

ADMINISTRATION COMMISSION AGENDA

April 24, 2012

Attachments to the items below can be viewed at the following link:

http://www.myflorida.com/myflorida/cabinet/adcom/20120424_index.html

1. Approval of the minutes of the 1/18/12 meeting.

See meeting transcript at:

<http://www.myflorida.com/myflorida/cabinet/agenda12/0118/011812TRANS.pdf>

2. Acceptance of the Division of Administrative Hearings' Thirty-Eighth Annual Report.

Thirty-Eighth Annual Report

Pursuant to Section 120.65(10), F.S., the Division of Administrative Hearings (DOAH) is required to issue a written report to the Administration Commission providing, at a minimum, the following information:

- A summary of the extent and effect of agencies' utilization of administrative law judges, court reporters, and other personnel in proceedings under Chapter 120, F.S.
- Recommendations for change or improvement in the Administrative Procedure Act or any agency's practice or policy with respect thereto.
- Recommendations as to those types of cases or disputes which should be conducted under the summary hearing process described in Section 120.574, F.S.
- A report regarding each agency's compliance with filing requirements in Section 120.57(1)(m), F.S.

Highlights of the Annual Report will be presented by DOAH Executive Director/Chief Judge Robert Cohen.

Recommendation:

Accept the Thirty-Eighth Annual Report.

Back-Up:

Thirty-Eighth Annual Report.

3. Request authorization to publish Notices of Proposed Rule Repeal for Chapters 28-35 and 28-111, Florida Administrative Code. If no requests for rule hearings are received as a result of the notices, request authorization to file the rule chapters for final rule repeal.

During the September 20, 2011, Cabinet meeting, the Commission authorized staff to conduct a comprehensive review of the Commission's rules utilizing the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) process. As a result of the review, the following rules were identified for repeal as they are obsolete:

- Chapter 28-35, Coastal Energy Impact Program – This program was transferred to the Department of Environmental Protection during the 2011 Legislative Session. As a result, the following Commission rules contained within Chapter 28-35, F.A.C., are obsolete: Rules 28-35.010, 28-35.020, 28-35.030, 28-35.040, 28-35.050, 28-35.060, and 28-35.070.
- Chapter 28-111, Court Cost for Court Facilities – The Commission's specific rulemaking authority provided in Section 939.18, F.S., was deleted through the repeal of the provision in 2004. As a result, the following rules contained within Chapter 28-111, F.A.C., are obsolete: Rules 28-111.001, 28-111.002, and 28-111.003.

Commission staff requests authorization to publish notices of proposed repeal of Rule Chapters 28-35 and 28-111 in the *Florida Administrative Weekly*. If no requests for public hearings are received as a result of the notices, staff requests authorization to file for final rule repeal.

Recommendation:

Authorize the Secretary to: (1) Publish notices of proposed rule repeal of Chapters 28-35 and 28-111, F.A.C.; and (2) File rules for final repeal if no requests for public hearings are received as a result of the notices.

Back-Up:

Rule Chapter 28-35, F.A.C. – Current rule text and Notice of Proposed Rule Repeal.

Rule Chapter 28-111, F.A.C. – Current rule text and Notice of Proposed Rule Repeal.