

1                   A bill to be entitled  
2           An act relating to regulatory restriction reduction;  
3           amending s. 120.52, F.S.; providing definitions;  
4           amending s. 120.54, F.S.; prohibiting an agency from  
5           adopting certain rules; requiring notices of rule  
6           development and intended action to include certain  
7           information; providing that the repeal or amendment of  
8           certain rules shall take effect on a certain date;  
9           amending s. 120.545, F.S.; requiring the  
10          Administrative Procedures Committee to examine certain  
11          proposed rules for the purpose of making certain  
12          determinations; creating s. 120.546, F.S.; requiring  
13          the committee to advise and assist agencies for  
14          certain purposes; requiring the committee to prepare  
15          an annual report containing certain information;  
16          requiring the committee to publish the report on its  
17          website and provide the report to the Legislature;  
18          requiring the committee to create and maintain a  
19          regulatory restriction system with certain  
20          capabilities; requiring the committee to establish and  
21          maintain a website for certain purposes; creating s.  
22          120.5461, F.S.; requiring an agency to periodically  
23          review its existing rules for a certain purpose;  
24          providing criteria which an agency must consider in  
25          determining whether a rule should be amended or

26 repealed; requiring an agency to immediately begin the  
27 process of amending or repealing a rule in certain  
28 circumstances; creating s. 120.5462, F.S.; requiring  
29 an agency to prepare a regulatory restriction  
30 inventory containing certain information; requiring an  
31 agency to post the inventory and certain information  
32 on its website and provide the inventory to the  
33 committee; requiring the committee to review the  
34 inventory and provide it to the Legislature; exempting  
35 certain rules from inclusion in the inventory;  
36 creating s. 120.5463, F.S.; requiring an agency to  
37 amend or repeal certain rules in order to reduce its  
38 total number of regulatory restrictions by a specified  
39 percentage according to a certain schedule;  
40 prohibiting an agency from adopting certain rules in  
41 certain circumstances; authorizing the committee, in  
42 partnership with the Executive Office of the Governor,  
43 to develop a recognition program for certain purposes;  
44 requiring an agency to prepare an annual report  
45 containing certain information and transmit it to the  
46 committee; requiring the agency to calculate the  
47 percentage of net reduction in regulatory restrictions  
48 in a certain manner; requiring the committee to review  
49 the report and provide it to the Legislature;  
50 requiring the agency to continue preparing and

51 providing annual reports until it has met certain  
52 requirements; creating s. 120.5464, F.S.; requiring  
53 the committee to provide an agency that fails to meet  
54 a certain reduction target with an opportunity to show  
55 cause; requiring the committee to determine a lessened  
56 reduction target for an agency that has shown cause  
57 and submit a report to the Legislature; requiring the  
58 committee to provide notice of an agency that fails to  
59 show cause to the Legislature and the chairs of the  
60 legislative appropriations committees; creating s.  
61 120.5465, F.S.; prohibiting the number of regulatory  
62 restrictions in the state from exceeding a certain  
63 number beginning on a specified date; requiring the  
64 committee to calculate that number in a certain  
65 manner; requiring an agency to provide certain notice  
66 to the committee; requiring the committee to make a  
67 certain determination based on such notice;  
68 prohibiting an agency from adopting rules in certain  
69 circumstances; authorizing an agency to request an  
70 exemption from the prohibition; requiring the  
71 exemption request to include certain information;  
72 authorizing the committee to grant an exemption if it  
73 makes certain findings; amending s. 120.74, F.S.;  
74 requiring an agency to include certain information in  
75 its annual regulatory plan; amending ss. 120.80,

76 120.81, 420.9072, 420.9075, and 443.091; conforming  
77 cross-references; providing an effective date.  
78

79 Be It Enacted by the Legislature of the State of Florida:  
80

81 Section 1. Subsections (16) through (22) of section  
82 120.52, Florida Statutes, are renumbered as subsections (18)  
83 through (24), respectively, and new subsections (16) and (17)  
84 are added to that section to read:

85 120.52 Definitions.—As used in this act:

86 (16) "Regulatory restriction" means a component of a rule  
87 that requires or prohibits an action. A rule that includes any  
88 of the following words or phrases is deemed to contain a  
89 regulatory restriction: shall, must, require, shall not, may  
90 not, or prohibit.

