

1                   A bill to be entitled  
2           An act relating to administrative procedures; amending  
3           s. 120.52, F.S.; revising and providing definitions;  
4           amending s. 120.536, F.S.; conforming a provision to  
5           changes made by the act; amending s. 120.54, F.S.;  
6           applying certain provisions applicable to all rules  
7           other than emergency rules to repromulgated rules;  
8           requiring that a proposed rule and material proposed  
9           to be incorporated by reference be available to the  
10          public; requiring that material proposed to be  
11          incorporated by reference be made available in a  
12          specified manner; requiring an agency to provide  
13          notice of a regulatory alternative to the  
14          Administrative Procedures Committee by a certain date;  
15          requiring an agency to file copies of certain  
16          petitions with the committee; amending s. 120.541,  
17          F.S.; requiring an agency to provide a copy of any  
18          proposal for a lower cost regulatory alternative to  
19          the Administrative Procedures Committee by a certain  
20          date; creating s. 120.5435, F.S.; providing  
21          legislative intent; requiring agency review of rules  
22          and repromulgation of rules that do not require  
23          substantive changes; requiring an agency to publish a  
24          notice of repromulgation in the Florida Administrative  
25          Register and file a rule for promulgation with the

26 Department of State within a specified time period;  
27 requiring an agency to file a notice of repromulgation  
28 with the committee within a specified time period;  
29 requiring withdrawal of a rule proposed for  
30 repromulgation if the rule is not filed within a  
31 specified time period; providing that a repromulgated  
32 rule is not subject to challenge as a proposed rule  
33 and that certain hearing requirements do not apply;  
34 requiring an agency to file a specified number of  
35 certified copies of a proposed repromulgated rule and  
36 any material incorporated by reference; providing that  
37 a repromulgated rule is adopted upon filing with the  
38 department and becomes effective after a specified  
39 time period; requiring the department to update  
40 certain information in the Florida Administrative  
41 Code; requiring the department to adopt rules by a  
42 certain date; amending s. 120.55, F.S.; providing that  
43 the department shall require material incorporated by  
44 reference to be filed in a specified manner; requiring  
45 the department to include the date of a technical rule  
46 change in the Florida Administrative Code; providing  
47 that a technical change does not affect the effective  
48 date of a rule; requiring specified rules; amending  
49 120.569, F.S.; requiring that certain documents filed  
50 with the Division of Administrative Hearings be filed

51 | electronically; relieving certain parties from a  
 52 | requirement to serve other certain parties; amending  
 53 | ss. 120.80, 120.81, 420.9072, 420.9075, and 443.091,  
 54 | F.S.; conforming cross-references; providing an  
 55 | effective date.

56 |  
 57 | Be It Enacted by the Legislature of the State of Florida:  
 58 |

59 | Section 1. Subsections (16) through (22) of section  
 60 | 120.52, Florida Statutes, are renumbered as subsections (17)  
 61 | through (23), respectively, subsection (5) is amended, and a new  
 62 | subsection (16) is added to that section, to read:

63 | 120.52 Definitions.—As used in this act:

64 | (5) "Division" means the Division of Administrative  
 65 | Hearings. ~~Any document filed with the division by a party~~  
 66 | ~~represented by an attorney shall be filed by electronic means~~  
 67 | ~~through the division's website. Any document filed with the~~  
 68 | ~~division by a party not represented by an attorney shall,~~  
 69 | ~~whenever possible, be filed by electronic means through the~~  
 70 | ~~division's website.~~

71 | (16) "Repromulgate" or "repromulgation" means the  
 72 | publication and adoption of an existing rule following an  
 73 | agency's review of the rule for consistency with the powers and  
 74 | duties granted by its enabling statute.

75 | Section 2. Subsection (3) of section 120.536, Florida

76 Statutes, is amended to read:

77 120.536 Rulemaking authority; repeal; challenge.—

78 (3) ~~The Administrative Procedures Committee or Any~~  
 79 substantially affected person may petition an agency to repeal  
 80 any rule, or portion thereof, because it exceeds the rulemaking  
 81 authority permitted by this section. Not later than 30 days  
 82 after the date of filing the petition if the agency is headed by  
 83 an individual, or not later than 45 days if the agency is headed  
 84 by a collegial body, the agency shall initiate rulemaking  
 85 proceedings to repeal the rule, or portion thereof, or deny the  
 86 petition, giving a written statement of its reasons for the  
 87 denial.

88 Section 3. Paragraph (i) of subsection (1), subsection  
 89 (3), and paragraph (a) of subsection (7) of section 120.54,  
 90 Florida Statutes, are amended to read:

91 120.54 Rulemaking.—

92 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN  
 93 EMERGENCY RULES.—

94 (i)1. A rule may incorporate material by reference but  
 95 only as the material exists on the date the rule is adopted. For  
 96 purposes of the rule, changes in the material are not effective  
 97 unless the rule is amended to incorporate the changes.

