

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

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

51 ss. 120.80, 120.81, 420.9072, 420.9075, and 443.091,
 52 F.S.; conforming cross-references; providing an
 53 effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsections (16) through (22) of section
 58 120.52, Florida Statutes, are renumbered as subsections (17)
 59 through (23), respectively, subsection (5) is amended, and a new
 60 subsection (16) is added to that section, to read:

61 120.52 Definitions.—As used in this act:

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

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

73 Section 2. Paragraph (i) of subsection (1), subsection
 74 (3), and paragraph (a) of subsection (7) of section 120.54,
 75 Florida Statutes, are amended to read:

76 120.54 Rulemaking.—

77 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
78 EMERGENCY RULES.—

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

83 2. An agency rule that incorporates by specific reference
84 another rule of that agency automatically incorporates
85 subsequent amendments to the referenced rule unless a contrary
86 intent is clearly indicated in the referencing rule. A notice of
87 amendments to a rule that has been incorporated by specific
88 reference in other rules of that agency must explain the effect
89 of those amendments on the referencing rules.

90 3. In rules adopted after December 31, 2010, and rules
91 repromulgated after December 31, 2018, material may not be
92 incorporated by reference unless:

93 a. The material has been submitted in the prescribed
94 electronic format to the Department of State and the full text
95 of the material can be made available for free public access
96 through an electronic hyperlink from the rule making the
97 reference in the Florida Administrative Code; or

98 b. The agency has determined that posting the material on
99 the Internet for purposes of public examination and inspection
100 would constitute a violation of federal copyright law, in which

101 case a statement to that effect, along with the address of
102 locations at the Department of State and the agency at which the
103 material is available for public inspection and examination,
104 must be included in the notice required by subparagraph (3)(a)1.

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

108 5. Notwithstanding any contrary provision in this section,
109 when an adopted rule of the Department of Environmental
110 Protection or a water management district is incorporated by
111 reference in the other agency's rule to implement a provision of
112 part IV of chapter 373, subsequent amendments to the rule are
113 not effective as to the incorporating rule unless the agency
114 incorporating by reference notifies the committee and the
115 Department of State of its intent to adopt the subsequent
116 amendment, publishes notice of such intent in the Florida
117 Administrative Register, and files with the Department of State
118 a copy of the amended rule incorporated by reference. Changes in
119 the rule incorporated by reference are effective as to the other
120 agency 20 days after the date of the published notice and filing
121 with the Department of State. The Department of State shall
122 amend the history note of the incorporating rule to show the
123 effective date of such change. Any substantially affected person
124 may, within 14 days after the date of publication of the notice
125 of intent in the Florida Administrative Register, file an

126 objection to rulemaking with the agency. The objection shall
127 specify the portions of the rule incorporated by reference to
128 which the person objects and the reasons for the objection. The
129 agency shall not have the authority under this subparagraph to
130 adopt those portions of the rule specified in such objection.
131 The agency shall publish notice of the objection and of its
132 action in response in the next available issue of the Florida
133 Administrative Register.

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

136 (3) ADOPTION PROCEDURES.—

137 (a) Notices.—

138 1. Prior to the adoption, amendment, or repeal of any rule
139 other than an emergency rule, an agency, upon approval of the
140 agency head, shall give notice of its intended action, setting
141 forth a short, plain explanation of the purpose and effect of
142 the proposed action; the full text of the proposed rule or
143 amendment and a summary thereof; a reference to the grant of
144 rulemaking authority pursuant to which the rule is adopted; and
145 a reference to the section or subsection of the Florida Statutes
146 or the Laws of Florida being implemented or interpreted. The
147 notice must include a summary of the agency's statement of the
148 estimated regulatory costs, if one has been prepared, based on
149 the factors set forth in s. 120.541(2); a statement that any
150 person who wishes to provide the agency with information

151 regarding the statement of estimated regulatory costs, or to
152 provide a proposal for a lower cost regulatory alternative as
153 provided by s. 120.541(1), must do so in writing within 21 days
154 after publication of the notice; and a statement as to whether,
155 based on the statement of the estimated regulatory costs or
156 other information expressly relied upon and described by the
157 agency if no statement of regulatory costs is required, the
158 proposed rule is expected to require legislative ratification
159 pursuant to s. 120.541(3). The notice must state the procedure
160 for requesting a public hearing on the proposed rule. Except
161 when the intended action is the repeal of a rule, the notice
162 must include a reference both to the date on which and to the
163 place where the notice of rule development that is required by
164 subsection (2) appeared.

