

By Senator Perry

8-01117-18

20181268__

1 A bill to be entitled
2 An act relating to regulatory reform; creating s.
3 14.35, F.S.; establishing the Red Tape Reduction
4 Advisory Council within the Executive Office of the
5 Governor; providing for membership and terms;
6 providing for meetings and organization of the
7 council; specifying that members serve without
8 compensation; providing for per diem and travel
9 expenses; specifying required activities of the
10 council; requiring an annual report; amending s.
11 120.52, F.S.; providing definitions; amending s.
12 120.54, F.S.; requiring an agency adopting a rule to
13 submit a rule replacement request to the
14 Administrative Procedures Committee; requiring a rule
15 development or adoption notice to include a rule
16 proposed for repeal; providing that a rule repeal
17 necessary to maintain the regulatory baseline is
18 effective at the same time as the proposed rule;
19 amending s. 120.545, F.S.; requiring the committee to
20 examine rule replacement requests and existing rules;
21 requiring the committee to determine whether a rule
22 replacement request complies with certain
23 requirements; requiring the committee to determine
24 whether adoption of a rule other than an emergency
25 rule will cause the total number of rules to exceed
26 the regulatory baseline; creating s. 120.546, F.S.;
27 requiring the Administrative Procedures Committee to
28 establish a regulatory baseline of agency rules;
29 providing that a proposed rule may not cause the total

8-01117-18

20181268__

30 number of rules to exceed the regulatory baseline;
31 requiring an agency proposing a rule to submit a rule
32 replacement request to the committee; authorizing an
33 agency to request an exemption; providing that a rule
34 replacement request or an exemption request may not be
35 approved until the initial regulatory baseline has
36 been reduced by a specified amount; requiring an
37 annual report; amending s. 120.55, F.S.; requiring the
38 inclusion of certain information and a specified
39 report in the Florida Administrative Code; amending s.
40 120.74, F.S.; requiring an agency regulatory plan to
41 include identification of certain rules; amending ss.
42 120.80, 120.81, 420.9072, 420.9075, and 443.091, F.S.;
43 conforming cross-references; providing an effective
44 date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 14.35, Florida Statutes, is created to
49 read:

50 14.35 Red Tape Reduction Advisory Council.-

51 (1) ESTABLISHMENT OF THE COUNCIL.-

52 (a) The Red Tape Reduction Advisory Council, an advisory
53 council as defined in s. 20.03, is established and
54 administratively housed within the Executive Office of the
55 Governor.

56 (b) The council shall consist of the following nine
57 members, who must be residents of the state:

58 1. Five members appointed by the Governor.

8-01117-18

20181268__

59 2. Two members appointed by the President of the Senate.

60 3. Two members appointed by the Speaker of the House of
61 Representatives.

62 (c) Each member shall be appointed to a 4-year term.
63 However, for the purpose of achieving staggered terms, the
64 members initially appointed by the Governor shall each serve a
65 2-year term. All subsequent appointments shall be for 4-year
66 terms. A vacancy shall be filled in the same manner as the
67 original appointment for the remainder of the unexpired term. A
68 member may be reappointed, except that a member may not serve
69 more than 8 consecutive years.

70 (2) MEETINGS; ORGANIZATION.—

71 (a) The members shall elect a chair and a vice chair at the
72 first meeting of the council.

73 (b) The first meeting of the council shall be held by
74 August 1, 2018. Thereafter, the council shall meet at the call
75 of the chair at least once per quarter per calendar year.

76 (c) A majority of the members of the council constitutes a
77 quorum.

78 (d) A member may not receive a commission, fee, or
79 financial benefit in connection with serving on the council but
80 may be reimbursed for per diem and travel expenses pursuant to
81 s. 112.061.

82 (3) SCOPE OF ACTIVITIES.—The council shall:

83 (a) Annually review the Florida Administrative Code to
84 determine whether any rules:

85 1. Are duplicative or obsolete.

86 2. Are especially burdensome to business within the state.

87 3. Disproportionately affect businesses with fewer than 100

8-01117-18

20181268__

88 employees.

89 4. Disproportionately affect businesses with annual revenue
90 below \$5 million.