98 2. An agency rule that incorporates by specific reference  
 99 another rule of that agency automatically incorporates  
 100 subsequent amendments to the referenced rule unless a contrary

101 intent is clearly indicated in the referencing rule. A notice of  
102 amendments to a rule that has been incorporated by specific  
103 reference in other rules of that agency must explain the effect  
104 of those amendments on the referencing rules.

105 3. In rules adopted after December 31, 2010, and rules  
106 repromulgated after December 31, 2018, material may not be  
107 incorporated by reference unless:

108 a. The material has been submitted in the prescribed  
109 electronic format to the Department of State and the full text  
110 of the material can be made available for free public access  
111 through an electronic hyperlink from the rule making the  
112 reference in the Florida Administrative Code; or

113 b. The agency has determined that posting the material on  
114 the Internet for purposes of public examination and inspection  
115 would constitute a violation of federal copyright law, in which  
116 case a statement to that effect, along with the address of  
117 locations at the Department of State and the agency at which the  
118 material is available for public inspection and examination,  
119 must be included in the notice required by subparagraph (3)(a)1.

120 4. A rule may not be amended by reference only. Amendments  
121 must set out the amended rule in full in the same manner as  
122 required by the State Constitution for laws.

123 5. Notwithstanding any contrary provision in this section,  
124 when an adopted rule of the Department of Environmental  
125 Protection or a water management district is incorporated by

126 reference in the other agency's rule to implement a provision of  
127 part IV of chapter 373, subsequent amendments to the rule are  
128 not effective as to the incorporating rule unless the agency  
129 incorporating by reference notifies the committee and the  
130 Department of State of its intent to adopt the subsequent  
131 amendment, publishes notice of such intent in the Florida  
132 Administrative Register, and files with the Department of State  
133 a copy of the amended rule incorporated by reference. Changes in  
134 the rule incorporated by reference are effective as to the other  
135 agency 20 days after the date of the published notice and filing  
136 with the Department of State. The Department of State shall  
137 amend the history note of the incorporating rule to show the  
138 effective date of such change. Any substantially affected person  
139 may, within 14 days after the date of publication of the notice  
140 of intent in the Florida Administrative Register, file an  
141 objection to rulemaking with the agency. The objection shall  
142 specify the portions of the rule incorporated by reference to  
143 which the person objects and the reasons for the objection. The  
144 agency shall not have the authority under this subparagraph to  
145 adopt those portions of the rule specified in such objection.  
146 The agency shall publish notice of the objection and of its  
147 action in response in the next available issue of the Florida  
148 Administrative Register.

149         6. The Department of State may adopt by rule requirements  
150 for incorporating materials pursuant to this paragraph.

151 (3) ADOPTION PROCEDURES.—

152 (a) Notices.—

153 1. Prior to the adoption, amendment, or repeal of any rule  
154 other than an emergency rule, an agency, upon approval of the  
155 agency head, shall give notice of its intended action, setting  
156 forth a short, plain explanation of the purpose and effect of  
157 the proposed action; the full text of the proposed rule or  
158 amendment and a summary thereof; a reference to the grant of  
159 rulemaking authority pursuant to which the rule is adopted; and  
160 a reference to the section or subsection of the Florida Statutes  
161 or the Laws of Florida being implemented or interpreted. The  
162 notice must include a summary of the agency's statement of the  
163 estimated regulatory costs, if one has been prepared, based on  
164 the factors set forth in s. 120.541(2); a statement that any  
165 person who wishes to provide the agency with information  
166 regarding the statement of estimated regulatory costs, or to  
167 provide a proposal for a lower cost regulatory alternative as  
168 provided by s. 120.541(1), must do so in writing within 21 days  
169 after publication of the notice; and a statement as to whether,  
170 based on the statement of the estimated regulatory costs or  
171 other information expressly relied upon and described by the  
172 agency if no statement of regulatory costs is required, the  
173 proposed rule is expected to require legislative ratification  
174 pursuant to s. 120.541(3). The notice must state the procedure  
175 for requesting a public hearing on the proposed rule. Except

176 when the intended action is the repeal of a rule, the notice  
177 must include a reference both to the date on which and to the  
178 place where the notice of rule development that is required by  
179 subsection (2) appeared.

180 2. The notice shall be published in the Florida  
181 Administrative Register not less than 28 days prior to the  
182 intended action. The proposed rule, including all material  
183 proposed to be incorporated by reference, shall be available for  
184 inspection and copying by the public at the time of the  
185 publication of notice. After December 31, 2018, material  
186 proposed to be incorporated by reference in the notice required  
187 by this paragraph shall be made available in the manner  
188 prescribed by sub-subparagraph (1)(i)3.a. or (1)(i)3.b.

189 3. The notice shall be mailed to all persons named in the  
190 proposed rule and to all persons who, at least 14 days prior to  
191 such mailing, have made requests of the agency for advance  
192 notice of its proceedings. The agency shall also give such  
193 notice as is prescribed by rule to those particular classes of  
194 persons to whom the intended action is directed.

