

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 exceed the regulatory baseline; creating s.

26 | 120.546, F.S.; requiring the Administrative Procedures  
 27 | Committee to establish a regulatory baseline of agency  
 28 | rules; providing that a proposed rule may not cause  
 29 | the total number of rules to exceed the regulatory  
 30 | baseline; requiring an agency proposing a rule to  
 31 | submit a rule replacement request to the committee;  
 32 | authorizing an agency to request an exemption;  
 33 | providing that a rule replacement request or an  
 34 | exemption request may not be approved until the  
 35 | initial regulatory baseline has been reduced by a  
 36 | specified amount; requiring an annual report; amending  
 37 | s. 120.55, F.S.; requiring the inclusion of certain  
 38 | information and a specified report in the Florida  
 39 | Administrative Code; amending s. 120.74, F.S.;  
 40 | requiring an agency regulatory plan to include  
 41 | identification of certain rules; amending ss. 120.80,  
 42 | 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.

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  
72 the 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  
 88 100 employees.
- 89 4. Disproportionately affect businesses with annual  
 90 revenue 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. Subsections (16) and (17) of section 120.52,  
102 Florida Statutes, are renumbered as subsections (17) and (18),  
103 respectively, subsections (18) through (22) are renumbered as  
104 subsections (20) through (24), respectively, and new subsections  
105 (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  
108 agency rules that are in effect on January 1, 2019, as  
109 determined by 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. Paragraphs (b) through (k) of subsection (1) of  
115 section 120.54, Florida Statutes, are redesignated as paragraphs  
116 (c) through (l), respectively, paragraph (a) of subsection (2)  
117 and paragraphs (a) and (e) of subsection (3) are amended, and a  
118 new paragraph (b) is added to subsection (1) of that section, to  
119 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  
 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  
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  
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  
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  
238 certify whether the agency has responded in writing to all  
239 material and timely written comments or written inquiries made  
240 on behalf of the committee. The department shall reject any rule  
241 that is not filed within the prescribed time limits; that does  
242 not comply with all statutory rulemaking requirements and rules  
243 of the department; upon which an agency has not responded in  
244 writing to all material and timely written inquiries or written  
245 comments; upon which an administrative determination is pending;  
246 or which does not include a statement of estimated regulatory  
247 costs, if 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  
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 120.546(2), the repeal shall take effect at  
272 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  
 289 repealed.

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

291 (d) The rule is in proper form.

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

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

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

300 (h) The rule is a reasonable implementation of the law as

301 it affects the convenience of the general public or persons  
302 particularly affected by the rule.

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

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

311 (k) The rule will require additional appropriations.

312 (l) If the rule is an emergency rule, there exists an  
313 emergency justifying the adoption of such rule, the agency is  
314 within its statutory authority, and the rule was adopted in  
315 compliance with the requirements and limitations of s.  
316 120.54(4).

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

319 (n) Adoption of the rule will cause the total number of  
320 rules to exceed the regulatory baseline. This paragraph does not  
321 apply to an emergency rule.

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

324 120.546 Regulatory baseline.—

325 (1) ESTABLISHMENT OF BASELINE.—The committee shall review

326 the Florida Administrative Code to determine the total number of  
327 rules that are in effect and shall use this number to establish  
328 the regulatory baseline by January 1, 2019.

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

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

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

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

337 2. The purpose of the proposed rule.

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

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

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

347 (e) An agency may request an exemption from the  
348 prohibition in paragraph (a) by submitting an exemption request  
349 with the rule replacement request. An exemption request must  
350 include a detailed explanation of why the proposed rule should

351 be exempt from the prohibition in paragraph (a), including why  
 352 the rule is necessary to protect public health, safety, and  
 353 welfare.

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

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

363 Section 6. Paragraph (a) of subsection (1) of section  
 364 120.55, Florida Statutes, is amended to read:

365 120.55 Publication.—

366 (1) The Department of State shall:

367 (a)1. Through a continuous revision and publication  
 368 system, compile and publish electronically, on a website managed  
 369 by the department, the "Florida Administrative Code." The  
 370 Florida Administrative Code shall contain the regulatory  
 371 baseline, all changes made to the total number of rules since  
 372 the establishment of the regulatory baseline, all rules adopted  
 373 by each agency, citing the grant of rulemaking authority and the  
 374 specific law implemented pursuant to which each rule was  
 375 adopted, a plain language description of the purpose of each

376 rule, all history notes as authorized in s. 120.545(7), complete  
377 indexes to all rules contained in the code, the report provided  
378 annually by the Red Tape Reduction Advisory Council, and any  
379 other material required or authorized by law or deemed useful by  
380 the department. The electronic code shall display each rule  
381 chapter currently in effect in browse mode and allow full text  
382 search of the code and each rule chapter. The department may  
383 contract with a publishing firm for a printed publication;  
384 however, the department shall retain responsibility for the code  
385 as provided in this section. The electronic publication shall be  
386 the official compilation of the administrative rules of this  
387 state. The Department of State shall retain the copyright over  
388 the Florida Administrative Code.

