanently maintain those records pursuant to rules of the Department of State; amending s. 120.53, F.S.; specifying the types of state agency orders that the agency must include in a subject-matter index that the agency must make available for public inspection and copying; specifying other information that each state agency must make available for public inspection and copying; requiring the department to establish procedures for state agencies to follow in indexing rules and orders; requiring approval of the department of state agency procedures for indexing rules and orders and making information available to the public; revising requirements for the preservation of records of agency orders; providing for the publication of such orders in a designated reporter approved by or published by the department; authorizing the department to make such reporter available by annual subscription and to charge an agency a space rate to pay the cost of publishing the reporter; creating s. 120.535, F.S.; requiring that certain agency statements be adopted as rules; providing for challenges to statements not adopted by rule; providing for award of costs and attorney's fees; amending s. 120.57, F.S.; providing for review of agency statements relied on in proceedings affecting substantial interests; providing that an agency may not reject or modify certain findings by a hearing officer; providing for de novo review of agency statements not adopted by rule; providing application and effect of statements; amending s. 120.59, F.S.; providing that certain final orders of state agencies must have the complete text of materials incorporated by reference attached to the order or must include a statement that specifies the location of such materials; requiring state agencies to number certain final orders in a certain manner; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; requiring state agencies to permanently preserve, pursuant to rules of the department, certain agency orders, subject-matter indexes, and lists that must be made available to the public; requiring the department to adopt rules to coordinate the indexing, listing, and preservation of orders and other information of state agencies that must be made available for public inspection and copying; requiring the department to provide by rule for

storage and retrieval systems for state agencies to index and preserve agency orders; requiring the department to determine which of the final orders of each state agency must be included in a subject-matter index that must be made available to the public; authorizing the department to obtain assistance and information from public officers and state agencies to coordinate and administer the indexing, listing, and publication of agency orders; requiring each state agency by a specified date to submit to the department for approval its plans for coordinating and establishing procedures for indexing, listing, and publishing agency orders; providing an effective date.

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

Section 1. Section 119.041, Florida Statutes, is amended to read:

119.041. Destruction of records regulated

(1) Every public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the Division of Library and Information Services of the Department of State in accordance with s. 257.36.

(2) Agency orders that comprise final agency action and that must be indexed or listed pursuant to s. 120.53(2) have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules and guidelines of the Department of State.

Section 2. Subsections (2) and (4) of section 120.53, Florida Statutes, 1990 Supplement, are amended to read:

120.53. Adoption of rules of procedure and public inspection

(2)(a) Each agency shall make available for public inspection and copying, at no more than cost:

~~1.(a)~~ All rules formulated, adopted, or used by the agency in the discharge of its functions.

~~2.(b)~~ All agency orders.

~~3.(c)~~ A current subject-matter index, identifying for the public any rule or order as specified in this subparagraph ~~issued or adopted after January 1, 1975. The agency orders that must be indexed, unless excluded under paragraph (c) or paragraph (d), include:~~

a. Each final agency order resulting from a proceeding under s. 120.57(1) or (2);

b. Each final agency order rendered pursuant to s. 120.57(3) which contains a statement of agency policy that may be the basis of future agency decisions or that may otherwise contain a statement of precedential value;

c. Each declaratory statement issued by an agency; and

d. Each final order resulting from a proceeding under s. 120.54(4) or s. 120.56.

4. A list of all final orders rendered pursuant to s. 120.57(3) which have been excluded from the indexing requirement of this section, with the approval of the Department of State, because they do not contain statements of agency policy or statements of precedential value. The list must include the name of the parties to the proceeding and the number assigned to the final order.

5. All orders listed pursuant to subparagraph 4.

(b) A rule ~~All rules~~ adopted pursuant to this act ~~must shall~~ be indexed within 90 days ~~after the rule is filed~~. ~~An agency order that must be indexed or listed pursuant to paragraph (a) must be indexed or listed within 120 days after the order is rendered~~. The Department of State shall by rule establish ~~uniform indexing procedures for indexing rules and orders, and procedures of agencies for indexing orders must be approved by the department~~.