165 2. The notice shall be published in the Florida
166 Administrative Register not less than 28 days prior to the
167 intended action. The proposed rule, including all material
168 proposed to be incorporated by reference, shall be available for
169 inspection and copying by the public at the time of the
170 publication of notice. After December 31, 2018, material
171 proposed to be incorporated by reference in the notice required
172 by this paragraph shall be made available in the manner
173 prescribed by sub-subparagraph (1)(i)3.a. or (1)(i)3.b.

174 3. The notice shall be mailed to all persons named in the
175 proposed rule and to all persons who, at least 14 days prior to

176 such mailing, have made requests of the agency for advance
177 notice of its proceedings. The agency shall also give such
178 notice as is prescribed by rule to those particular classes of
179 persons to whom the intended action is directed.

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

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

191 1. Statement of estimated regulatory costs.—Before the
192 adoption, amendment, or repeal of any rule other than an
193 emergency rule, an agency is encouraged to prepare a statement
194 of estimated regulatory costs of the proposed rule, as provided
195 by s. 120.541. However, an agency must prepare a statement of
196 estimated regulatory costs of the proposed rule, as provided by
197 s. 120.541, if:

198 a. The proposed rule will have an adverse impact on small
199 business; or

200 b. The proposed rule is likely to directly or indirectly

201 increase regulatory costs in excess of \$200,000 in the aggregate
202 in this state within 1 year after the implementation of the
203 rule.

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

205 a. Each agency, before the adoption, amendment, or repeal
206 of a rule, shall consider the impact of the rule on small
207 businesses as defined by s. 288.703 and the impact of the rule
208 on small counties or small cities as defined by s. 120.52.
209 Whenever practicable, an agency shall tier its rules to reduce
210 disproportionate impacts on small businesses, small counties, or
211 small cities to avoid regulating small businesses, small
212 counties, or small cities that do not contribute significantly
213 to the problem the rule is designed to address. An agency may
214 define "small business" to include businesses employing more
215 than 200 persons, may define "small county" to include those
216 with populations of more than 75,000, and may define "small
217 city" to include those with populations of more than 10,000, if
218 it finds that such a definition is necessary to adapt a rule to
219 the needs and problems of small businesses, small counties, or
220 small cities. The agency shall consider each of the following
221 methods for reducing the impact of the proposed rule on small
222 businesses, small counties, and small cities, or any combination
223 of these entities:

224 (I) Establishing less stringent compliance or reporting
225 requirements in the rule.

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

228 (III) Consolidating or simplifying the rule's compliance
229 or reporting requirements.

230 (IV) Establishing performance standards or best management
231 practices to replace design or operational standards in the
232 rule.

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

235 b.(I) If the agency determines that the proposed action
236 will affect small businesses as defined by the agency as
237 provided in sub-subparagraph a., the agency shall send written
238 notice of the rule to the rules ombudsman in the Executive
239 Office of the Governor at least 28 days before the intended
240 action.

241 (II) Each agency shall adopt those regulatory alternatives
242 offered by the rules ombudsman in the Executive Office of the
243 Governor and provided to the agency no later than 21 days after
244 the rules ombudsman's receipt of the written notice of the rule
245 which it finds are feasible and consistent with the stated
246 objectives of the proposed rule and which would reduce the
247 impact on small businesses. When regulatory alternatives are
248 offered by the rules ombudsman in the Executive Office of the
249 Governor, the 90-day period for filing the rule in subparagraph
250 (e)2. is extended for a period of 21 days. The agency shall

251 provide notice to the committee of any regulatory alternative
252 offered to the agency pursuant to this sub-subparagraph at least
253 21 days before filing the rule for adoption.