195 4. The adopting agency shall file with the committee, at  
196 least 21 days prior to the proposed adoption date, a copy of  
197 each rule it proposes to adopt; a copy of any material  
198 incorporated by reference in the rule; a detailed written  
199 statement of the facts and circumstances justifying the proposed  
200 rule; a copy of any statement of estimated regulatory costs that



201 has been prepared pursuant to s. 120.541; a statement of the  
 202 extent to which the proposed rule relates to federal standards  
 203 or rules on the same subject; and the notice required by  
 204 subparagraph 1.

205 (b) Special matters to be considered in rule adoption.—

206 1. Statement of estimated regulatory costs.—Before the  
 207 adoption, amendment, or repeal of any rule other than an  
 208 emergency rule, an agency is encouraged to prepare a statement  
 209 of estimated regulatory costs of the proposed rule, as provided  
 210 by s. 120.541. However, an agency must prepare a statement of  
 211 estimated regulatory costs of the proposed rule, as provided by  
 212 s. 120.541, if:

213 a. The proposed rule will have an adverse impact on small  
 214 business; or

215 b. The proposed rule is likely to directly or indirectly  
 216 increase regulatory costs in excess of \$200,000 in the aggregate  
 217 in this state within 1 year after the implementation of the  
 218 rule.

219 2. Small businesses, small counties, and small cities.—

220 a. Each agency, before the adoption, amendment, or repeal  
 221 of a rule, shall consider the impact of the rule on small  
 222 businesses as defined by s. 288.703 and the impact of the rule  
 223 on small counties or small cities as defined by s. 120.52.  
 224 Whenever practicable, an agency shall tier its rules to reduce  
 225 disproportionate impacts on small businesses, small counties, or

226 small cities to avoid regulating small businesses, small  
227 counties, or small cities that do not contribute significantly  
228 to the problem the rule is designed to address. An agency may  
229 define "small business" to include businesses employing more  
230 than 200 persons, may define "small county" to include those  
231 with populations of more than 75,000, and may define "small  
232 city" to include those with populations of more than 10,000, if  
233 it finds that such a definition is necessary to adapt a rule to  
234 the needs and problems of small businesses, small counties, or  
235 small cities. The agency shall consider each of the following  
236 methods for reducing the impact of the proposed rule on small  
237 businesses, small counties, and small cities, or any combination  
238 of these entities:

239 (I) Establishing less stringent compliance or reporting  
240 requirements in the rule.

241 (II) Establishing less stringent schedules or deadlines in  
242 the rule for compliance or reporting requirements.

243 (III) Consolidating or simplifying the rule's compliance  
244 or reporting requirements.

245 (IV) Establishing performance standards or best management  
246 practices to replace design or operational standards in the  
247 rule.

248 (V) Exempting small businesses, small counties, or small  
249 cities from any or all requirements of the rule.

250 b.(I) If the agency determines that the proposed action

251 will affect small businesses as defined by the agency as  
252 provided in sub-subparagraph a., the agency shall send written  
253 notice of the rule to the rules ombudsman in the Executive  
254 Office of the Governor at least 28 days before the intended  
255 action.

256 (II) Each agency shall adopt those regulatory alternatives  
257 offered by the rules ombudsman in the Executive Office of the  
258 Governor and provided to the agency no later than 21 days after  
259 the rules ombudsman's receipt of the written notice of the rule  
260 which it finds are feasible and consistent with the stated  
261 objectives of the proposed rule and which would reduce the  
262 impact on small businesses. When regulatory alternatives are  
263 offered by the rules ombudsman in the Executive Office of the  
264 Governor, the 90-day period for filing the rule in subparagraph  
265 (e)2. is extended for a period of 21 days. The agency shall  
266 provide notice to the committee of any regulatory alternative  
267 offered to the agency pursuant to this sub-subparagraph at least  
268 21 days before filing the rule for adoption.

269 (III) If an agency does not adopt all alternatives offered  
270 pursuant to this sub-subparagraph, it shall, before rule  
271 adoption or amendment and pursuant to subparagraph (d)1., file a  
272 detailed written statement with the committee explaining the  
273 reasons for failure to adopt such alternatives. Within 3 working  
274 days after the filing of such notice, the agency shall send a  
275 copy of such notice to the rules ombudsman in the Executive

276 Office of the Governor.

277 (c) Hearings.—

278 1. If the intended action concerns any rule other than one  
279 relating exclusively to procedure or practice, the agency shall,  
280 on the request of any affected person received within 21 days  
281 after the date of publication of the notice of intended agency  
282 action, give affected persons an opportunity to present evidence  
283 and argument on all issues under consideration. The agency may  
284 schedule a public hearing on the rule and, if requested by any  
285 affected person, shall schedule a public hearing on the rule.  
286 When a public hearing is held, the agency must ensure that staff  
287 are available to explain the agency's proposal and to respond to  
288 questions or comments regarding the rule. If the agency head is  
289 a board or other collegial body created under s. 20.165(4) or s.  
290 20.43(3)(g), and one or more requested public hearings is  
291 scheduled, the board or other collegial body shall conduct at  
292 least one of the public hearings itself and may not delegate  
293 this responsibility without the consent of those persons  
294 requesting the public hearing. Any material pertinent to the  
295 issues under consideration submitted to the agency within 21  
296 days after the date of publication of the notice or submitted to  
297 the agency between the date of publication of the notice and the  
298 end of the final public hearing shall be considered by the  
299 agency and made a part of the record of the rulemaking  
300 proceeding.