91
92 If the council determines that a rule meets at least one of the
93 criteria in this paragraph and can be repealed or amended with
94 minimal impact on public health, safety, and welfare, the
95 council shall recommend repealing or amending the rule.

96 (b) Provide an annual report of the council's
97 recommendations to the Governor, the President of the Senate,
98 and the Speaker of the House of Representatives and to the
99 Administrative Procedures Committee for publication in the
100 Florida Administrative Code.

101 Section 2. Present subsections (16) and (17) of section
102 120.52, Florida Statutes, are renumbered as subsections (17) and
103 (19), respectively, subsections (18) through (22) are renumbered
104 as subsections (20) through (24), respectively, and new
105 subsections (16) and (18) are added to that section, to read:

106 120.52 Definitions.—As used in this act:

107 (16) "Regulatory baseline" means the total number of agency
108 rules that are in effect on January 1, 2019, as determined by
109 the committee pursuant to s. 120.546(1).

110 (18) "Rule replacement request" means a request by an
111 agency to create a rule after the establishment of the
112 regulatory baseline by proposing to repeal one or more existing
113 rules to maintain the regulatory baseline.

114 Section 3. Present paragraphs (b) through (k) of subsection
115 (1) of section 120.54, Florida Statutes, are redesignated as
116 paragraphs (c) through (l), respectively, paragraph (a) of

8-01117-18

20181268__

117 subsection (2) and paragraphs (a) and (e) of subsection (3) are
118 amended, and a new paragraph (b) is added to subsection (1) of
119 that section, to read:

120 120.54 Rulemaking.—

121 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
122 EMERGENCY RULES.—

123 (b) An agency adopting a rule that would otherwise exceed
124 the regulatory baseline must submit a rule replacement request
125 to the committee pursuant to s. 120.546(2).

126 (2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—

127 (a) Except when the intended action is the repeal of a
128 rule, agencies shall provide notice of the development of
129 proposed rules by publication of a notice of rule development in
130 the Florida Administrative Register before providing notice of a
131 proposed rule as required by paragraph (3)(a). The notice of
132 rule development shall indicate the subject area to be addressed
133 by rule development, provide a short, plain explanation of the
134 purpose and effect of the proposed rule, cite the specific legal
135 authority for the proposed rule, identify the rule or rules
136 proposed to be repealed, if such repeal is necessary to maintain
137 the regulatory baseline pursuant to s. 120.546(2), and include
138 the preliminary text of the proposed rules, if available, or a
139 statement of how a person may promptly obtain, without cost, a
140 copy of any preliminary draft, if available.

141 (3) ADOPTION PROCEDURES.—

142 (a) *Notices.*—

143 1. Prior to the adoption, amendment, or repeal of any rule
144 other than an emergency rule, an agency, upon approval of the
145 agency head, shall give notice of its intended action, setting

8-01117-18

20181268__

146 forth a short, plain explanation of the purpose and effect of
147 the proposed action; the full text of the proposed rule or
148 amendment and a summary thereof; a reference to the grant of
149 rulemaking authority pursuant to which the rule is adopted; ~~and~~
150 a reference to the section or subsection of the Florida Statutes
151 or the Laws of Florida being implemented or interpreted; and a
152 reference to the rule proposed for repeal, if such repeal is
153 necessary to maintain the regulatory baseline pursuant to s.
154 120.546(2). The notice must include a summary of the agency's
155 statement of the estimated regulatory costs, if one has been
156 prepared, based on the factors set forth in s. 120.541(2); a
157 statement that any person who wishes to provide the agency with
158 information regarding the statement of estimated regulatory
159 costs, or to provide a proposal for a lower cost regulatory
160 alternative as provided by s. 120.541(1), must do so in writing
161 within 21 days after publication of the notice; and a statement
162 as to whether, based on the statement of the estimated
163 regulatory costs or other information expressly relied upon and
164 described by the agency if no statement of regulatory costs is
165 required, the proposed rule is expected to require legislative
166 ratification pursuant to s. 120.541(3). The notice must state
167 the procedure for requesting a public hearing on the proposed
168 rule. Except when the intended action is the repeal of a rule,
169 the notice must include a reference both to the date on which
170 and to the place where the notice of rule development that is
171 required by subsection (2) appeared.