(c) Each agency must receive approval in writing from the Department of State for:

1. The specific types and categories of agency orders that may be excluded from the indexing and public inspection requirements, as determined by the department pursuant to paragraph (d);

2. The method for maintaining indexes, lists, and orders that must be indexed or listed and made available to the public;

3. The method by which the public may inspect or obtain copies of indexes, lists, and orders;

4. A numbering system to be used in identifying agency orders that must be indexed or listed pursuant to paragraph (a); and

5. Proposed rules for implementing the requirements of this section for indexing and making orders available for public inspection.

(d) In determining which orders may be excluded from the indexing and public inspection requirements, the Department of State may consider all factors specified by an agency, including precedential value, legal significance, and purpose. Only agency orders that are of limited or no precedential value, that are of limited or no legal significance, or that are ministerial in nature may be excluded.

(e) Each agency shall specify by rule the specific types or categories of agency orders that are excluded from the indexing and public inspection requirements.

(f) Each agency shall specify by rule the location or locations where agency indexes and lists, and orders that are required to be indexed or listed, are maintained and shall specify the method or procedure by which the public may inspect or obtain copies of indexes, lists, and orders.

(g) Each agency shall specify by rule all systems in use by the agency to search and locate agency orders that are required to be indexed or listed, including, but not limited to, any automated system. An agency shall make the search capabilities employed by the agency available to the public subject to reasonable terms and conditions, including a reasonable charge, as provided in s. 119.07. The agency shall specify by rule how assistance and information pertaining to orders may be obtained.

(h) Each agency shall specify by rule the numbering system used to identify agency orders.

(4)(a) An agency may comply with subparagraphs (2)(a)2, paragraphs (2)(b) and 3.(c) by designating by rule an official reporter to publish which publishes and index indexes by subject matter each agency order that must be indexed and made available to the public rendered after a proceeding which affects substantial interests has been held. An agency is in compliance with subparagraph (2)(a)4. if it publishes in its designated reporter a list of each agency order that must be listed and preserves each listed order and makes it available for public inspection and copying.

(b) An agency may publish its official reporter or may contract with a publishing firm to publish its official reporter; however, if an agency contracts with a publishing firm to publish its reporter, the agency is responsible for the quality, timeliness, and usefulness of the reporter. The Department of State may publish an official reporter for an agency or may contract with a publishing firm to publish the reporter for the agency; however, if the department contracts for publication of the reporter, the department is responsible for the quality, timeliness, and usefulness of the reporter. A reporter that is designated by an agency as its official reporter and approved

by the Department of State constitutes the official compilation of the administrative orders for that agency.

(c) A reporter that is published by the Department of State may be made available by annual subscription, and each agency that designates an official reporter published by the Department of State may be charged a space rate payable to the department. The subscription rate and the space rate must be equitably apportioned to cover the costs of publishing the reporter.

(d) An agency that designates an official reporter need not publish the full text of a final agency order that is rendered pursuant to s. 120.57(3) and that must be indexed pursuant to paragraph (2)(a), if the order is preserved by the agency and made available for public inspection and copying and the official reporter indexes the order and includes a synopsis of the order. A synopsis must include the names of the parties to the order; any rule, statute, or constitutional provision pertinent to the order; a summary of the facts, if included in the order, which are pertinent to the final disposition; and a summary of the final disposition.

Section 3. Section 120.535, Florida Statutes, is created to read:

120.535. Rulemaking required

(1) Rulemaking is not a matter of agency discretion. Each agency statement defined as a rule under s. 120.52(16) shall be adopted by the rulemaking procedure provided by s. 120.54 as soon as feasible and practicable. Rulemaking shall be presumed feasible and practicable to the extent provided by this subsection unless one of the factors provided by this subsection is applicable.

(a) Rulemaking shall be presumed feasible unless the agency proves that:

1. The agency has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by rulemaking; or

2. Related matters are not sufficiently resolved to enable the agency to address a statement by rulemaking; or

3. The agency is currently using the rulemaking procedure expeditiously and in good faith to adopt rules which address the statement.