254 (III) If an agency does not adopt all alternatives offered
255 pursuant to this sub-subparagraph, it shall, before rule
256 adoption or amendment and pursuant to subparagraph (d)1., file a
257 detailed written statement with the committee explaining the
258 reasons for failure to adopt such alternatives. Within 3 working
259 days after the filing of such notice, the agency shall send a
260 copy of such notice to the rules ombudsman in the Executive
261 Office of the Governor.

262 (c) Hearings.—

263 1. If the intended action concerns any rule other than one
264 relating exclusively to procedure or practice, the agency shall,
265 on the request of any affected person received within 21 days
266 after the date of publication of the notice of intended agency
267 action, give affected persons an opportunity to present evidence
268 and argument on all issues under consideration. The agency may
269 schedule a public hearing on the rule and, if requested by any
270 affected person, shall schedule a public hearing on the rule.
271 When a public hearing is held, the agency must ensure that staff
272 are available to explain the agency's proposal and to respond to
273 questions or comments regarding the rule. If the agency head is
274 a board or other collegial body created under s. 20.165(4) or s.
275 20.43(3)(g), and one or more requested public hearings is

276 | scheduled, the board or other collegial body shall conduct at
277 | least one of the public hearings itself and may not delegate
278 | this responsibility without the consent of those persons
279 | requesting the public hearing. Any material pertinent to the
280 | issues under consideration submitted to the agency within 21
281 | days after the date of publication of the notice or submitted to
282 | the agency between the date of publication of the notice and the
283 | end of the final public hearing shall be considered by the
284 | agency and made a part of the record of the rulemaking
285 | proceeding.

286 | 2. Rulemaking proceedings shall be governed solely by the
287 | provisions of this section unless a person timely asserts that
288 | the person's substantial interests will be affected in the
289 | proceeding and affirmatively demonstrates to the agency that the
290 | proceeding does not provide adequate opportunity to protect
291 | those interests. If the agency determines that the rulemaking
292 | proceeding is not adequate to protect the person's interests, it
293 | shall suspend the rulemaking proceeding and convene a separate
294 | proceeding under the provisions of ss. 120.569 and 120.57.
295 | Similarly situated persons may be requested to join and
296 | participate in the separate proceeding. Upon conclusion of the
297 | separate proceeding, the rulemaking proceeding shall be resumed.

298 | (d) Modification or withdrawal of proposed rules.—

299 | 1. After the final public hearing on the proposed rule, or
300 | after the time for requesting a hearing has expired, if the rule

301 has not been changed from the rule as previously filed with the
302 committee, or contains only technical changes, the adopting
303 agency shall file a notice to that effect with the committee at
304 least 7 days prior to filing the rule for adoption. Any change,
305 other than a technical change that does not affect the substance
306 of the rule, must be supported by the record of public hearings
307 held on the rule, must be in response to written material
308 submitted to the agency within 21 days after the date of
309 publication of the notice of intended agency action or submitted
310 to the agency between the date of publication of the notice and
311 the end of the final public hearing, or must be in response to a
312 proposed objection by the committee. In addition, when any
313 change is made in the a proposed rule text or any material
314 incorporated by reference, other than a technical change, the
315 adopting agency shall provide a copy of a notice of change by
316 certified mail or actual delivery to any person who requests it
317 in writing no later than 21 days after the notice required in
318 paragraph (a). The agency shall file the notice of change with
319 the committee, along with the reasons for the change, and
320 provide the notice of change to persons requesting it, at least
321 21 days prior to filing the rule for adoption. The notice of
322 change shall be published in the Florida Administrative Register
323 at least 21 days prior to filing the rule for adoption. This
324 subparagraph does not apply to emergency rules adopted pursuant
325 to subsection (4). After December 31, 2018, material proposed to

326 be incorporated by reference in the notice required by this
327 subparagraph shall be made available in the manner prescribed by
328 sub-subparagraph (1)(i)3.a. or (1)(i)3.b.