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

396 3. At the beginning of the section of the code dealing  
397 with an agency that files copies of its rules with the  
398 department, the department shall publish the address and  
399 telephone number of the executive offices of each agency, the  
400 manner by which the agency indexes its rules, a listing of all



401 rules of that agency excluded from publication in the code, and  
402 a statement as to where those rules may be inspected.

403 4. Forms shall not be published in the Florida  
404 Administrative Code; but any form which an agency uses in its  
405 dealings with the public, along with any accompanying  
406 instructions, shall be filed with the committee before it is  
407 used. Any form or instruction which meets the definition of  
408 "rule" provided in s. 120.52 shall be incorporated by reference  
409 into the appropriate rule. The reference shall specifically  
410 state that the form is being incorporated by reference and shall  
411 include the number, title, and effective date of the form and an  
412 explanation of how the form may be obtained. Each form created  
413 by an agency which is incorporated by reference in a rule notice  
414 of which is given under s. 120.54(3)(a) after December 31, 2007,  
415 must clearly display the number, title, and effective date of  
416 the form and the number of the rule in which the form is  
417 incorporated.

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

426 material other than that filed with and maintained by the  
427 department, but may allow hyperlinks to incorporated material  
428 maintained by the department from the adopting agency's website  
429 or other sites.

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

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

436 (1) REGULATORY PLAN.—By October 1 of each year, each  
437 agency shall prepare a regulatory plan.

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

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

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

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

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

450 3. Publish in the Florida Administrative Register a notice

451 identifying the date of publication of the agency's regulatory  
452 plan. The notice must include a hyperlink or website address  
453 providing direct access to the published plan.

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

456 120.80 Exceptions and special requirements; agencies.—

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

463 Section 9. Paragraph (c) of subsection (1) of section  
464 120.81, Florida Statutes, is amended to read:

465 120.81 Exceptions and special requirements; general  
466 areas.—

467 (1) EDUCATIONAL UNITS.—

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

474 Section 10. Paragraph (a) of subsection (1) of section  
475 420.9072, Florida Statutes, is amended to read:

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

484           (1) (a) In addition to the legislative findings set forth  
485 in s. 420.6015, the Legislature finds that affordable housing is  
486 most effectively provided by combining available public and  
487 private resources to conserve and improve existing housing and  
488 provide new housing for very-low-income households, low-income  
489 households, and moderate-income households. The Legislature  
490 intends to encourage partnerships in order to secure the  
491 benefits of cooperation by the public and private sectors and to  
492 reduce the cost of housing for the target group by effectively  
493 combining all available resources and cost-saving measures. The  
494 Legislature further intends that local governments achieve this  
495 combination of resources by encouraging active partnerships  
496 between government, lenders, builders and developers, real  
497 estate professionals, advocates for low-income persons, and  
498 community groups to produce affordable housing and provide  
499 related services. Extending the partnership concept to encompass  
500 cooperative efforts among small counties as defined in s.

501 120.52(21) ~~s. 120.52(19)~~, and among counties and municipalities  
502 is specifically encouraged. Local governments are also intended  
503 to establish an affordable housing advisory committee to  
504 recommend monetary and nonmonetary incentives for affordable  
505 housing as provided in s. 420.9076.

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

508 420.9075 Local housing assistance plans; partnerships.—

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

526 Section 12. Paragraph (d) of subsection (1) of section  
527 443.091, Florida Statutes, is amended to read:

528 443.091 Benefit eligibility conditions.—

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

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

551 with a representative of the center and access reemployment  
552 services of the center. The center shall keep a record of the  
553 services or information provided to the claimant and shall  
554 provide the records to the department upon request by the  
555 department. However:

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

565 2. Notwithstanding any other provision of this chapter, an  
566 otherwise eligible individual who is in training approved under  
567 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
568 determined ineligible or disqualified for benefits due to  
569 enrollment in such training or because of leaving work that is  
570 not suitable employment to enter such training. As used in this  
571 subparagraph, the term "suitable employment" means work of a  
572 substantially equal or higher skill level than the worker's past  
573 adversely affected employment, as defined for purposes of the  
574 Trade Act of 1974, as amended, the wages for which are at least  
575 80 percent of the worker's average weekly wage as determined for

576 | purposes of the Trade Act of 1974, as amended.

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

581 |         4. Union members who customarily obtain employment through  
 582 | a union hiring hall may satisfy the work search requirements of  
 583 | this paragraph by reporting daily to their union hall.

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

588 |         6. In small counties as defined in s. 120.52(21) ~~s.~~  
 589 | ~~120.52(19)~~, a claimant engaging in systematic and sustained  
 590 | efforts to find work must contact at least three prospective  
 591 | employers for each week of unemployment claimed.

592 |         7. The work search requirements of this paragraph do not  
 593 | apply to persons required to participate in reemployment  
 594 | services under paragraph (e).

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