91 (17) "Regulatory restriction inventory" means an inventory  
92 prepared by an agency and reviewed by the committee pursuant to  
93 s. 120.5462, which includes each regulatory restriction that is  
94 in effect for that agency on December 31, 2022.

95 Section 2. Paragraphs (b) through (k) of subsection (1) of  
96 section 120.54, Florida Statutes, are redesignated as paragraphs  
97 (c) through (l), respectively, a new paragraph (b) is added to  
98 that subsection, and paragraph (a) of subsection (2) and  
99 paragraphs (a) and (e) of subsection (3) of that section are  
100 amended, to read:

101 120.54 Rulemaking.—

102 (1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN  
103 EMERGENCY RULES.—

104 (b) An agency may not adopt a rule that will exceed the  
105 number of regulatory restrictions allowed under s. 120.5465(1)  
106 unless the agency has been granted an exception by the committee  
107 pursuant to s. 120.5465(3).

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

109 (a) Except when the intended action is the repeal of a  
110 rule, agencies shall provide notice of the development of  
111 proposed rules by publication of a notice of rule development in  
112 the Florida Administrative Register before providing notice of a  
113 proposed rule as required by paragraph (3)(a). The notice of  
114 rule development shall indicate the subject area to be addressed  
115 by rule development, provide a short, plain explanation of the  
116 purpose and effect of the proposed rule, cite the specific legal  
117 authority for the proposed rule, identify any regulatory  
118 restriction contained in the proposed rule, identify the rule or  
119 rules to be repealed or amended, if such repeal or amendment is  
120 necessary to meet the requirements of s. 120.5463, and include  
121 the preliminary text of the proposed rules, if available, or a  
122 statement of how a person may promptly obtain, without cost, a  
123 copy of any preliminary draft, if available.

124 (3) ADOPTION PROCEDURES.—

125 (a) Notices.—

126           1. Before ~~Prior to~~ the adoption, amendment, or repeal of  
127 any rule other than an emergency rule, an agency, upon approval  
128 of the agency head, shall give notice of its intended action,  
129 setting forth a short, plain explanation of the purpose and  
130 effect of the proposed action; the full text of the proposed  
131 rule or amendment and a summary thereof; a reference to the  
132 grant of rulemaking authority pursuant to which the rule is  
133 adopted; ~~and~~ a reference to the section or subsection of the  
134 Florida Statutes or the Laws of Florida being implemented or  
135 interpreted; notice of any regulatory restriction contained in  
136 the rule; and a reference to any rule proposed for repeal or  
137 amendment, if such repeal or amendment is necessary to meet the  
138 requirements of s. 120.5463. The notice must include a summary  
139 of the agency's statement of the estimated regulatory costs, if  
140 one has been prepared, based on the factors set forth in s.  
141 120.541(2); a statement that any person who wishes to provide  
142 the agency with information regarding the statement of estimated  
143 regulatory costs, or to provide a proposal for a lower cost  
144 regulatory alternative as provided by s. 120.541(1), must do so  
145 in writing within 21 days after publication of the notice; and a  
146 statement as to whether, based on the statement of the estimated  
147 regulatory costs or other information expressly relied upon and  
148 described by the agency if no statement of regulatory costs is  
149 required, the proposed rule is expected to require legislative  
150 ratification pursuant to s. 120.541(3). The notice must state

151 the procedure for requesting a public hearing on the proposed  
152 rule. Except when the intended action is the repeal of a rule,  
153 the notice must include a reference both to the date on which  
154 and to the place where the notice of rule development that is  
155 required by subsection (2) appeared.

156 2. The notice shall be published in the Florida  
157 Administrative Register not less than 28 days before ~~prior to~~  
158 the intended action. The proposed rule shall be available for  
159 inspection and copying by the public at the time of the  
160 publication of notice.