(b) Rulemaking shall be presumed practicable to the extent necessary to provide fair notice to affected persons of relevant agency procedures and applicable principles, criteria, or standards for agency decisions unless the agency proves that:

1. Detail or precision in the establishment of principles, criteria, or standards for agency decisions is not reasonable under the circumstances; or

2. The particular questions addressed are of such a narrow scope that more specific resolution of the matter is impractical outside of an adjudication to determine the substantial interests of a party based on individual circumstances.

(2)(a) Any person substantially affected by an agency statement may seek an administrative determination that the statement violates subsection (1). A petition for an administrative determination of an agency statement shall be in writing and shall state with particularity facts sufficient to show:

1. That the person is substantially affected by the statement.

2. That the statement constitutes a rule under s. 120.52(16), in which case the petition shall include the text of the statement or a description of the statement.

3. That the agency has not adopted the statement by the rulemaking procedure provided in s. 120.54.

(b) The petition shall be filed with the division which shall, immediately upon receipt, forward copies to the agency whose statement is challenged, to the Department of State, and to the committee. The Department of State shall publish notice of a petition which shall include the text or a description of each statement challenged in the first available issue of the Florida Administrative Weekly pursuant to s. 120.55(1)(b). Within 10 days after receiving the petition, the division director shall, if the petition complies with the above requirements, assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn. The hearing officer may extend the hearing date for good cause. If a hearing is held and the petitioner proves the allegations of the petition, the agency shall have the burden of proving that rulemaking is not feasible and practicable under subsection (1).

(3) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons for the decision in writing. The hearing officer may determine whether all or part of a statement violates subsection (1). The decision of the hearing officer shall constitute a final order. The division shall transmit a copy of the final order to the Department of State and the committee. The Department of State shall publish notice of the final order in the first available issue of the Florida Administrative Weekly.

(4) When a hearing officer determines that all or part of an agency statement violates subsection (1), the agency shall immediately discontinue all

reliance upon the statement or any substantially similar statement as a basis for agency action.

(5) Subsequent to a determination that an agency statement violates subsection (1), if an agency publishes, pursuant to s. 120.54(1), proposed rules which address the statement and proceeds expeditiously and in good faith to adopt rules which address the statement, the agency shall be permitted to rely upon the statement or a substantially similar statement as a basis for agency action. If an agency fails to adopt rules which address the statement within 180 days of publishing proposed rules, for purposes of this subsection, a presumption is created that the agency is not acting expeditiously and in good faith to adopt rules. If the agency's proposed rules are challenged pursuant to s. 120.54(4), the 180-day period for adoption of rules is tolled until a final order is entered in that proceeding.

(6) Subsequent to a determination that an agency statement violates subsection (1), if an agency relies upon the statement or any substantially similar statement as the basis for agency action, and the substantial interests of a person are determined by the agency action, that person is entitled to payment by the agency of reasonable costs and attorney's fees incurred by the person, if the person successfully demonstrates that the agency is not permitted to rely upon the statement as a basis for agency action under subsection (4) or subsection (5). If an agency publishes proposed rules and proceeds expeditiously and in good faith to adopt such rules under subsection (5), the agency shall not be required to pay costs and attorney's fees pursuant to this subsection. An action to recover costs and attorney's fees may be brought pursuant to s. 120.57(1) or this section. Notwithstanding the provisions of chapter 284, an award shall be paid from the budget entity of the secretary, executive director, or equivalent administrative officer of the agency, and the agency shall not be entitled to payment of an award or reimbursement for payment of an award under any provision of law.

(7) Hearings held under this section shall be conducted in the same manner as provided in s. 120.57, except that the hearing officer's order shall be final agency action.

(8) All proceedings to determine a violation of subsection (1) shall be brought pursuant to this section. A proceeding pursuant to this section may be brought in conjunction with a proceeding under any other section of this chapter, or consolidated with such a proceeding.

(9) Prisoners as defined in s. 944.02(5) are not eligible to seek an administrative determination of an agency statement under this section.