172 2. The notice shall be published in the Florida
173 Administrative Register not less than 28 days prior to the
174 intended action. The proposed rule shall be available for

8-01117-18

20181268__

175 inspection and copying by the public at the time of the
176 publication of notice.

177 3. The notice shall be mailed to all persons named in the
178 proposed rule and to all persons who, at least 14 days prior to
179 such mailing, have made requests of the agency for advance
180 notice of its proceedings. The agency shall also give such
181 notice as is prescribed by rule to those particular classes of
182 persons to whom the intended action is directed.

183 4. The adopting agency shall file with the committee, at
184 least 21 days prior to the proposed adoption date, a copy of
185 each rule it proposes to adopt; a copy of any material
186 incorporated by reference in the rule; a detailed written
187 statement of the facts and circumstances justifying the proposed
188 rule; a copy of any statement of estimated regulatory costs that
189 has been prepared pursuant to s. 120.541; a statement of the
190 extent to which the proposed rule relates to federal standards
191 or rules on the same subject; and the notice required by
192 subparagraph 1.

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

194 1. If the adopting agency is required to publish its rules
195 in the Florida Administrative Code, the agency, upon approval of
196 the agency head, shall file with the Department of State three
197 certified copies of the rule it proposes to adopt; one copy of
198 any material incorporated by reference in the rule, certified by
199 the agency; a summary of the rule; a summary of any hearings
200 held on the rule; and a detailed written statement of the facts
201 and circumstances justifying the rule. Agencies not required to
202 publish their rules in the Florida Administrative Code shall
203 file one certified copy of the proposed rule, and the other

8-01117-18

20181268__

204 material required by this subparagraph, in the office of the
205 agency head, and such rules shall be open to the public.

206 2. A rule may not be filed for adoption less than 28 days
207 or more than 90 days after the notice required by paragraph (a),
208 until 21 days after the notice of change required by paragraph
209 (d), until 14 days after the final public hearing, until 21 days
210 after a statement of estimated regulatory costs required under
211 s. 120.541 has been provided to all persons who submitted a
212 lower cost regulatory alternative and made available to the
213 public, or until the administrative law judge has rendered a
214 decision under s. 120.56(2), whichever applies. When a required
215 notice of change is published prior to the expiration of the
216 time to file the rule for adoption, the period during which a
217 rule must be filed for adoption is extended to 45 days after the
218 date of publication. If notice of a public hearing is published
219 prior to the expiration of the time to file the rule for
220 adoption, the period during which a rule must be filed for
221 adoption is extended to 45 days after adjournment of the final
222 hearing on the rule, 21 days after receipt of all material
223 authorized to be submitted at the hearing, or 21 days after
224 receipt of the transcript, if one is made, whichever is latest.
225 The term "public hearing" includes any public meeting held by
226 any agency at which the rule is considered. If a petition for an
227 administrative determination under s. 120.56(2) is filed, the
228 period during which a rule must be filed for adoption is
229 extended to 60 days after the administrative law judge files the
230 final order with the clerk or until 60 days after subsequent
231 judicial review is complete.

232 3. At the time a rule is filed, the agency shall certify

8-01117-18

20181268__

233 that the time limitations prescribed by this paragraph have been
234 complied with, that all statutory rulemaking requirements have
235 been met, and that there is no administrative determination
236 pending on the rule.

237 4. At the time a rule is filed, the committee shall certify
238 whether the agency has responded in writing to all material and
239 timely written comments or written inquiries made on behalf of
240 the committee. The department shall reject any rule that is not
241 filed within the prescribed time limits; that does not comply
242 with all statutory rulemaking requirements and rules of the
243 department; upon which an agency has not responded in writing to
244 all material and timely written inquiries or written comments;
245 upon which an administrative determination is pending; or which
246 does not include a statement of estimated regulatory costs, if
247 required.

248 5. If a rule has not been adopted within the time limits
249 imposed by this paragraph or has not been adopted in compliance
250 with all statutory rulemaking requirements, the agency proposing
251 the rule shall withdraw the rule and give notice of its action
252 in the next available issue of the Florida Administrative
253 Register.