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

167 4. The adopting agency shall file with the committee, at  
168 least 21 days before ~~prior to~~ the proposed adoption date, a copy  
169 of each rule it proposes to adopt; a copy of any material  
170 incorporated by reference in the rule; a detailed written  
171 statement of the facts and circumstances justifying the proposed  
172 rule; a copy of any statement of estimated regulatory costs that  
173 has been prepared pursuant to s. 120.541; a statement of the  
174 extent to which the proposed rule relates to federal standards  
175 or rules on the same subject; and the notice required by

176 subparagraph 1.

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

178 1. If the adopting agency is required to publish its rules  
179 in the Florida Administrative Code, the agency, upon approval of  
180 the agency head, shall file with the Department of State three  
181 certified copies of the rule it proposes to adopt; one copy of  
182 any material incorporated by reference in the rule, certified by  
183 the agency; a summary of the rule; a summary of any hearings  
184 held on the rule; and a detailed written statement of the facts  
185 and circumstances justifying the rule. Agencies not required to  
186 publish their rules in the Florida Administrative Code shall  
187 file one certified copy of the proposed rule, and the other  
188 material required by this subparagraph, in the office of the  
189 agency head, and such rules shall be open to the public.

190 2. A rule may not be filed for adoption less than 28 days  
191 or more than 90 days after the notice required by paragraph (a),  
192 until 21 days after the notice of change required by paragraph  
193 (d), until 14 days after the final public hearing, until 21 days  
194 after a statement of estimated regulatory costs required under  
195 s. 120.541 has been provided to all persons who submitted a  
196 lower cost regulatory alternative and made available to the  
197 public, or until the administrative law judge has rendered a  
198 decision under s. 120.56(2), whichever applies. When a required  
199 notice of change is published before ~~prior to~~ the expiration of  
200 the time to file the rule for adoption, the period during which

201 a rule must be filed for adoption is extended to 45 days after  
202 the date of publication. If notice of a public hearing is  
203 published before ~~prior to~~ the expiration of the time to file the  
204 rule for adoption, the period during which a rule must be filed  
205 for adoption is extended to 45 days after adjournment of the  
206 final hearing on the rule, 21 days after receipt of all material  
207 authorized to be submitted at the hearing, or 21 days after  
208 receipt of the transcript, if one is made, whichever is latest.  
209 The term "public hearing" includes any public meeting held by  
210 any agency at which the rule is considered. If a petition for an  
211 administrative determination under s. 120.56(2) is filed, the  
212 period during which a rule must be filed for adoption is  
213 extended to 60 days after the administrative law judge files the  
214 final order with the clerk or until 60 days after subsequent  
215 judicial review is complete.

216 3. At the time a rule is filed, the agency shall certify  
217 that the time limitations prescribed by this paragraph have been  
218 complied with, that all statutory rulemaking requirements have  
219 been met, and that there is no administrative determination  
220 pending on the rule.

221 4. At the time a rule is filed, the committee shall  
222 certify whether the agency has responded in writing to all  
223 material and timely written comments or written inquiries made  
224 on behalf of the committee. The department shall reject any rule  
225 that is not filed within the prescribed time limits; that does

226 | not comply with all statutory rulemaking requirements and rules  
227 | of the department; upon which an agency has not responded in  
228 | writing to all material and timely written inquiries or written  
229 | comments; upon which an administrative determination is pending;  
230 | or which does not include a statement of estimated regulatory  
231 | costs, if required.

232 |         5. If a rule has not been adopted within the time limits  
233 | imposed by this paragraph or has not been adopted in compliance  
234 | with all statutory rulemaking requirements, the agency proposing  
235 | the rule shall withdraw the rule and give notice of its action  
236 | in the next available issue of the Florida Administrative  
237 | Register.

238 |         6. The proposed rule shall be adopted on being filed with  
239 | the Department of State and become effective 20 days after being  
240 | filed, on a later date specified in the notice required by  
241 | subparagraph (a)1., on a date required by statute, or upon  
242 | ratification by the Legislature pursuant to s. 120.541(3). Rules  
243 | not required to be filed with the Department of State shall  
244 | become effective when adopted by the agency head, on a later  
245 | date specified by rule or statute, or upon ratification by the  
246 | Legislature pursuant to s. 120.541(3). If the committee notifies  
247 | an agency that an objection to a rule is being considered, the  
248 | agency may postpone the adoption of the rule to accommodate  
249 | review of the rule by the committee. When an agency postpones  
250 | adoption of a rule to accommodate review by the committee, the

251 90-day period for filing the rule is tolled until the committee  
252 notifies the agency that it has completed its review of the  
253 rule.