301           2. Rulemaking proceedings shall be governed solely by the  
302 provisions of this section unless a person timely asserts that  
303 the person's substantial interests will be affected in the  
304 proceeding and affirmatively demonstrates to the agency that the  
305 proceeding does not provide adequate opportunity to protect  
306 those interests. If the agency determines that the rulemaking  
307 proceeding is not adequate to protect the person's interests, it  
308 shall suspend the rulemaking proceeding and convene a separate  
309 proceeding under the provisions of ss. 120.569 and 120.57.

310 Similarly situated persons may be requested to join and  
311 participate in the separate proceeding. Upon conclusion of the  
312 separate proceeding, the rulemaking proceeding shall be resumed.

313           (d) Modification or withdrawal of proposed rules.—

314           1. After the final public hearing on the proposed rule, or  
315 after the time for requesting a hearing has expired, if the rule  
316 has not been changed from the rule as previously filed with the  
317 committee, or contains only technical changes, the adopting  
318 agency shall file a notice to that effect with the committee at  
319 least 7 days prior to filing the rule for adoption. Any change,  
320 other than a technical change that does not affect the substance  
321 of the rule, must be supported by the record of public hearings  
322 held on the rule, must be in response to written material  
323 submitted to the agency within 21 days after the date of  
324 publication of the notice of intended agency action or submitted  
325 to the agency between the date of publication of the notice and

326 the end of the final public hearing, or must be in response to a  
327 proposed objection by the committee. In addition, when any  
328 change is made in the a proposed rule text or any material  
329 incorporated by reference, other than a technical change, the  
330 adopting agency shall provide a copy of a notice of change by  
331 certified mail or actual delivery to any person who requests it  
332 in writing no later than 21 days after the notice required in  
333 paragraph (a). The agency shall file the notice of change with  
334 the committee, along with the reasons for the change, and  
335 provide the notice of change to persons requesting it, at least  
336 21 days prior to filing the rule for adoption. The notice of  
337 change shall be published in the Florida Administrative Register  
338 at least 21 days prior to filing the rule for adoption. This  
339 subparagraph does not apply to emergency rules adopted pursuant  
340 to subsection (4). After December 31, 2018, material proposed to  
341 be incorporated by reference in the notice required by this  
342 subparagraph shall be made available in the manner prescribed by  
343 sub-subparagraph (1)(i)3.a. or (1)(i)3.b.

344 2. After the notice required by paragraph (a) and prior to  
345 adoption, the agency may withdraw the rule in whole or in part.

346 3. After adoption and before the rule becomes effective, a  
347 rule may be modified or withdrawn only in the following  
348 circumstances:

- 349 a. When the committee objects to the rule;  
350 b. When a final order, which is not subject to further

351 appeal, is entered in a rule challenge brought pursuant to s.  
352 120.56 after the date of adoption but before the rule becomes  
353 effective pursuant to subparagraph (e)6.;

354 c. If the rule requires ratification, when more than 90  
355 days have passed since the rule was filed for adoption without  
356 the Legislature ratifying the rule, in which case the rule may  
357 be withdrawn but may not be modified; or

358 d. When the committee notifies the agency that an  
359 objection to the rule is being considered, in which case the  
360 rule may be modified to extend the effective date by not more  
361 than 60 days.

362 4. The agency shall give notice of its decision to  
363 withdraw or modify a rule in the first available issue of the  
364 publication in which the original notice of rulemaking was  
365 published, shall notify those persons described in subparagraph  
366 (a)3. in accordance with the requirements of that subparagraph,  
367 and shall notify the Department of State if the rule is required  
368 to be filed with the Department of State.

369 5. After a rule has become effective, it may be repealed  
370 or amended only through the rulemaking procedures specified in  
371 this chapter.

372 (e) Filing for final adoption; effective date.—

373 1. If the adopting agency is required to publish its rules  
374 in the Florida Administrative Code, the agency, upon approval of  
375 the agency head, shall file with the Department of State three

376 certified copies of the rule it proposes to adopt; one copy of  
377 any material incorporated by reference in the rule, certified by  
378 the agency; a summary of the rule; a summary of any hearings  
379 held on the rule; and a detailed written statement of the facts  
380 and circumstances justifying the rule. Agencies not required to  
381 publish their rules in the Florida Administrative Code shall  
382 file one certified copy of the proposed rule, and the other  
383 material required by this subparagraph, in the office of the  
384 agency head, and such rules shall be open to the public.