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

331 3. After adoption and before the rule becomes effective, a
332 rule may be modified or withdrawn only in the following
333 circumstances:

334 a. When the committee objects to the rule;

335 b. When a final order, which is not subject to further
336 appeal, is entered in a rule challenge brought pursuant to s.
337 120.56 after the date of adoption but before the rule becomes
338 effective pursuant to subparagraph (e)6.;

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

343 d. When the committee notifies the agency that an
344 objection to the rule is being considered, in which case the
345 rule may be modified to extend the effective date by not more
346 than 60 days.

347 4. The agency shall give notice of its decision to
348 withdraw or modify a rule in the first available issue of the
349 publication in which the original notice of rulemaking was
350 published, shall notify those persons described in subparagraph

351 (a)3. in accordance with the requirements of that subparagraph,
352 and shall notify the Department of State if the rule is required
353 to be filed with the Department of State.

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

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

358 1. If the adopting agency is required to publish its rules
359 in the Florida Administrative Code, the agency, upon approval of
360 the agency head, shall file with the Department of State three
361 certified copies of the rule it proposes to adopt; one copy of
362 any material incorporated by reference in the rule, certified by
363 the agency; a summary of the rule; a summary of any hearings
364 held on the rule; and a detailed written statement of the facts
365 and circumstances justifying the rule. Agencies not required to
366 publish their rules in the Florida Administrative Code shall
367 file one certified copy of the proposed rule, and the other
368 material required by this subparagraph, in the office of the
369 agency head, and such rules shall be open to the public.

370 2. A rule may not be filed for adoption less than 28 days
371 or more than 90 days after the notice required by paragraph (a),
372 until 21 days after the notice of change required by paragraph
373 (d), until 14 days after the final public hearing, until 21 days
374 after a statement of estimated regulatory costs required under
375 s. 120.541 has been provided to all persons who submitted a

376 lower cost regulatory alternative and made available to the
377 public, or until the administrative law judge has rendered a
378 decision under s. 120.56(2), whichever applies. When a required
379 notice of change is published prior to the expiration of the
380 time to file the rule for adoption, the period during which a
381 rule must be filed for adoption is extended to 45 days after the
382 date of publication. If notice of a public hearing is published
383 prior to the expiration of the time to file the rule for
384 adoption, the period during which a rule must be filed for
385 adoption is extended to 45 days after adjournment of the final
386 hearing on the rule, 21 days after receipt of all material
387 authorized to be submitted at the hearing, or 21 days after
388 receipt of the transcript, if one is made, whichever is latest.
389 The term "public hearing" includes any public meeting held by
390 any agency at which the rule is considered. If a petition for an
391 administrative determination under s. 120.56(2) is filed, the
392 period during which a rule must be filed for adoption is
393 extended to 60 days after the administrative law judge files the
394 final order with the clerk or until 60 days after subsequent
395 judicial review is complete.

396 3. At the time a rule is filed, the agency shall certify
397 that the time limitations prescribed by this paragraph have been
398 complied with, that all statutory rulemaking requirements have
399 been met, and that there is no administrative determination
400 pending on the rule.

401 4. At the time a rule is filed, the committee shall
402 certify whether the agency has responded in writing to all
403 material and timely written comments or written inquiries made
404 on behalf of the committee. The department shall reject any rule
405 that is not filed within the prescribed time limits; that does
406 not comply with all statutory rulemaking requirements and rules
407 of the department; upon which an agency has not responded in
408 writing to all material and timely written inquiries or written
409 comments; upon which an administrative determination is pending;
410 or which does not include a statement of estimated regulatory
411 costs, if required.

412 5. If a rule has not been adopted within the time limits
413 imposed by this paragraph or has not been adopted in compliance
414 with all statutory rulemaking requirements, the agency proposing
415 the rule shall withdraw the rule and give notice of its action
416 in the next available issue of the Florida Administrative
417 Register.