254 7. If a rule must be repealed or amended to meet the  
255 requirements of s. 120.5463, the repeal or amendment shall take  
256 effect on the same date as the proposed rule takes effect.

257  
258 For the purposes of this paragraph, the term "administrative  
259 determination" does not include subsequent judicial review.

260 Section 3. Paragraphs (m) through (o) are added to  
261 subsection (1) of section 120.545, Florida Statutes, to read:

262 120.545 Committee review of agency rules.—

263 (1) As a legislative check on legislatively created  
264 authority, the committee shall examine each proposed rule,  
265 except for those proposed rules exempted by s. 120.81(1)(e) and  
266 (2), and its accompanying material, and each emergency rule, and  
267 may examine any existing rule, for the purpose of determining  
268 whether:

269 (m) The rule conflicts with another proposed or existing  
270 rule.

271 (n) The agency has inappropriately treated the rule in  
272 whole or in part as exempt from inclusion in the regulatory  
273 restriction inventory pursuant to s. 120.5462.

274 (o) The agency has failed to justify the regulatory  
275 restriction contained in the rule.

276 Section 4. Section 120.546, Florida Statutes, is created  
 277 to read:

278 120.546 Committee inventory assistance; report; regulatory  
 279 restriction systems.—

280 (1) The committee shall advise and assist agencies in  
 281 preparing regulatory restriction inventories and revised  
 282 inventories of regulatory restrictions and in achieving  
 283 specified percentage reductions in regulatory restrictions in  
 284 the Florida Administrative Code in accordance with s. 120.5463.

285 (2) By June 15, 2022, and annually by June 15 thereafter,  
 286 the committee shall prepare a report aggregating the reports  
 287 received from agencies for the preceding year. The report shall  
 288 describe the work of the committee over the preceding year with  
 289 respect to reduction of regulatory restrictions and shall  
 290 indicate, out of the total number of regulatory restrictions  
 291 inventoried by agencies, the percentage by which agencies have  
 292 reduced those regulatory restrictions. The report shall also  
 293 provide recommendations for changes to any state law that  
 294 contributes to the adoption of regulatory restrictions. The  
 295 committee shall publish the report on its website and  
 296 electronically transmit copies of the report to the President of  
 297 the Senate and the Speaker of the House of Representatives.

298 (3) The committee shall:

299 (a) Create and maintain a regulatory restriction system  
 300 that:

301 1. Allows agencies to enter regulatory restriction data,  
 302 create regulatory restriction inventories, and electronically  
 303 transmit copies of inventories, reports, and any other documents  
 304 to the committee, the President of the Senate, and the Speaker  
 305 of the House of Representatives.

306 2. Assists the committee in aggregating reports and  
 307 performing duties required under this act.

308 (b) Establish and maintain a website that allows members  
 309 of the public to request information about regulatory  
 310 restrictions and to communicate with the committee about  
 311 regulatory restrictions.

312 Section 5. Section 120.5461, Florida Statutes, is created  
 313 to read:

314 120.5461 Agency review of existing rules.-

315 (1) (a) Each agency shall periodically review its existing  
 316 rules to determine whether any rules should be amended or  
 317 repealed. A rule should be amended or repealed if the rule:

318 1. Exceeds or conflicts with the purpose, scope, or intent  
 319 of the state or federal law under which the rule was adopted;

320 2. Provides inadequate flexibility at the local level;

321 3. Creates a compliance or oversight burden for the  
 322 agency, or for any person or entity, that is greater than the  
 323 burden that would be created if the agency accomplished the

324 intended purpose of the restriction by other means;

325 4. Is no longer useful or beneficial;