254 6. The proposed rule shall be adopted on being filed with
255 the Department of State and become effective 20 days after being
256 filed, on a later date specified in the notice required by
257 subparagraph (a)1., on a date required by statute, or upon
258 ratification by the Legislature pursuant to s. 120.541(3). Rules
259 not required to be filed with the Department of State shall
260 become effective when adopted by the agency head, on a later
261 date specified by rule or statute, or upon ratification by the

8-01117-18

20181268__

262 Legislature pursuant to s. 120.541(3). If the committee notifies
263 an agency that an objection to a rule is being considered, the
264 agency may postpone the adoption of the rule to accommodate
265 review of the rule by the committee. When an agency postpones
266 adoption of a rule to accommodate review by the committee, the
267 90-day period for filing the rule is tolled until the committee
268 notifies the agency that it has completed its review of the
269 rule.

270 7. If a rule must be repealed to maintain the regulatory
271 baseline pursuant to s. 120.546(2), the repeal shall take effect
272 at the same time as the proposed rule takes effect.

273
274 For the purposes of this paragraph, the term "administrative
275 determination" does not include subsequent judicial review.

276 Section 4. Subsection (1) of section 120.545, Florida
277 Statutes, is amended to read:

278 120.545 Committee review of agency rules.—

279 (1) As a legislative check on legislatively created
280 authority, the committee shall examine each proposed rule,
281 except for those proposed rules exempted by s. 120.81(1)(e) and
282 (2), and its accompanying material, including, but not limited
283 to, the rule replacement request, and each emergency rule, and,
284 every 4 years, each ~~may examine any~~ existing rule, for the
285 purpose of determining whether:

286 (a) The rule is an invalid exercise of delegated
287 legislative authority.

288 (b) The statutory authority for the rule has been repealed.

289 (c) The rule reiterates or paraphrases statutory material.

290 (d) The rule is in proper form.

8-01117-18

20181268__

291 (e) The notice given prior to its adoption was sufficient
292 to give adequate notice of the purpose and effect of the rule.

293 (f) The rule is consistent with expressed legislative
294 intent pertaining to the specific provisions of law which the
295 rule implements.

296 (g) The rule is necessary to accomplish the apparent or
297 expressed objectives of the specific provision of law which the
298 rule implements.

299 (h) The rule is a reasonable implementation of the law as
300 it affects the convenience of the general public or persons
301 particularly affected by the rule.

302 (i) The rule could be made less complex or more easily
303 comprehensible to the general public.

304 (j) The rule's statement of estimated regulatory costs
305 complies with the requirements of s. 120.541 and whether the
306 rule does not impose regulatory costs on the regulated person,
307 county, or city which could be reduced by the adoption of less
308 costly alternatives that substantially accomplish the statutory
309 objectives.

310 (k) The rule will require additional appropriations.

311 (l) If the rule is an emergency rule, there exists an
312 emergency justifying the adoption of such rule, the agency is
313 within its statutory authority, and the rule was adopted in
314 compliance with the requirements and limitations of s.
315 120.54(4).

316 (m) The rule replacement request complies with the
317 requirements of s. 120.546(2)(b).

318 (n) Adoption of the rule will cause the total number of
319 rules to exceed the regulatory baseline. This paragraph does not

8-01117-18

20181268__

320 apply to an emergency rule.

321 Section 5. Section 120.546, Florida Statutes, is created to
322 read:

323 120.546 Regulatory baseline.—

324 (1) ESTABLISHMENT OF BASELINE.—The committee shall review
325 the Florida Administrative Code to determine the total number of
326 rules that are in effect and shall use this number to establish
327 the regulatory baseline by January 1, 2019.

328 (2) LIMITATION ON PROPOSED RULES; RULE REPLACEMENT
329 REQUEST.—

330 (a) A proposed rule may not cause the total number of rules
331 to exceed the regulatory baseline.

332 (b) An agency proposing a rule is required to submit a rule
333 replacement request to the committee. Each rule replacement
334 request must include the following:

335 1. The proposed rule and the law authorizing such rule.

