

By Senator Diaz

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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; authorizing reimbursement for per diem
9 and travel expenses; specifying required activities of
10 the 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, if necessary to maintain the
17 regulatory baseline; providing that a rule repeal
18 necessary to maintain the regulatory baseline is
19 effective at the same time as the proposed rule;
20 amending s. 120.545, F.S.; requiring the committee to
21 examine rule replacement requests and existing rules;
22 requiring the committee to determine whether a rule
23 replacement request complies with certain requirements
24 and whether adoption of a rule, other than an
25 emergency rule, will exceed the regulatory baseline;
26 creating s. 120.546, F.S.; requiring the
27 Administrative Procedures Committee to establish a
28 regulatory baseline of agency rules; providing that a
29 proposed rule may not cause the total number of rules

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30 to exceed the regulatory baseline; requiring an agency
31 proposing a rule to submit a rule replacement request
32 to the committee; authorizing an agency to request an
33 exemption; prohibiting the committee from approving
34 exemption requests or certain rule replacement
35 requests until certain conditions are met; requiring
36 an annual report; amending s. 120.55, F.S.; requiring
37 the inclusion of certain information and a specified
38 report in the Florida Administrative Code; amending s.
39 120.74, F.S.; requiring an agency regulatory plan to
40 include identification of certain rules; conforming a
41 cross-reference; amending ss. 120.80, 120.81,
42 420.9072, 420.9075, and 443.091, F.S.; conforming
43 cross-references; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 14.35, Florida Statutes, is created to
48 read:

49 14.35 Red Tape Reduction Advisory Council.-

50 (1) ESTABLISHMENT OF THE COUNCIL.-

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

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

57 1. Five members appointed by the Governor.

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

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

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

69 (2) MEETINGS; ORGANIZATION.—

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

72 (b) The first meeting of the council shall be held by
 73 August 1, 2020. Thereafter, the council shall meet at the call
 74 of the chair at least once per quarter, per calendar year.

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

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

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

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

84 1. Are duplicative or obsolete.

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

86 3. Disproportionately affect businesses with fewer than 100
 87 employees.

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88 4. Disproportionately affect businesses with less than \$5
89 million in annual revenue.

90
91 If the council determines that a rule meets at least one of the
92 criteria in this paragraph and can be repealed or amended with
93 minimal impact on public health, safety, and welfare, the
94 council shall recommend repealing or amending the rule.

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

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

105 120.52 Definitions.—As used in this act:

106 (16) "Regulatory baseline" means the total number of agency
107 rules that are in effect on January 1, 2021, as determined by
108 the committee pursuant to s. 120.546(1).

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

113 Section 3. Paragraphs (b) through (k) of subsection (1) of
114 section 120.54, Florida Statutes, are redesignated as paragraphs
115 (c) through (l), respectively, a new paragraph (b) is added to
116 that subsection, and paragraph (a) of subsection (2) and

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117 paragraphs (a) and (e) of subsection (3) are amended, to read:

118 120.54 Rulemaking.—

119 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN
120 EMERGENCY RULES.—

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

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

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

139 (3) ADOPTION PROCEDURES.—

140 (a) *Notices.*—

141 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
142 any rule other than an emergency rule, an agency, upon approval
143 of the agency head, shall give notice of its intended action,
144 setting forth a short, plain explanation of the purpose and
145 effect of the proposed action; the full text of the proposed

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

170 2. The notice shall be published in the Florida
171 Administrative Register not less than 28 days before ~~prior to~~
172 the intended action. The proposed rule shall be available for
173 inspection and copying by the public at the time of the
174 publication of notice.

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

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

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

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

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

230 3. At the time a rule is filed, the agency shall certify
231 that the time limitations prescribed by this paragraph have been
232 complied with, that all statutory rulemaking requirements have

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233 been met, and that there is no administrative determination
234 pending on the rule.

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

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

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

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262 agency may postpone the adoption of the rule to accommodate
263 review of the rule by the committee. When an agency postpones
264 adoption of a rule to accommodate review by the committee, the
265 90-day period for filing the rule is tolled until the committee
266 notifies the agency that it has completed its review of the
267 rule.

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

271
272 For the purposes of this paragraph, the term "administrative
273 determination" does not include subsequent judicial review.

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

276 120.545 Committee review of agency rules.—

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

284 (a) The rule is an invalid exercise of delegated
285 legislative authority.

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

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

288 (d) The rule is in proper form.

289 (e) The notice given before ~~prior to~~ its adoption was
290 sufficient to give adequate notice of the purpose and effect of

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291 the rule.

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

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

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

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

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

309 (k) The rule will require additional appropriations.

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

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

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

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

322 120.546 Regulatory baseline.—

323 (1) ESTABLISHMENT OF BASELINE.—The committee shall review
324 the Florida Administrative Code to determine the total number of
325 rules that are in effect and shall use this number to establish
326 the regulatory baseline by January 1, 2021.

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

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

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

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

335 2. The purpose of the proposed rule.

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

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

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

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

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349 be exempt from the prohibition in paragraph (a), including the
350 reasons why the rule is necessary to protect public health,
351 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, 2021, 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 annual report
376 provided by the Red Tape Reduction Advisory Council, and any
377 other material required or authorized by law or deemed useful by

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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

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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), a new paragraph (d) is added to that subsection, and
431 paragraph (a) of subsection (2) is amended, to read:

432 120.74 Agency annual rulemaking and regulatory plans;
433 reports.—

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

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

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

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

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

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

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

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

453 120.80 Exceptions and special requirements; agencies.—

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

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

462 120.81 Exceptions and special requirements; general areas.—

463 (1) EDUCATIONAL UNITS.—

464 (c) Notwithstanding s. 120.52(17) ~~s. 120.52(16)~~, any tests,

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

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

472 420.9072 State Housing Initiatives Partnership Program.—The
473 State Housing Initiatives Partnership Program is created for the
474 purpose of providing funds to counties and eligible
475 municipalities as an incentive for the creation of local housing
476 partnerships, to expand production of and preserve affordable
477 housing, to further the housing element of the local government
478 comprehensive plan specific to affordable housing, and to
479 increase housing-related employment.

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

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

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

504 420.9075 Local housing assistance plans; partnerships.—

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

522 Section 12. Paragraph (d) of subsection (1) of section

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523 443.091, Florida Statutes, is amended to read:

524 443.091 Benefit eligibility conditions.—

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

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

551 1. Notwithstanding any other provision of this paragraph or

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552 paragraphs (b) and (e), an otherwise eligible individual may not
553 be denied benefits for any week because she or he is in training
554 with the approval of the department, or by reason of s.

555 443.101(2) relating to failure to apply for, or refusal to
556 accept, suitable work. Training may be approved by the
557 department in accordance with criteria prescribed by rule. A
558 claimant's eligibility during approved training is contingent
559 upon satisfying eligibility conditions prescribed by rule.

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

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

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

579 5. The work search requirements of this paragraph do not
580 apply to persons who are unemployed as a result of a temporary

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581 layoff or who are claiming benefits under an approved short-time
582 compensation plan as provided in s. 443.1116.

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

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

590 Section 13. This act shall take effect July 1, 2020.