326        5. Duplicates, overlaps with, or conflicts with another  
327 state or federal law or rule. A rule duplicates, overlaps with,  
328 or conflicts with another state or federal law or rule if it  
329 imposes a duty or liability on a person or entity that the other  
330 law or rule also imposes on that person or entity, in whole or  
331 in part, or imposes a duty or liability that may require a  
332 person or entity to violate the other law or rule in whole or in  
333 part. If the rule duplicates, overlaps with, or conflicts with a  
334 rule adopted by another agency, the two agencies shall determine  
335 which agency shall amend or repeal its rule and shall develop  
336 and execute a plan to work together to achieve the required  
337 oversight;

338        6. Has an adverse impact on businesses;

339        7. Has an adverse impact on any other person or entity; or

340        8. Imposes a more severe duty or liability than  
341 restrictions in neighboring states in order to accomplish the  
342 same goal.

343        (b) In conducting its review, the agency shall also  
344 consider the continued need for the rule, the nature of any  
345 complaints or comments received concerning the rule, and any  
346 relevant factors that have changed in the subject matter area  
347 affected by the rule.

348        (2) If the agency determines that an existing rule should  
349 be amended or repealed, the agency shall immediately begin the  
350 process of amending or repealing the existing rule.

351 Section 6. Section 120.5462, Florida Statutes, is created  
352 to read:

353 120.5462 Regulatory restriction inventory.-

354 (1) By December 31, 2021, each agency shall review its  
355 existing rules to identify rules that include one or more  
356 regulatory restrictions and prepare a regulatory restriction  
357 inventory.

358 (2) The agency shall include in the regulatory restriction  
359 inventory, for each regulatory restriction, all of the following  
360 information:

361 (a) A description of the regulatory restriction.

362 (b) The rule number of the rule in which the regulatory  
363 restriction appears.

364 (c) The statute under which the regulatory restriction was  
365 adopted.

366 (d) Whether state or federal law expressly requires the  
367 agency to adopt the regulatory restriction or the agency adopted  
368 the regulatory restriction under the agency's general authority.

369 (e) Whether removing the regulatory restriction would  
370 require a change to state or federal law, provided that removing  
371 a regulatory restriction adopted under state or federal law  
372 granting the agency general authority shall be presumed not to  
373 require a change to state or federal law.

374 (f) Any other information that the committee considers  
375 necessary.

376       (3) The agency shall calculate the total number of  
377 regulatory restrictions that are included in the regulatory  
378 restriction inventory, post the inventory and the total number  
379 of regulatory restrictions on its website, and electronically  
380 transmit a copy of the inventory to the committee. The committee  
381 shall review the inventory and electronically transmit copies of  
382 the inventory to the President of the Senate and the Speaker of  
383 the House of Representatives.

384       (4) The following types of rules containing regulatory  
385 restrictions are exempt from inclusion in an agency's regulatory  
386 restriction inventory but shall be identified in an accompanying  
387 appendix:

388       (a) An internal management rule.

389       (b) An emergency rule.

390       (c) A rule that state or federal law requires the agency  
391 to adopt verbatim.

392       Section 7. Section 120.5463, Florida Statutes, is created  
393 to read:

394       120.5463 Regulatory restriction reduction targets; report;  
395 revised inventory.-

396       (1)(a) Using the criteria provided in s. 120.5461, an  
397 agency shall amend or repeal rules identified in its regulatory  
398 restriction inventory as necessary to reduce the total number of  
399 regulatory restrictions by 30 percent, according to the  
400 following schedule:

401 1. A 10 percent reduction by December 31, 2022.

402 2. A 20 percent reduction by December 31, 2023.

403 3. The 30 percent reduction by December 31, 2024.

404 (b) When an agency has achieved a reduction of any  
405 percentage in regulatory restrictions, the agency may not adopt  
406 rules containing regulatory restrictions that would negate the  
407 reduction.

408 (c) Beginning December 31, 2022, if an agency has not  
409 timely achieved a specified percentage reduction required by  
410 paragraph (a), the agency may not adopt a rule containing a  
411 regulatory restriction unless it simultaneously repeals or  
412 amends a rule or rules to remove two or more regulatory  
413 restrictions until the required percentage reduction has been  
414 achieved. An agency may not meet this requirement by merging two  
415 or more regulatory restrictions into one regulatory restriction.