336 2. The purpose of the proposed rule.

337 3. The rule to be repealed to maintain the regulatory
338 baseline.

339 (c) The committee shall examine each proposed rule and the
340 accompanying rule replacement request as provided in s. 120.545.

341 (d) The committee may approve a rule replacement request
342 only after the proposed rule and the rule replacement request
343 have been reviewed pursuant to s. 120.545 and the committee
344 determines that the proposed rule does not cause the total
345 number of rules to exceed the regulatory baseline.

346 (e) An agency may request an exemption from the prohibition
347 in paragraph (a) by submitting an exemption request with the
348 rule replacement request. An exemption request must include a

8-01117-18

20181268__

349 detailed explanation of why the proposed rule should be exempt
350 from the prohibition in paragraph (a), including why the rule is
351 necessary to protect public health, safety, and welfare.

352 (f) The committee may not approve an exemption request or a
353 rule replacement request that provides fewer than two rules for
354 repeal or replacement until the total number of rules is 35
355 percent below the regulatory baseline.

356 (3) ANNUAL REPORT.—Beginning November 1, 2019, the
357 committee shall submit an annual report providing the percentage
358 reduction in the total number of rules compared to the
359 regulatory baseline to the Governor, the President of the
360 Senate, and the Speaker of the House of Representatives.

361 Section 6. Paragraph (a) of subsection (1) of section
362 120.55, Florida Statutes, is amended to read:

363 120.55 Publication.—

364 (1) The Department of State shall:

365 (a)1. Through a continuous revision and publication system,
366 compile and publish electronically, on a website managed by the
367 department, the "Florida Administrative Code." The Florida
368 Administrative Code shall contain the regulatory baseline, all
369 changes made to the total number of rules since the
370 establishment of the regulatory baseline, all rules adopted by
371 each agency, citing the grant of rulemaking authority and the
372 specific law implemented pursuant to which each rule was
373 adopted, a plain language description of the purpose of each
374 rule, all history notes as authorized in s. 120.545(7), complete
375 indexes to all rules contained in the code, the report provided
376 annually by the Red Tape Reduction Advisory Council, and any
377 other material required or authorized by law or deemed useful by

8-01117-18

20181268__

378 the department. The electronic code shall display each rule
379 chapter currently in effect in browse mode and allow full text
380 search of the code and each rule chapter. The department may
381 contract with a publishing firm for a printed publication;
382 however, the department shall retain responsibility for the code
383 as provided in this section. The electronic publication shall be
384 the official compilation of the administrative rules of this
385 state. The Department of State shall retain the copyright over
386 the Florida Administrative Code.

387 2. Rules general in form but applicable to only one school
388 district, community college district, or county, or a part
389 thereof, or state university rules relating to internal
390 personnel or business and finance shall not be published in the
391 Florida Administrative Code. Exclusion from publication in the
392 Florida Administrative Code shall not affect the validity or
393 effectiveness of such rules.

394 3. At the beginning of the section of the code dealing with
395 an agency that files copies of its rules with the department,
396 the department shall publish the address and telephone number of
397 the executive offices of each agency, the manner by which the
398 agency indexes its rules, a listing of all rules of that agency
399 excluded from publication in the code, and a statement as to
400 where those rules may be inspected.

401 4. Forms shall not be published in the Florida
402 Administrative Code; but any form which an agency uses in its
403 dealings with the public, along with any accompanying
404 instructions, shall be filed with the committee before it is
405 used. Any form or instruction which meets the definition of
406 "rule" provided in s. 120.52 shall be incorporated by reference

8-01117-18

20181268__

407 into the appropriate rule. The reference shall specifically
408 state that the form is being incorporated by reference and shall
409 include the number, title, and effective date of the form and an
410 explanation of how the form may be obtained. Each form created
411 by an agency which is incorporated by reference in a rule notice
412 of which is given under s. 120.54(3)(a) after December 31, 2007,
413 must clearly display the number, title, and effective date of
414 the form and the number of the rule in which the form is
415 incorporated.

