

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; 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 requirements
23 and whether adoption of a rule, other than an
24 emergency rule will, exceed the regulatory baseline;
25 creating s. 120.546, F.S.; requiring the

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

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
71 the 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
 87 100 employees.
- 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. Subsection (16) of section 120.52, Florida

101 Statutes, is renumbered as subsection (17), present subsections
102 (17) through (22) are renumbered as subsections (19) through
103 (24), respectively, and new subsections (16) and (18) are added
104 to that section to read:

105 120.52 Definitions.—As used in this act:

106 (16) "Regulatory baseline" means the total number of
107 agency rules that are in effect on January 1, 2021, as
108 determined by 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, paragraph (a) of subsection (2)
116 and paragraphs (a) and (e) of subsection (3) are amended, and a
117 new paragraph (b) is added to subsection (1) of that section, to
118 read:

119 120.54 Rulemaking.—

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

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

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

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

140 (3) ADOPTION PROCEDURES.—

141 (a) Notices.—

142 1. Before ~~Prior to~~ the adoption, amendment, or repeal of
143 any rule other than an emergency rule, an agency, upon approval
144 of the agency head, shall give notice of its intended action,
145 setting forth a short, plain explanation of the purpose and
146 effect of the proposed action; the full text of the proposed
147 rule or amendment and a summary thereof; a reference to the
148 grant of rulemaking authority pursuant to which the rule is
149 adopted; ~~and~~ a reference to the section or subsection of the
150 Florida Statutes or the Laws of Florida being implemented or

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

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

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

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

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

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

201 publish their rules in the Florida Administrative Code shall
202 file one certified copy of the proposed rule, and the other
203 material required by this subparagraph, in the office of the
204 agency head, and such rules shall be open to the public.

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

226 administrative determination under s. 120.56(2) is filed, the
227 period during which a rule must be filed for adoption is
228 extended to 60 days after the administrative law judge files the
229 final order with the clerk or until 60 days after subsequent
230 judicial review is complete.

231 3. At the time a rule is filed, the agency shall certify
232 that the time limitations prescribed by this paragraph have been
233 complied with, that all statutory rulemaking requirements have
234 been met, and that there is no administrative determination
235 pending on the rule.

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

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

251 in the next available issue of the Florida Administrative
252 Register.

253 6. The proposed rule shall be adopted on being filed with
254 the Department of State and become effective 20 days after being
255 filed, on a later date specified in the notice required by
256 subparagraph (a)1., on a date required by statute, or upon
257 ratification by the Legislature pursuant to s. 120.541(3). Rules
258 not required to be filed with the Department of State shall
259 become effective when adopted by the agency head, on a later
260 date specified by rule or statute, or upon ratification by the
261 Legislature pursuant to s. 120.541(3). If the committee notifies
262 an agency that an objection to a rule is being considered, the
263 agency may postpone the adoption of the rule to accommodate
264 review of the rule by the committee. When an agency postpones
265 adoption of a rule to accommodate review by the committee, the
266 90-day period for filing the rule is tolled until the committee
267 notifies the agency that it has completed its review of the
268 rule.

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

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

275 Section 4. Subsection (1) of section 120.545, Florida

276 Statutes, is amended to read:

277 120.545 Committee review of agency rules.—

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

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

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

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

290 (d) The rule is in proper form.

291 (e) The notice given before ~~prior to~~ its adoption was
 292 sufficient to give adequate notice of the purpose and effect of
 293 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, 2021.

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 the reasons why the proposed

351 rule should be exempt from the prohibition in paragraph (a),
352 including the reasons why the rule is necessary to protect
353 public health, safety, and 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, 2021, 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 annual report
378 provided 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. 120.52

501 ~~s. 120.52(19)~~, and among counties and municipalities is
502 specifically encouraged. Local governments are also intended to
503 establish an affordable housing advisory committee to recommend
504 monetary and nonmonetary incentives for affordable housing as
505 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 ~~s. 120.52(19)~~, and
523 eligible municipalities receiving a local housing distribution
524 of up to \$350,000 may use up to 10 percent of program income for
525 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 ~~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, 2020.