416 (d) An agency may continue to reduce regulatory  
417 restrictions after it has achieved the 30 percent reduction  
418 required by subparagraph (a)3.

419 (e) The committee, in partnership with the Executive  
420 Office of the Governor, may develop a recognition program for  
421 agencies that meet or exceed the percentage reductions each  
422 calendar year.

423 (2) (a) By March 15, 2023, and annually by March 15  
424 thereafter, an agency shall prepare a report of its progress in  
425 reducing regulatory restrictions over the preceding year

426 pursuant to this section. The agency shall explain in the report  
427 how it applied the criteria provided in s. 120.5461 to its  
428 determinations of which rules containing regulatory restrictions  
429 to amend or repeal. The agency shall include a revised inventory  
430 of regulatory restrictions with the report.

431 (b) In the revised inventory, the agency shall calculate  
432 the percentage of net reduction in regulatory restrictions by  
433 subtracting the current number of regulatory restrictions from  
434 the number of regulatory restrictions identified in the  
435 regulatory restriction inventory and then dividing the resulting  
436 number by the number of regulatory restrictions in the  
437 regulatory restriction inventory.

438 (c) The agency shall electronically transmit the annual  
439 report to the committee. The committee shall review the report  
440 and electronically transmit copies of the report to the  
441 President of the Senate and the Speaker of the House of  
442 Representatives. The agency shall continue preparing and  
443 electronically transmitting annual reports until it has reported  
444 that it has achieved the reduction in regulatory restrictions  
445 required in subparagraph (1) (a) 3.

446 Section 8. Section 120.5464, Florida Statutes, is created  
447 to read:

448 120.5464 Failure to meet reduction targets.—If an agency  
449 fails to reduce regulatory restrictions by a required percentage  
450 within 120 days after a reduction deadline required under s.

451 120.5463(1)(a), the committee shall provide the agency an  
452 opportunity to appear before the committee to show cause as to  
453 why the agency's required reduction in regulatory restrictions  
454 should be lessened. If the committee determines that the agency  
455 has shown cause, the committee shall determine a lessened  
456 required reduction in regulatory restrictions for that agency  
457 and shall submit a written report to the President of the Senate  
458 and the Speaker of the House of Representatives indicating the  
459 lessened required reduction in regulatory restrictions for that  
460 agency and the reason the committee determined that lessened  
461 required reduction. If an agency fails to show cause, the  
462 committee shall provide written notice to the President of the  
463 Senate, the Speaker of the House of Representatives, and the  
464 chairs of the legislative appropriations committees.

465 Section 9. Section 120.5465, Florida Statutes, is created  
466 to read:

467 120.5465 Regulatory restriction limit; exceptions.-

468 (1) Beginning January 1, 2025, the number of regulatory  
469 restrictions in the state may not exceed a number of regulatory  
470 restrictions determined by the committee in accordance with this  
471 section. The committee shall determine that number by  
472 calculating, for each agency, the number of regulatory  
473 restrictions identified by the agency in the regulatory  
474 restriction inventory minus the number of regulatory  
475 restrictions that represents the percentage reduction the agency

476 is required to achieve by January 1, 2025, and then totaling the  
477 resulting numbers for all agencies.

478 (2) An agency shall notify the committee upon publication  
479 of a notice of rule development for a proposed rule that  
480 includes a regulatory restriction, and the committee shall  
481 determine whether adopting the rule would cause the state to  
482 exceed the number of regulatory restrictions permitted under  
483 this section. An agency may not adopt a rule if by adopting the  
484 rule the agency would cause the number of regulatory  
485 restrictions to exceed the state limit as determined by the  
486 committee. An agency may adopt a rule while simultaneously  
487 repealing a rule in order to maintain the number of regulatory  
488 restrictions.