385       2. A rule may not be filed for adoption less than 28 days  
386 or more than 90 days after the notice required by paragraph (a),  
387 until 21 days after the notice of change required by paragraph  
388 (d), until 14 days after the final public hearing, until 21 days  
389 after a statement of estimated regulatory costs required under  
390 s. 120.541 has been provided to all persons who submitted a  
391 lower cost regulatory alternative and made available to the  
392 public, or until the administrative law judge has rendered a  
393 decision under s. 120.56(2), whichever applies. When a required  
394 notice of change is published prior to the expiration of the  
395 time to file the rule for adoption, the period during which a  
396 rule must be filed for adoption is extended to 45 days after the  
397 date of publication. If notice of a public hearing is published  
398 prior to the expiration of the time to file the rule for  
399 adoption, the period during which a rule must be filed for  
400 adoption is extended to 45 days after adjournment of the final



401 hearing on the rule, 21 days after receipt of all material  
402 authorized to be submitted at the hearing, or 21 days after  
403 receipt of the transcript, if one is made, whichever is latest.  
404 The term "public hearing" includes any public meeting held by  
405 any agency at which the rule is considered. If a petition for an  
406 administrative determination under s. 120.56(2) is filed, the  
407 period during which a rule must be filed for adoption is  
408 extended to 60 days after the administrative law judge files the  
409 final order with the clerk or until 60 days after subsequent  
410 judicial review is complete.

411 3. At the time a rule is filed, the agency shall certify  
412 that the time limitations prescribed by this paragraph have been  
413 complied with, that all statutory rulemaking requirements have  
414 been met, and that there is no administrative determination  
415 pending on the rule.

416 4. At the time a rule is filed, the committee shall  
417 certify whether the agency has responded in writing to all  
418 material and timely written comments or written inquiries made  
419 on behalf of the committee. The department shall reject any rule  
420 that is not filed within the prescribed time limits; that does  
421 not comply with all statutory rulemaking requirements and rules  
422 of the department; upon which an agency has not responded in  
423 writing to all material and timely written inquiries or written  
424 comments; upon which an administrative determination is pending;  
425 or which does not include a statement of estimated regulatory

426 costs, if required.

427         5. If a rule has not been adopted within the time limits  
428 imposed by this paragraph or has not been adopted in compliance  
429 with all statutory rulemaking requirements, the agency proposing  
430 the rule shall withdraw the rule and give notice of its action  
431 in the next available issue of the Florida Administrative  
432 Register.

433         6. The proposed rule shall be adopted on being filed with  
434 the Department of State and become effective 20 days after being  
435 filed, on a later date specified in the notice required by  
436 subparagraph (a)1., on a date required by statute, or upon  
437 ratification by the Legislature pursuant to s. 120.541(3). Rules  
438 not required to be filed with the Department of State shall  
439 become effective when adopted by the agency head, on a later  
440 date specified by rule or statute, or upon ratification by the  
441 Legislature pursuant to s. 120.541(3). If the committee notifies  
442 an agency that an objection to a rule is being considered, the  
443 agency may postpone the adoption of the rule to accommodate  
444 review of the rule by the committee. When an agency postpones  
445 adoption of a rule to accommodate review by the committee, the  
446 90-day period for filing the rule is tolled until the committee  
447 notifies the agency that it has completed its review of the  
448 rule.

449  
450 For the purposes of this paragraph, the term "administrative

451 determination" does not include subsequent judicial review.

452 (7) PETITION TO INITIATE RULEMAKING.—

453 (a) Any person regulated by an agency or having  
454 substantial interest in an agency rule may petition an agency to  
455 adopt, amend, or repeal a rule or to provide the minimum public  
456 information required by this chapter. The petition shall specify  
457 the proposed rule and action requested. The agency shall file a  
458 copy of the petition with the committee. Not later than 30  
459 calendar days following the date of filing a petition, the  
460 agency shall initiate rulemaking proceedings under this chapter,  
461 otherwise comply with the requested action, or deny the petition  
462 with a written statement of its reasons for the denial.

463 Section 4. Paragraph (a) of subsection (1) of section  
464 120.541, Florida Statutes, is amended to read:

465 120.541 Statement of estimated regulatory costs.—

466 (1) (a) Within 21 days after publication of the notice  
467 required under s. 120.54(3)(a), a substantially affected person  
468 may submit to an agency a good faith written proposal for a  
469 lower cost regulatory alternative to a proposed rule which  
470 substantially accomplishes the objectives of the law being  
471 implemented. The agency shall provide a copy of any proposal for  
472 a lower cost regulatory alternative to the committee at least 21  
473 days before filing the rule for adoption. The proposal may  
474 include the alternative of not adopting any rule if the proposal  
475 explains how the lower costs and objectives of the law will be

476 achieved by not adopting any rule. If such a proposal is  
477 submitted, the 90-day period for filing the rule is extended 21  
478 days. Upon the submission of the lower cost regulatory  
479 alternative, the agency shall prepare a statement of estimated  
480 regulatory costs as provided in subsection (2), or shall revise  
481 its prior statement of estimated regulatory costs, and either  
482 adopt the alternative or provide a statement of the reasons for  
483 rejecting the alternative in favor of the proposed rule.