418 6. The proposed rule shall be adopted on being filed with
419 the Department of State and become effective 20 days after being
420 filed, on a later date specified in the notice required by
421 subparagraph (a)1., on a date required by statute, or upon
422 ratification by the Legislature pursuant to s. 120.541(3). Rules
423 not required to be filed with the Department of State shall
424 become effective when adopted by the agency head, on a later
425 date specified by rule or statute, or upon ratification by the

426 Legislature pursuant to s. 120.541(3). If the committee notifies
427 an agency that an objection to a rule is being considered, the
428 agency may postpone the adoption of the rule to accommodate
429 review of the rule by the committee. When an agency postpones
430 adoption of a rule to accommodate review by the committee, the
431 90-day period for filing the rule is tolled until the committee
432 notifies the agency that it has completed its review of the
433 rule.

434

435 For the purposes of this paragraph, the term "administrative
436 determination" does not include subsequent judicial review.

437 (7) PETITION TO INITIATE RULEMAKING.—

438 (a) Any person regulated by an agency or having
439 substantial interest in an agency rule may petition an agency to
440 adopt, amend, or repeal a rule or to provide the minimum public
441 information required by this chapter. The petition shall specify
442 the proposed rule and action requested. The agency shall file a
443 copy of the petition with the committee. Not later than 30
444 calendar days following the date of filing a petition, the
445 agency shall initiate rulemaking proceedings under this chapter,
446 otherwise comply with the requested action, or deny the petition
447 with a written statement of its reasons for the denial.

448 Section 3. Paragraph (a) of subsection (1) of section
449 120.541, Florida Statutes, is amended to read:

450 120.541 Statement of estimated regulatory costs.—

451 (1) (a) Within 21 days after publication of the notice
 452 required under s. 120.54(3) (a), a substantially affected person
 453 may submit to an agency a good faith written proposal for a
 454 lower cost regulatory alternative to a proposed rule which
 455 substantially accomplishes the objectives of the law being
 456 implemented. The agency shall provide a copy of any proposal for
 457 a lower cost regulatory alternative to the committee at least 21
 458 days before filing the rule for adoption. The proposal may
 459 include the alternative of not adopting any rule if the proposal
 460 explains how the lower costs and objectives of the law will be
 461 achieved by not adopting any rule. If such a proposal is
 462 submitted, the 90-day period for filing the rule is extended 21
 463 days. Upon the submission of the lower cost regulatory
 464 alternative, the agency shall prepare a statement of estimated
 465 regulatory costs as provided in subsection (2), or shall revise
 466 its prior statement of estimated regulatory costs, and either
 467 adopt the alternative or provide a statement of the reasons for
 468 rejecting the alternative in favor of the proposed rule.

469 Section 4. Section 120.5435, Florida Statutes, is created
 470 to read:

471 120.5435 Repromulgation of rules.—

472 (1) It is the intent of the Legislature that each agency
 473 shall periodically review its rules for consistency with the
 474 powers and duties granted by its enabling statutes. If an agency
 475 determines after review that substantive changes to update a

476 rule are not required, such agency shall repromulgate the rule
477 to reflect the date of the review.

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

480 (a) Publish a notice of repromulgation in the Florida
481 Administrative Register. A notice of repromulgation is not
482 required to include the text of the rule being promulgated.

483 (b) File the rule for repromulgation with the Department
484 of State. A rule may not be filed for repromulgation less than
485 28 days or more than 90 days after the publication of the notice
486 required by paragraph (a).

487 (3) The agency shall file a notice of repromulgation with
488 the committee at least 14 days before filing the rule for
489 repromulgation. At the time the rule is filed for
490 repromulgation, the committee shall certify whether the agency
491 has responded in writing to all material and timely written
492 comments or written inquiries made on behalf of the committee.

493 (4) If the rule is not filed for repromulgation within the
494 time limit imposed by paragraph (2)(b), the agency shall
495 withdraw the rule for repromulgation and give notice of the
496 withdrawal in the next available issue of the Florida
497 Administrative Register.

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

500 (6) The hearing requirements of s. 120.54 do not apply to

501 repromulgation of a rule.

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

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

510 (c) The Department of State shall update the history note
511 of the rule in the Florida Administrative Code to reflect the
512 effective date of the repromulgated rule.