416 5. The department shall allow adopted rules and material
417 incorporated by reference to be filed in electronic form as
418 prescribed by department rule. When a rule is filed for adoption
419 with incorporated material in electronic form, the department's
420 publication of the Florida Administrative Code on its website
421 must contain a hyperlink from the incorporating reference in the
422 rule directly to that material. The department may not allow
423 hyperlinks from rules in the Florida Administrative Code to any
424 material other than that filed with and maintained by the
425 department, but may allow hyperlinks to incorporated material
426 maintained by the department from the adopting agency's website
427 or other sites.

428 Section 7. Present paragraph (d) of subsection (1) of
429 section 120.74, Florida Statutes, is redesignated as paragraph
430 (e), paragraph (a) of subsection (2) is amended, and a new
431 paragraph (d) is added to subsection (1) of that section, to
432 read:

433 120.74 Agency annual rulemaking and regulatory plans;
434 reports.—

435 (1) REGULATORY PLAN.—By October 1 of each year, each agency

8-01117-18

20181268__

436 shall prepare a regulatory plan.

437 (d) The plan must include an identification of existing
 438 rules that may be appropriate for future repeal to maintain or
 439 reduce the regulatory baseline pursuant to s. 120.546(2).

440 (2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—

441 (a) By October 1 of each year, each agency shall:

442 1. Publish its regulatory plan on its website or on another
 443 state website established for publication of administrative law
 444 records. A clearly labeled hyperlink to the current plan must be
 445 included on the agency's primary website homepage.

446 2. Electronically deliver to the committee a copy of the
 447 certification required in paragraph (1) (e) ~~(1) (d)~~.

448 3. Publish in the Florida Administrative Register a notice
 449 identifying the date of publication of the agency's regulatory
 450 plan. The notice must include a hyperlink or website address
 451 providing direct access to the published plan.

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

454 120.80 Exceptions and special requirements; agencies.—

455 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
 456 ~~120.52(16)~~, the enlistment, organization, administration,
 457 equipment, maintenance, training, and discipline of the militia,
 458 National Guard, organized militia, and unorganized militia, as
 459 provided by s. 2, Art. X of the State Constitution, are not
 460 rules as defined by this chapter.

461 Section 9. Paragraph (c) of subsection (1) of section
 462 120.81, Florida Statutes, is amended to read:

463 120.81 Exceptions and special requirements; general areas.—

464 (1) EDUCATIONAL UNITS.—

8-01117-18

20181268__

465 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any tests,
466 test scoring criteria, or testing procedures relating to student
467 assessment which are developed or administered by the Department
468 of Education pursuant to s. 1003.4282, s. 1008.22, or s.
469 1008.25, or any other statewide educational tests required by
470 law, are not rules.

471 Section 10. Paragraph (a) of subsection (1) of section
472 420.9072, Florida Statutes, is amended to read:

473 420.9072 State Housing Initiatives Partnership Program.—The
474 State Housing Initiatives Partnership Program is created for the
475 purpose of providing funds to counties and eligible
476 municipalities as an incentive for the creation of local housing
477 partnerships, to expand production of and preserve affordable
478 housing, to further the housing element of the local government
479 comprehensive plan specific to affordable housing, and to
480 increase housing-related employment.

481 (1) (a) In addition to the legislative findings set forth in
482 s. 420.6015, the Legislature finds that affordable housing is
483 most effectively provided by combining available public and
484 private resources to conserve and improve existing housing and
485 provide new housing for very-low-income households, low-income
486 households, and moderate-income households. The Legislature
487 intends to encourage partnerships in order to secure the
488 benefits of cooperation by the public and private sectors and to
489 reduce the cost of housing for the target group by effectively
490 combining all available resources and cost-saving measures. The
491 Legislature further intends that local governments achieve this
492 combination of resources by encouraging active partnerships
493 between government, lenders, builders and developers, real

8-01117-18

20181268__

494 estate professionals, advocates for low-income persons, and
495 community groups to produce affordable housing and provide
496 related services. Extending the partnership concept to encompass
497 cooperative efforts among small counties as defined in s.
498 120.52(21) ~~s. 120.52(19)~~, and among counties and municipalities
499 is specifically encouraged. Local governments are also intended
500 to establish an affordable housing advisory committee to
501 recommend monetary and nonmonetary incentives for affordable
502 housing as provided in s. 420.9076.