484 Section 5. Section 120.5435, Florida Statutes, is created  
485 to read:

486 120.5435 Repromulgation of rules.—

487 (1) It is the intent of the Legislature that each agency  
488 shall periodically review its rules for consistency with the  
489 powers and duties granted by its enabling statutes. If an agency  
490 determines after review that substantive changes to update a  
491 rule are not required, such agency shall repromulgate the rule  
492 to reflect the date of the review.

493 (2) Before repromulgation of the rule, an agency shall,  
494 upon approval by the agency head:

495 (a) Publish a notice of repromulgation in the Florida  
496 Administrative Register. A notice of repromulgation is not  
497 required to include the text of the rule being promulgated.

498 (b) File the rule for repromulgation with the Department  
499 of State. A rule may not be filed for repromulgation less than  
500 28 days before or more than 90 days after the publication of the

501 notice required by paragraph (a).

502 (3) The agency shall file a notice of repromulgation with  
503 the committee at least 14 days before filing the rule for  
504 repromulgation. At the time the rule is filed for  
505 repromulgation, the committee shall certify whether the agency  
506 has responded in writing to all material and timely written  
507 comments or written inquiries made on behalf of the committee.

508 (4) If the rule is not filed for repromulgation within the  
509 time limit imposed by paragraph (2)(b), the agency shall  
510 withdraw the rule for repromulgation and give notice of the  
511 withdrawal in the next available issue of the Florida  
512 Administrative Register.

513 (5) A repromulgated rule is not subject to challenge as a  
514 proposed rule pursuant to s. 120.56(2).

515 (6) The hearing requirements of s. 120.54 do not apply to  
516 repromulgation of a rule.

517 (7)(a) The agency, upon approval of the agency head or his  
518 or her designee, shall file with the Department of State three  
519 certified copies of the repromulgated rule it proposes to adopt  
520 and one certified copy of any material incorporated by reference  
521 in the rule.

522 (b) The repromulgated rule shall be adopted upon filing  
523 with the Department of State and becomes effective 20 days after  
524 being filed.

525 (c) The Department of State shall update the history note

526 | of the rule in the Florida Administrative Code to reflect the  
527 | effective date of the repromulgated rule.

528 | (8) The Department of State shall adopt rules to implement  
529 | this section by December 31, 2018.

530 | Section 6. Paragraphs (a) and (c) of subsection (1) of  
531 | section 120.55, Florida Statutes, are amended to read:

532 | 120.55 Publication.—

533 | (1) The Department of State shall:

534 | (a)1. Through a continuous revision and publication  
535 | system, compile and publish electronically, on a website managed  
536 | by the department, the "Florida Administrative Code." The  
537 | Florida Administrative Code shall contain all rules adopted by  
538 | each agency, citing the grant of rulemaking authority and the  
539 | specific law implemented pursuant to which each rule was  
540 | adopted, all history notes as authorized in s. 120.545(7),  
541 | complete indexes to all rules contained in the code, and any  
542 | other material required or authorized by law or deemed useful by  
543 | the department. The electronic code shall display each rule  
544 | chapter currently in effect in browse mode and allow full text  
545 | search of the code and each rule chapter. The department may  
546 | contract with a publishing firm for a printed publication;  
547 | however, the department shall retain responsibility for the code  
548 | as provided in this section. The electronic publication shall be  
549 | the official compilation of the administrative rules of this  
550 | state. The Department of State shall retain the copyright over

551 the Florida Administrative Code.

552       2. Rules general in form but applicable to only one school  
553 district, community college district, or county, or a part  
554 thereof, or state university rules relating to internal  
555 personnel or business and finance shall not be published in the  
556 Florida Administrative Code. Exclusion from publication in the  
557 Florida Administrative Code shall not affect the validity or  
558 effectiveness of such rules.

559       3. At the beginning of the section of the code dealing  
560 with an agency that files copies of its rules with the  
561 department, the department shall publish the address and  
562 telephone number of the executive offices of each agency, the  
563 manner by which the agency indexes its rules, a listing of all  
564 rules of that agency excluded from publication in the code, and  
565 a statement as to where those rules may be inspected.

566       4. Forms shall not be published in the Florida  
567 Administrative Code; but any form which an agency uses in its  
568 dealings with the public, along with any accompanying  
569 instructions, shall be filed with the committee before it is  
570 used. Any form or instruction which meets the definition of  
571 "rule" provided in s. 120.52 shall be incorporated by reference  
572 into the appropriate rule. The reference shall specifically  
573 state that the form is being incorporated by reference and shall  
574 include the number, title, and effective date of the form and an  
575 explanation of how the form may be obtained. Each form created

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576 by an agency which is incorporated by reference in a rule notice  
577 of which is given under s. 120.54(3)(a) after December 31, 2007,  
578 must clearly display the number, title, and effective date of  
579 the form and the number of the rule in which the form is  
580 incorporated.