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

515 Section 5. Paragraphs (a) and (c) of subsection (1) of
516 section 120.55, Florida Statutes, are amended to read:

517 120.55 Publication.—

518 (1) The Department of State shall:

519 (a)1. Through a continuous revision and publication
520 system, compile and publish electronically, on a website managed
521 by the department, the "Florida Administrative Code." The
522 Florida Administrative Code shall contain all rules adopted by
523 each agency, citing the grant of rulemaking authority and the
524 specific law implemented pursuant to which each rule was
525 adopted, all history notes as authorized in s. 120.545(7),

526 complete indexes to all rules contained in the code, and any
527 other material required or authorized by law or deemed useful by
528 the department. The electronic code shall display each rule
529 chapter currently in effect in browse mode and allow full text
530 search of the code and each rule chapter. The department may
531 contract with a publishing firm for a printed publication;
532 however, the department shall retain responsibility for the code
533 as provided in this section. The electronic publication shall be
534 the official compilation of the administrative rules of this
535 state. The Department of State shall retain the copyright over
536 the Florida Administrative Code.

537 2. Rules general in form but applicable to only one school
538 district, community college district, or county, or a part
539 thereof, or state university rules relating to internal
540 personnel or business and finance shall not be published in the
541 Florida Administrative Code. Exclusion from publication in the
542 Florida Administrative Code shall not affect the validity or
543 effectiveness of such rules.

544 3. At the beginning of the section of the code dealing
545 with an agency that files copies of its rules with the
546 department, the department shall publish the address and
547 telephone number of the executive offices of each agency, the
548 manner by which the agency indexes its rules, a listing of all
549 rules of that agency excluded from publication in the code, and
550 a statement as to where those rules may be inspected.

551 4. Forms shall not be published in the Florida
552 Administrative Code; but any form which an agency uses in its
553 dealings with the public, along with any accompanying
554 instructions, shall be filed with the committee before it is
555 used. Any form or instruction which meets the definition of
556 "rule" provided in s. 120.52 shall be incorporated by reference
557 into the appropriate rule. The reference shall specifically
558 state that the form is being incorporated by reference and shall
559 include the number, title, and effective date of the form and an
560 explanation of how the form may be obtained. Each form created
561 by an agency which is incorporated by reference in a rule notice
562 of which is given under s. 120.54(3)(a) after December 31, 2007,
563 must clearly display the number, title, and effective date of
564 the form and the number of the rule in which the form is
565 incorporated.

566 5. After December 31, 2018, the department shall require
567 all material incorporated by reference in any part of an adopted
568 rule and in any part of a repromulgated rule ~~allow adopted rules~~
569 ~~and material incorporated by reference~~ to be filed in the manner
570 prescribed by s. 120.54(1)(i)3.a. or s. 120.54(1)(i)3.b.
571 ~~electronic form as prescribed by department rule.~~ When a rule is
572 filed for adoption or repromulgation with incorporated material
573 in electronic form, the department's publication of the Florida
574 Administrative Code on its website must contain a hyperlink from
575 the incorporating reference in the rule directly to that

576 material. The department may not allow hyperlinks from rules in
577 the Florida Administrative Code to any material other than that
578 filed with and maintained by the department, but may allow
579 hyperlinks to incorporated material maintained by the department
580 from the adopting agency's website or other sites.

581 6. The Department of State shall include the date of any
582 technical changes to a rule in the history note of the rule in
583 the Florida Administrative Code. A technical change does not
584 affect the effective date of the rule.

585 (c) Prescribe by rule the style and form required for
586 rules, notices, and other materials submitted for filing,
587 including a rule requiring documents created by an agency that
588 are proposed to be incorporated by reference in notices
589 published pursuant to s. 120.54(3)(a) and (d) to be coded in the
590 same manner as notices published pursuant to s. 120.54(3)(a)1.