489 (3) An agency may request an exemption from the  
490 prohibition provided in subsection (2) by submitting an  
491 exemption request to the committee when it provides the notice  
492 required in subsection (2). The exemption request must include a  
493 detailed explanation of the reasons why the proposed rule should  
494 be granted an exemption. The committee may grant an exception to  
495 the prohibition provided in subsection (2) if it finds that the  
496 regulatory restriction contained in a rule is necessary to  
497 protect public health, safety, or welfare.

498 Section 10. Paragraph (d) of subsection (1) of section  
499 120.74, Florida Statutes, is redesignated as paragraph (e), a  
500 new paragraph (d) is added to that subsection, and paragraph (a)

501 of subsection (2) of that section is amended, to read:

502 120.74 Agency annual rulemaking and regulatory plans;  
503 reports.—

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

506 (d) The plan must identify existing rules that may be  
507 appropriate for future repeal or amendment to maintain or  
508 achieve the percentage of regulatory restrictions required under  
509 s. 120.5463(1).

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

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

512 1. Publish its regulatory plan on its website or on  
513 another state website established for publication of  
514 administrative law records. A clearly labeled hyperlink to the  
515 current plan must be included on the agency's primary website  
516 homepage.

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

519 3. Publish in the Florida Administrative Register a notice  
520 identifying the date of publication of the agency's regulatory  
521 plan. The notice must include a hyperlink or website address  
522 providing direct access to the published plan.

523 Section 11. Subsection (11) of section 120.80, Florida  
524 Statutes, is amended to read:

525 120.80 Exceptions and special requirements; agencies.—

526 (11) NATIONAL GUARD.—Notwithstanding s. 120.52(18) ~~s.~~  
 527 ~~120.52(16)~~, the enlistment, organization, administration,  
 528 equipment, maintenance, training, and discipline of the militia,  
 529 National Guard, organized militia, and unorganized militia, as  
 530 provided by s. 2, Art. X of the State Constitution, are not  
 531 rules as defined by this chapter.

532 Section 12. Paragraph (c) of subsection (1) of section  
 533 120.81, Florida Statutes, is amended to read:

534 120.81 Exceptions and special requirements; general  
 535 areas.—

536 (1) EDUCATIONAL UNITS.—

537 (c) Notwithstanding s. 120.52(18) ~~s. 120.52(16)~~, any  
 538 tests, test scoring criteria, or testing procedures relating to  
 539 student assessment which are developed or administered by the  
 540 Department of Education pursuant to s. 1003.4282, s. 1008.22, or  
 541 s. 1008.25, or any other statewide educational tests required by  
 542 law, are not rules.

543 Section 13. Paragraph (a) of subsection (1) of section  
 544 420.9072, Florida Statutes, is amended to read:

545 420.9072 State Housing Initiatives Partnership Program.—  
 546 The State Housing Initiatives Partnership Program is created for  
 547 the purpose of providing funds to counties and eligible  
 548 municipalities as an incentive for the creation of local housing  
 549 partnerships, to expand production of and preserve affordable  
 550 housing, to further the housing element of the local government

551 comprehensive plan specific to affordable housing, and to  
552 increase housing-related employment.

553 (1) (a) In addition to the legislative findings set forth  
554 in s. 420.6015, the Legislature finds that affordable housing is  
555 most effectively provided by combining available public and  
556 private resources to conserve and improve existing housing and  
557 provide new housing for very-low-income households, low-income  
558 households, and moderate-income households. The Legislature  
559 intends to encourage partnerships in order to secure the  
560 benefits of cooperation by the public and private sectors and to  
561 reduce the cost of housing for the target group by effectively  
562 combining all available resources and cost-saving measures. The  
563 Legislature further intends that local governments achieve this  
564 combination of resources by encouraging active partnerships  
565 between government, lenders, builders and developers, real  
566 estate professionals, advocates for low-income persons, and  
567 community groups to produce affordable housing and provide  
568 related services. Extending the partnership concept to encompass  
569 cooperative efforts among small counties as defined in s. 120.52  
570 ~~s. 120.52(19)~~, and among counties and municipalities is  
571 specifically encouraged. Local governments are also intended to  
572 establish an affordable housing advisory committee to recommend  
573 monetary and nonmonetary incentives for affordable housing as  
574 provided in s. 420.9076.