581       5. After December 31, 2018, the department shall require  
582 all material incorporated by reference in any part of an adopted  
583 rule and in any part of a repromulgated rule ~~allow adopted rules~~  
584 ~~and material incorporated by reference~~ to be filed in the manner  
585 prescribed by s. 120.54(1)(i)3.a. or s. 120.54(1)(i)3.b.  
586 ~~electronic form as prescribed by department rule.~~ When a rule is  
587 filed for adoption or repromulgation with incorporated material  
588 in electronic form, the department's publication of the Florida  
589 Administrative Code on its website must contain a hyperlink from  
590 the incorporating reference in the rule directly to that  
591 material. The department may not allow hyperlinks from rules in  
592 the Florida Administrative Code to any material other than that  
593 filed with and maintained by the department, but may allow  
594 hyperlinks to incorporated material maintained by the department  
595 from the adopting agency's website or other sites.

596       (6) The Department of State shall include the date of any  
597 technical changes to a rule in the history note of the rule in  
598 the Florida Administrative Code. A technical change does not  
599 affect the effective date of the rule.

600       (c) Prescribe by rule the style and form required for



601 rules, notices, and other materials submitted for filing,  
602 including a rule requiring documents created by an agency that  
603 are proposed to be incorporated by reference in notices  
604 published pursuant to s. 120.54(3)(a) and (d) to be coded in the  
605 same manner as notices published pursuant to s. 120.54(3)(a)1.

606 Section 7. Subsection (1) of section 120.569, Florida  
607 Statutes, is amended to read:

608 120.569 Decisions which affect substantial interests.—

609 (1) (a) The provisions of this section apply in all  
610 proceedings in which the substantial interests of a party are  
611 determined by an agency, unless the parties are proceeding under  
612 s. 120.573 or s. 120.574. Unless waived by all parties, s.  
613 120.57(1) applies whenever the proceeding involves a disputed  
614 issue of material fact. Unless otherwise agreed, s. 120.57(2)  
615 applies in all other cases. If a disputed issue of material fact  
616 arises during a proceeding under s. 120.57(2), then, unless  
617 waived by all parties, the proceeding under s. 120.57(2) shall  
618 be terminated and a proceeding under s. 120.57(1) shall be  
619 conducted. Parties shall be notified of any order, including a  
620 final order. Unless waived, a copy of the order shall be  
621 delivered or mailed to each party or the party's attorney of  
622 record at the address of record. Each notice shall inform the  
623 recipient of any administrative hearing or judicial review that  
624 is available under this section, s. 120.57, or s. 120.68; shall  
625 indicate the procedure which must be followed to obtain the

626 hearing or judicial review; and shall state the time limits  
 627 which apply.

628 (b) In all proceedings pursuant to this chapter conducted  
 629 before the division, any document filed with the division by a  
 630 party represented by an attorney shall be filed electronically  
 631 through the division's website. Any document filed with the  
 632 division by a party not represented by an attorney shall,  
 633 whenever possible, be filed electronically through the  
 634 division's website. The division shall serve all such documents  
 635 on all parties of record electronically through the division's  
 636 website. The parties are relieved of any requirement to serve  
 637 other parties who are registered for electronic filing when they  
 638 file documents electronically with the division.

639 Section 8. Subsection (11) of section 120.80, Florida  
 640 Statutes, is amended to read:

641 120.80 Exceptions and special requirements; agencies.—

642 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~  
 643 ~~120.52(16)~~, the enlistment, organization, administration,  
 644 equipment, maintenance, training, and discipline of the militia,  
 645 National Guard, organized militia, and unorganized militia, as  
 646 provided by s. 2, Art. X of the State Constitution, are not  
 647 rules as defined by this chapter.

648 Section 9. Paragraph (c) of subsection (1) of section  
 649 120.81, Florida Statutes, is amended to read:

650 120.81 Exceptions and special requirements; general

651 areas.—

652 (1) EDUCATIONAL UNITS.—

653 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any  
654 tests, test scoring criteria, or testing procedures relating to  
655 student assessment which are developed or administered by the  
656 Department of Education pursuant to s. 1003.4282, s. 1008.22, or  
657 s. 1008.25, or any other statewide educational tests required by  
658 law, are not rules.

659 Section 10. Paragraph (a) of subsection (1) of section  
660 420.9072, Florida Statutes, is amended to read:

661 420.9072 State Housing Initiatives Partnership Program.—  
662 The State Housing Initiatives Partnership Program is created for  
663 the purpose of providing funds to counties and eligible  
664 municipalities as an incentive for the creation of local housing  
665 partnerships, to expand production of and preserve affordable  
666 housing, to further the housing element of the local government  
667 comprehensive plan specific to affordable housing, and to  
668 increase housing-related employment.

669 (1)(a) In addition to the legislative findings set forth  
670 in s. 420.6015, the Legislature finds that affordable housing is  
671 most effectively provided by combining available public and  
672 private resources to conserve and improve existing housing and  
673 provide new housing for very-low-income households, low-income  
674 households, and moderate-income households. The Legislature  
675 intends to encourage partnerships in order to secure the

676 benefits of cooperation by the public and private sectors and to  
677 reduce the cost of housing for the target group by effectively  
678 combining all available resources and cost-saving measures. The  
679 Legislature further intends that local governments achieve this  
680 combination of resources by encouraging active partnerships  
681 between government, lenders, builders and developers, real  
682 estate professionals, advocates for low-income persons, and  
683 community groups to produce affordable housing and provide  
684 related services. Extending the partnership concept to encompass  
685 cooperative efforts among small counties as defined in s.  
686 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities  
687 is specifically encouraged. Local governments are also intended  
688 to establish an affordable housing advisory committee to  
689 recommend monetary and nonmonetary incentives for affordable  
690 housing as provided in s. 420.9076.