591 Section 6. Subsection (1) of section 120.569, Florida
592 Statutes, is amended to read:

593 120.569 Decisions which affect substantial interests.—

594 (1) (a) The provisions of this section apply in all
595 proceedings in which the substantial interests of a party are
596 determined by an agency, unless the parties are proceeding under
597 s. 120.573 or s. 120.574. Unless waived by all parties, s.
598 120.57(1) applies whenever the proceeding involves a disputed
599 issue of material fact. Unless otherwise agreed, s. 120.57(2)
600 applies in all other cases. If a disputed issue of material fact

601 arises during a proceeding under s. 120.57(2), then, unless
602 waived by all parties, the proceeding under s. 120.57(2) shall
603 be terminated and a proceeding under s. 120.57(1) shall be
604 conducted. Parties shall be notified of any order, including a
605 final order. Unless waived, a copy of the order shall be
606 delivered or mailed to each party or the party's attorney of
607 record at the address of record. Each notice shall inform the
608 recipient of any administrative hearing or judicial review that
609 is available under this section, s. 120.57, or s. 120.68; shall
610 indicate the procedure which must be followed to obtain the
611 hearing or judicial review; and shall state the time limits
612 which apply.

613 (b) In all proceedings pursuant to this chapter conducted
614 before the division, any document filed with the division by a
615 party represented by an attorney shall be filed electronically
616 through the division's website. Any document filed with the
617 division by a party not represented by an attorney shall,
618 whenever possible, be filed electronically through the
619 division's website. The division shall serve all such documents
620 on all parties of record electronically through the division's
621 website. The parties are relieved of any requirement to serve
622 other parties who are registered for electronic filing when they
623 file documents electronically with the division.

624 Section 7. Subsection (11) of section 120.80, Florida
625 Statutes, is amended to read:

626 120.80 Exceptions and special requirements; agencies.—

627 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) ~~s.~~
 628 ~~120.52(16)~~, the enlistment, organization, administration,
 629 equipment, maintenance, training, and discipline of the militia,
 630 National Guard, organized militia, and unorganized militia, as
 631 provided by s. 2, Art. X of the State Constitution, are not
 632 rules as defined by this chapter.

633 Section 8. Paragraph (c) of subsection (1) of section
 634 120.81, Florida Statutes, is amended to read:

635 120.81 Exceptions and special requirements; general
 636 areas.—

637 (1) EDUCATIONAL UNITS.—

638 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any
 639 tests, test scoring criteria, or testing procedures relating to
 640 student assessment which are developed or administered by the
 641 Department of Education pursuant to s. 1003.4282, s. 1008.22, or
 642 s. 1008.25, or any other statewide educational tests required by
 643 law, are not rules.

644 Section 9. Paragraph (a) of subsection (1) of section
 645 420.9072, Florida Statutes, is amended to read:

646 420.9072 State Housing Initiatives Partnership Program.—
 647 The State Housing Initiatives Partnership Program is created for
 648 the purpose of providing funds to counties and eligible
 649 municipalities as an incentive for the creation of local housing
 650 partnerships, to expand production of and preserve affordable

651 housing, to further the housing element of the local government
652 comprehensive plan specific to affordable housing, and to
653 increase housing-related employment.

654 (1) (a) In addition to the legislative findings set forth
655 in s. 420.6015, the Legislature finds that affordable housing is
656 most effectively provided by combining available public and
657 private resources to conserve and improve existing housing and
658 provide new housing for very-low-income households, low-income
659 households, and moderate-income households. The Legislature
660 intends to encourage partnerships in order to secure the
661 benefits of cooperation by the public and private sectors and to
662 reduce the cost of housing for the target group by effectively
663 combining all available resources and cost-saving measures. The
664 Legislature further intends that local governments achieve this
665 combination of resources by encouraging active partnerships
666 between government, lenders, builders and developers, real
667 estate professionals, advocates for low-income persons, and
668 community groups to produce affordable housing and provide
669 related services. Extending the partnership concept to encompass
670 cooperative efforts among small counties as defined in s.
671 120.52(20) ~~s. 120.52(19)~~, and among counties and municipalities
672 is specifically encouraged. Local governments are also intended
673 to establish an affordable housing advisory committee to
674 recommend monetary and nonmonetary incentives for affordable
675 housing as provided in s. 420.9076.