Section 4. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes, 1990 Supplement, is amended to read:

120.57. Decisions which affect substantial interests

The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1) Formal proceedings.--

(b) In any case to which this subsection is applicable, the following procedures apply:

1. A request for a hearing shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In a preliminary hearing for the revocation of parole, no less than 7 days' notice shall be given. In a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

a. A statement of the time, place, and nature of the hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rules involved.

d. Except for any hearing before an unemployment compensation appeals referee, a short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for any proceeding conducted as prescribed in s. 120.54(4), s. 120.56, or s. 120.575(1)(b), a petition or request for a hearing under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall so notify the division within 15 days of

receipt of the petition or request. When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer. On the request of any agency, the division shall assign a hearing officer with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to the formal proceeding, except as a party litigant, as long as the division has jurisdiction over the formal proceeding. Any party may request the disqualification of the hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it.

5. All pleadings, motions, or other papers filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, a party's attorney, or a party's qualified representative constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or his own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

6. The record in a case governed by this subsection shall consist only of:
- a. All notices, pleadings, motions, and intermediate rulings;
 - b. Evidence received or considered;
 - c. A statement of matters officially recognized;
 - d. Questions and proffers of proof and objections and rulings thereon;

e. Proposed findings and exceptions;

f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;

g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under s. 120.66(1), if such communications are public records;

h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and

i. The official transcript.

7. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost. In any proceeding before a hearing officer initiated by a consumptive use permit applicant pursuant to subparagraph 14., the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to the water management district. At the request of any other party, full or partial transcripts shall be provided at no more than cost.

8. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

9. Except as provided in subparagraph 13., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, and recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

10. The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order. The agency, but may not reject or modify the findings of fact, including findings of fact that form the basis for an agency statement, unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with

particularity its reasons therefor in the order, by citing to the record in justifying the action. When there is an appeal, the court in its discretion may award reasonable attorney's fees and costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process or that the agency action which precipitated the appeal was a gross abuse of the agency's discretion.

11. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

12. A hearing officer who is a member of an agency head may participate in the formulation of the final order of the agency, provided he has completed all his duties as hearing officer.

13. In any application for a license or merger pursuant to title XXXVIII which is referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

14. In any application for a consumptive use permit pursuant to part II of chapter 373, the water management district on its own motion may, or, at the request of the applicant for the permit, shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.

15. Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.

Section 5. Subsections (1) and (2) of section 120.59, Florida Statutes, are amended to read:

120.59. Orders

(1)(a) The final order in a proceeding which affects substantial interests ~~must shall~~ be in writing ~~or stated in the record~~ and include findings of fact and conclusions of law separately stated, and it ~~must shall~~ be rendered within 90 days:

~~1.(a)~~ After the hearing is concluded, if conducted by the agency,

~~2.(b)~~ After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer, or

~~3.(c)~~ After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.

The 90-day period may be waived or extended with the consent of all parties.

(b) Each final order that must be indexed or listed pursuant to s. 120.53 must have attached a copy of the complete text of any materials incorporated by reference; however, if the quantity of the materials incorporated makes attachment of the complete text of the materials impractical, the order may contain a statement of the location of such materials and the manner in which the public may inspect or obtain copies of the materials incorporated by reference.

(c) Each agency order that must be indexed or listed pursuant to s. 120.53 must be sequentially numbered by the agency in the order rendered, according to a numbering system approved by the Department of State pursuant to s. 120.53.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, ~~must shall~~ be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order ~~must shall~~ include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

Section 6. Subsection (3) of section 120.68, Florida Statutes, is amended to read:

120.68. Judicial review

(3)(a) The filing of the petition does not itself stay enforcement of the agency decision, but if the agency decision has the effect of suspending or revoking a license, supersedeas shall be granted as a matter of right upon such

conditions as are reasonable, unless the court, upon petition of the agency, determines that a supersedeas would constitute a probable danger to the health, safety, or welfare of the state. The agency may also grant a stay upon appropriate terms, but, whether or not the action has the effect of suspending or revoking a license, a petition to the agency for a stay is not a prerequisite to a petition to the court for supersedeas. In any event, the order shall specify the conditions, if any, upon which the stay or supersedeas is granted.