691 Section 11. Subsection (7) of section 420.9075, Florida  
692 Statutes, is amended to read:

693 420.9075 Local housing assistance plans; partnerships.—

694 (7) The moneys deposited in the local housing assistance  
695 trust fund shall be used to administer and implement the local  
696 housing assistance plan. The cost of administering the plan may  
697 not exceed 5 percent of the local housing distribution moneys  
698 and program income deposited into the trust fund. A county or an  
699 eligible municipality may not exceed the 5-percent limitation on  
700 administrative costs, unless its governing body finds, by

701 resolution, that 5 percent of the local housing distribution  
702 plus 5 percent of program income is insufficient to adequately  
703 pay the necessary costs of administering the local housing  
704 assistance plan. The cost of administering the program may not  
705 exceed 10 percent of the local housing distribution plus 5  
706 percent of program income deposited into the trust fund, except  
707 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,  
708 and eligible municipalities receiving a local housing  
709 distribution of up to \$350,000 may use up to 10 percent of  
710 program income for administrative costs.

711 Section 12. Paragraph (d) of subsection (1) of section  
712 443.091, Florida Statutes, is amended to read:

713 443.091 Benefit eligibility conditions.—

714 (1) An unemployed individual is eligible to receive  
715 benefits for any week only if the Department of Economic  
716 Opportunity finds that:

717 (d) She or he is able to work and is available for work.  
718 In order to assess eligibility for a claimed week of  
719 unemployment, the department shall develop criteria to determine  
720 a claimant's ability to work and availability for work. A  
721 claimant must be actively seeking work in order to be considered  
722 available for work. This means engaging in systematic and  
723 sustained efforts to find work, including contacting at least  
724 five prospective employers for each week of unemployment  
725 claimed. The department may require the claimant to provide

726 proof of such efforts to the one-stop career center as part of  
727 reemployment services. A claimant's proof of work search efforts  
728 may not include the same prospective employer at the same  
729 location in 3 consecutive weeks, unless the employer has  
730 indicated since the time of the initial contact that the  
731 employer is hiring. The department shall conduct random reviews  
732 of work search information provided by claimants. As an  
733 alternative to contacting at least five prospective employers  
734 for any week of unemployment claimed, a claimant may, for that  
735 same week, report in person to a one-stop career center to meet  
736 with a representative of the center and access reemployment  
737 services of the center. The center shall keep a record of the  
738 services or information provided to the claimant and shall  
739 provide the records to the department upon request by the  
740 department. However:

741 1. Notwithstanding any other provision of this paragraph  
742 or paragraphs (b) and (e), an otherwise eligible individual may  
743 not be denied benefits for any week because she or he is in  
744 training with the approval of the department, or by reason of s.  
745 443.101(2) relating to failure to apply for, or refusal to  
746 accept, suitable work. Training may be approved by the  
747 department in accordance with criteria prescribed by rule. A  
748 claimant's eligibility during approved training is contingent  
749 upon satisfying eligibility conditions prescribed by rule.

750 2. Notwithstanding any other provision of this chapter, an

751 otherwise eligible individual who is in training approved under  
752 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
753 determined ineligible or disqualified for benefits due to  
754 enrollment in such training or because of leaving work that is  
755 not suitable employment to enter such training. As used in this  
756 subparagraph, the term "suitable employment" means work of a  
757 substantially equal or higher skill level than the worker's past  
758 adversely affected employment, as defined for purposes of the  
759 Trade Act of 1974, as amended, the wages for which are at least  
760 80 percent of the worker's average weekly wage as determined for  
761 purposes of the Trade Act of 1974, as amended.

762 3. Notwithstanding any other provision of this section, an  
763 otherwise eligible individual may not be denied benefits for any  
764 week because she or he is before any state or federal court  
765 pursuant to a lawfully issued summons to appear for jury duty.

766 4. Union members who customarily obtain employment through  
767 a union hiring hall may satisfy the work search requirements of  
768 this paragraph by reporting daily to their union hall.

769 5. The work search requirements of this paragraph do not  
770 apply to persons who are unemployed as a result of a temporary  
771 layoff or who are claiming benefits under an approved short-time  
772 compensation plan as provided in s. 443.1116.

773 6. In small counties as defined in s. 120.52(20) ~~s.~~  
774 ~~120.52(19)~~, a claimant engaging in systematic and sustained  
775 efforts to find work must contact at least three prospective

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776 employers for each week of unemployment claimed.

777       7. The work search requirements of this paragraph do not  
778 apply to persons required to participate in reemployment  
779 services under paragraph (e).

780       Section 13. This act shall take effect July 1, 2018.