575 Section 14. Subsection (7) of section 420.9075, Florida

576 Statutes, is amended to read:

577 420.9075 Local housing assistance plans; partnerships.—

578 (7) The moneys deposited in the local housing assistance  
579 trust fund shall be used to administer and implement the local  
580 housing assistance plan. The cost of administering the plan may  
581 not exceed 5 percent of the local housing distribution moneys  
582 and program income deposited into the trust fund. A county or an  
583 eligible municipality may not exceed the 5-percent limitation on  
584 administrative costs, unless its governing body finds, by  
585 resolution, that 5 percent of the local housing distribution  
586 plus 5 percent of program income is insufficient to adequately  
587 pay the necessary costs of administering the local housing  
588 assistance plan. The cost of administering the program may not  
589 exceed 10 percent of the local housing distribution plus 5  
590 percent of program income deposited into the trust fund, except  
591 that small counties, as defined in s. 120.52 ~~s. 120.52(19)~~, and  
592 eligible municipalities receiving a local housing distribution  
593 of up to \$350,000 may use up to 10 percent of program income for  
594 administrative costs.

595 Section 15. Paragraph (d) of subsection (1) of section  
596 443.091, Florida Statutes, is amended to read:

597 443.091 Benefit eligibility conditions.—

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

601 (d) She or he is able to work and is available for work.  
602 In order to assess eligibility for a claimed week of  
603 unemployment, the department shall develop criteria to determine  
604 a claimant's ability to work and availability for work. A  
605 claimant must be actively seeking work in order to be considered  
606 available for work. This means engaging in systematic and  
607 sustained efforts to find work, including contacting at least  
608 five prospective employers for each week of unemployment  
609 claimed. The department may require the claimant to provide  
610 proof of such efforts to the one-stop career center as part of  
611 reemployment services. A claimant's proof of work search efforts  
612 may not include the same prospective employer at the same  
613 location in 3 consecutive weeks, unless the employer has  
614 indicated since the time of the initial contact that the  
615 employer is hiring. The department shall conduct random reviews  
616 of work search information provided by claimants. As an  
617 alternative to contacting at least five prospective employers  
618 for any week of unemployment claimed, a claimant may, for that  
619 same week, report in person to a one-stop career center to meet  
620 with a representative of the center and access reemployment  
621 services of the center. The center shall keep a record of the  
622 services or information provided to the claimant and shall  
623 provide the records to the department upon request by the  
624 department. However:  
625 1. Notwithstanding any other provision of this paragraph

626 or paragraphs (b) and (e), an otherwise eligible individual may  
627 not be denied benefits for any week because she or he is in  
628 training with the approval of the department, or by reason of s.  
629 443.101(2) relating to failure to apply for, or refusal to  
630 accept, suitable work. Training may be approved by the  
631 department in accordance with criteria prescribed by rule. A  
632 claimant's eligibility during approved training is contingent  
633 upon satisfying eligibility conditions prescribed by rule.

634 2. Notwithstanding any other provision of this chapter, an  
635 otherwise eligible individual who is in training approved under  
636 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
637 determined ineligible or disqualified for benefits due to  
638 enrollment in such training or because of leaving work that is  
639 not suitable employment to enter such training. As used in this  
640 subparagraph, the term "suitable employment" means work of a  
641 substantially equal or higher skill level than the worker's past  
642 adversely affected employment, as defined for purposes of the  
643 Trade Act of 1974, as amended, the wages for which are at least  
644 80 percent of the worker's average weekly wage as determined for  
645 purposes of the Trade Act of 1974, as amended.

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

650 4. Union members who customarily obtain employment through

651 a union hiring hall may satisfy the work search requirements of  
652 this paragraph by reporting daily to their union hall.

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

657 6. In small counties as defined in s. 120.52 ~~s.~~  
658 ~~120.52(19)~~, a claimant engaging in systematic and sustained  
659 efforts to find work must contact at least three prospective  
660 employers for each week of unemployment claimed.

661 7. The work search requirements of this paragraph do not  
662 apply to persons required to participate in reemployment  
663 services under paragraph (e).

664 Section 16. This act shall take effect July 1, 2021.