676 Section 10. Subsection (7) of section 420.9075, Florida
 677 Statutes, is amended to read:

678 420.9075 Local housing assistance plans; partnerships.—

679 (7) The moneys deposited in the local housing assistance
 680 trust fund shall be used to administer and implement the local
 681 housing assistance plan. The cost of administering the plan may
 682 not exceed 5 percent of the local housing distribution moneys
 683 and program income deposited into the trust fund. A county or an
 684 eligible municipality may not exceed the 5-percent limitation on
 685 administrative costs, unless its governing body finds, by
 686 resolution, that 5 percent of the local housing distribution
 687 plus 5 percent of program income is insufficient to adequately
 688 pay the necessary costs of administering the local housing
 689 assistance plan. The cost of administering the program may not
 690 exceed 10 percent of the local housing distribution plus 5
 691 percent of program income deposited into the trust fund, except
 692 that small counties, as defined in s. 120.52(20) ~~s. 120.52(19)~~,
 693 and eligible municipalities receiving a local housing
 694 distribution of up to \$350,000 may use up to 10 percent of
 695 program income for administrative costs.

696 Section 11. Paragraph (d) of subsection (1) of section
 697 443.091, Florida Statutes, is amended to read:

698 443.091 Benefit eligibility conditions.—

699 (1) An unemployed individual is eligible to receive
 700 benefits for any week only if the Department of Economic

701 Opportunity finds that:

702 (d) She or he is able to work and is available for work.
703 In order to assess eligibility for a claimed week of
704 unemployment, the department shall develop criteria to determine
705 a claimant's ability to work and availability for work. A
706 claimant must be actively seeking work in order to be considered
707 available for work. This means engaging in systematic and
708 sustained efforts to find work, including contacting at least
709 five prospective employers for each week of unemployment
710 claimed. The department may require the claimant to provide
711 proof of such efforts to the one-stop career center as part of
712 reemployment services. A claimant's proof of work search efforts
713 may not include the same prospective employer at the same
714 location in 3 consecutive weeks, unless the employer has
715 indicated since the time of the initial contact that the
716 employer is hiring. The department shall conduct random reviews
717 of work search information provided by claimants. As an
718 alternative to contacting at least five prospective employers
719 for any week of unemployment claimed, a claimant may, for that
720 same week, report in person to a one-stop career center to meet
721 with a representative of the center and access reemployment
722 services of the center. The center shall keep a record of the
723 services or information provided to the claimant and shall
724 provide the records to the department upon request by the
725 department. However:

726 1. Notwithstanding any other provision of this paragraph
727 or paragraphs (b) and (e), an otherwise eligible individual may
728 not be denied benefits for any week because she or he is in
729 training with the approval of the department, or by reason of s.
730 443.101(2) relating to failure to apply for, or refusal to
731 accept, suitable work. Training may be approved by the
732 department in accordance with criteria prescribed by rule. A
733 claimant's eligibility during approved training is contingent
734 upon satisfying eligibility conditions prescribed by rule.

735 2. Notwithstanding any other provision of this chapter, an
736 otherwise eligible individual who is in training approved under
737 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
738 determined ineligible or disqualified for benefits due to
739 enrollment in such training or because of leaving work that is
740 not suitable employment to enter such training. As used in this
741 subparagraph, the term "suitable employment" means work of a
742 substantially equal or higher skill level than the worker's past
743 adversely affected employment, as defined for purposes of the
744 Trade Act of 1974, as amended, the wages for which are at least
745 80 percent of the worker's average weekly wage as determined for
746 purposes of the Trade Act of 1974, as amended.

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

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

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

758 6. In small counties as defined in s. 120.52(20) ~~s.~~
759 ~~120.52(19)~~, a claimant engaging in systematic and sustained
760 efforts to find work must contact at least three prospective
761 employers for each week of unemployment claimed.

762 7. The work search requirements of this paragraph do not
763 apply to persons required to participate in reemployment
764 services under paragraph (e).

765 Section 12. This act shall take effect July 1, 2018.