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

505 420.9075 Local housing assistance plans; partnerships.—

506 (7) The moneys deposited in the local housing assistance
507 trust fund shall be used to administer and implement the local
508 housing assistance plan. The cost of administering the plan may
509 not exceed 5 percent of the local housing distribution moneys
510 and program income deposited into the trust fund. A county or an
511 eligible municipality may not exceed the 5-percent limitation on
512 administrative costs, unless its governing body finds, by
513 resolution, that 5 percent of the local housing distribution
514 plus 5 percent of program income is insufficient to adequately
515 pay the necessary costs of administering the local housing
516 assistance plan. The cost of administering the program may not
517 exceed 10 percent of the local housing distribution plus 5
518 percent of program income deposited into the trust fund, except
519 that small counties, as defined in s. 120.52(21) ~~s. 120.52(19)~~,
520 and eligible municipalities receiving a local housing
521 distribution of up to \$350,000 may use up to 10 percent of
522 program income for administrative costs.

8-01117-18

20181268__

523 Section 12. Paragraph (d) of subsection (1) of section
524 443.091, Florida Statutes, is amended to read:

525 443.091 Benefit eligibility conditions.—

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

529 (d) She or he is able to work and is available for work. In
530 order to assess eligibility for a claimed week of unemployment,
531 the department shall develop criteria to determine a claimant's
532 ability to work and availability for work. A claimant must be
533 actively seeking work in order to be considered available for
534 work. This means engaging in systematic and sustained efforts to
535 find work, including contacting at least five prospective
536 employers for each week of unemployment claimed. The department
537 may require the claimant to provide proof of such efforts to the
538 one-stop career center as part of reemployment services. A
539 claimant's proof of work search efforts may not include the same
540 prospective employer at the same location in 3 consecutive
541 weeks, unless the employer has indicated since the time of the
542 initial contact that the employer is hiring. The department
543 shall conduct random reviews of work search information provided
544 by claimants. As an alternative to contacting at least five
545 prospective employers for any week of unemployment claimed, a
546 claimant may, for that same week, report in person to a one-stop
547 career center to meet with a representative of the center and
548 access reemployment services of the center. The center shall
549 keep a record of the services or information provided to the
550 claimant and shall provide the records to the department upon
551 request by the department. However:

8-01117-18

20181268__

552 1. Notwithstanding any other provision of this paragraph or
553 paragraphs (b) and (e), an otherwise eligible individual may not
554 be denied benefits for any week because she or he is in training
555 with the approval of the department, or by reason of s.
556 443.101(2) relating to failure to apply for, or refusal to
557 accept, suitable work. Training may be approved by the
558 department in accordance with criteria prescribed by rule. A
559 claimant's eligibility during approved training is contingent
560 upon satisfying eligibility conditions prescribed by rule.

561 2. Notwithstanding any other provision of this chapter, an
562 otherwise eligible individual who is in training approved under
563 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
564 determined ineligible or disqualified for benefits due to
565 enrollment in such training or because of leaving work that is
566 not suitable employment to enter such training. As used in this
567 subparagraph, the term "suitable employment" means work of a
568 substantially equal or higher skill level than the worker's past
569 adversely affected employment, as defined for purposes of the
570 Trade Act of 1974, as amended, the wages for which are at least
571 80 percent of the worker's average weekly wage as determined for
572 purposes of the Trade Act of 1974, as amended.

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

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

580 5. The work search requirements of this paragraph do not

8-01117-18

20181268__

581 apply to persons who are unemployed as a result of a temporary
582 layoff or who are claiming benefits under an approved short-time
583 compensation plan as provided in s. 443.1116.

584 6. In small counties as defined in s. 120.52(21) ~~s.~~
585 ~~120.52(19)~~, a claimant engaging in systematic and sustained
586 efforts to find work must contact at least three prospective
587 employers for each week of unemployment claimed.

588 7. The work search requirements of this paragraph do not
589 apply to persons required to participate in reemployment
590 services under paragraph (e).

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