(b) The filing of a petition appealing an order issued by a hearing officer under s. 120.535, whether filed by the agency or any other party, does not stay enforcement of the hearing officer's order, unless the court, upon petition of the agency or other party, determines that a stay is necessary to avoid a probable danger to the public health, safety, or welfare. A stay order shall specify the conditions, if any, upon which the stay is granted.

Section 7. The Division of Administrative Hearings shall direct a study and pilot project to implement a full text retrieval system to provide access to recommended orders, final orders, and declaratory statements.

Section 8. Agency orders and indexes, preservation.--Agency orders that must be indexed or listed pursuant to section 120.53, Florida Statutes, are documents of continuing legal value and must be permanently preserved and made available to the public. Each agency to which chapter 120, Florida Statutes, applies, shall provide, under the direction of the Department of State, for the preservation of orders as required by that chapter and for maintaining an index to those orders.

Section 9. Indexing and availability of agency orders.—

(1) Beginning July 1, 1992, the Department of State shall:

(a) Administer the coordination of the indexing, management, preservation, and availability of agency orders that must be indexed or listed pursuant to section 120.53(2), Florida Statutes.

(b) Provide, by rule, guidelines for the indexing of agency orders. More than one system for indexing may be approved by the Department of State, including systems or methods in use, or proposed for use, by an agency. More than one system may be approved for use by a single agency as best serves the needs of that agency and the public.

(c) Provide, by rule, for storage and retrieval systems to be maintained by agencies for indexing, and making available, agency orders by subject matter. The Department of State may approve more than one system, including systems in use, or proposed for use, by an agency. Storage and retrieval systems that may be used by an agency include, without limitation, a

designated reporter or reporters, a microfilming system, and an automated system or any other system considered appropriate by the Department of State.

(d) Determine which final orders must be indexed for each agency, including all final orders that are not excluded from indexing requirements by the Department of State pursuant to paragraphs 120.53(2)(c) and (d), Florida Statutes.

(e) Require each agency, before adopting proposed rules, to report to the department concerning which types or categories of agency orders establish precedent for each agency. Each final order that establishes precedent for an agency and that has not been approved by the department for exclusion pursuant to paragraphs 120.53(2)(c) and (d), Florida Statutes, must be indexed.

(f) Require each agency to provide by rule:

1. Procedures for indexing all final orders that are required to be indexed by section 120.53(2), Florida Statutes;

2. A procedure for sequentially numbering agency orders; and

3. Procedures for permanently preserving agency orders required to be indexed and for making such orders available to the public. Means of preservation and public availability may include, but are not limited to, publication of agency orders in an official reporter.

(g) Develop, monitor, and ensure compliance with procedures and standards established for the indexing, management, preservation, and availability of agency orders.

(h) Coordinate and provide for a training program designed to serve the technical and managerial needs of agencies in indexing, managing, preserving, and making agency orders available to the public.

(i) Provide technical and managerial assistance relating to agency orders upon request by an agency.

(j) Adopt rules to administer its duties under this act.

(2) The Department of State may procure assistance and information necessary to administer its duties under this act from any officer or agency of the state. Such officers and agencies shall give the department all relevant information and reasonable assistance on any matters concerning the indexing and public inspection of agency orders.

Section 10. On or before January 1, 1992, each agency shall submit to the Department of State for approval a plan for publishing or otherwise making agency orders available to the public, for sequentially numbering agency orders, for coordinating and establishing procedures for the compilation of subject-matter indexes and lists of agency orders, and for publishing such indexes and lists or providing alternative means of making such indexes and lists available to the public.

<< Note: FL ST §§ 119.041, 120.53, 120.535, 120.57, 120.59, 120.68, 120.532,120.533 >>

Section 11. This act applies to actions instituted on or after January 1, 1992.

Section 12. This act shall take effect January 1, 1992, except that this section and section 10 shall take effect upon this act becoming a law.

Became a law without the Governor's approval April 27, 1991.

Filed in Office Secretary of State April 29, 1991.

[FN1] Tentative assignment as 120.532.

[FN2] Tentative assignment as 120.533.