

By Senator Diaz

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1 A bill to be entitled
2 An act relating to regulatory reform; creating s.
3 14.36, 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.; defining terms; amending s. 120.54,
12 F.S.; requiring an agency adopting a rule to submit a
13 rule replacement request to the Administrative
14 Procedures Committee; requiring a rule development or
15 adoption notice to include a rule proposed for repeal,
16 if necessary to maintain the regulatory baseline;
17 providing that a rule repeal necessary to maintain the
18 regulatory baseline is effective at the same time as
19 the proposed rule; amending s. 120.545, F.S.;
20 requiring the committee to examine rule replacement
21 requests and existing rules; requiring the committee
22 to determine whether a rule replacement request
23 complies with certain requirements and whether
24 adoption of a rule, other than an emergency rule, will
25 exceed the regulatory baseline; creating s. 120.546,
26 F.S.; requiring the Administrative Procedures
27 Committee to establish a regulatory baseline of agency
28 rules; providing that a proposed rule may not cause
29 the total number of rules to exceed the regulatory

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

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

47
48 Section 1. Section 14.36, Florida Statutes, is created to
49 read:

50 14.36 Red Tape Reduction Advisory Council.-

51 (1) ESTABLISHMENT OF THE COUNCIL.-

52 (a) The Red Tape Reduction Advisory Council, an advisory
53 council as defined in s. 20.03(7), is established and
54 administratively housed within the Executive Office of the
55 Governor.

56 (b) The council consists of the following members, who must
57 be residents of this state:

58 1. Five members appointed by the Governor.

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

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

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

70 (2) MEETINGS; ORGANIZATION.—

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

73 (b) The first meeting of the council shall be held by
74 August 1, 2021. Thereafter, the council shall meet at the call
75 of the chair at least once per quarter, per calendar year.

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

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

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

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

85 1. Are duplicative or obsolete.

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

87 3. Disproportionately affect businesses with fewer than 100

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88 employees.

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

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

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

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

106 120.52 Definitions.—As used in this act:

107 (16) "Regulatory baseline" means the total number of agency
108 rules that are in effect on January 1, 2022, as determined by
109 the committee pursuant to s. 120.546(1).

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

114 Section 3. Present paragraphs (b) through (k) of subsection
115 (1) of section 120.54, Florida Statutes, are redesignated as
116 paragraphs (c) through (l), respectively, a new paragraph (b) is

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117 added to that subsection, and paragraph (a) of subsection (2)
118 and paragraphs (a) and (e) of subsection (3) of that section are
119 amended, to read:

120 120.54 Rulemaking.—

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

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

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

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

141 (3) ADOPTION PROCEDURES.—

142 (a) Notices.—

143 1. Before ~~Prior~~ to the adoption, amendment, or repeal of
144 any rule other than an emergency rule, an agency, upon approval
145 of the agency head, shall give notice of its intended action,

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

172 2. The notice shall be published in the Florida
173 Administrative Register not less than 28 days before ~~prior to~~
174 the intended action. The proposed rule shall be available for

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175 inspection and copying by the public at the time of the
176 publication of notice.

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

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

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

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

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204 material required by this subparagraph, in the office of the
205 agency head, and such rules shall be open to the public.

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

232 3. At the time a rule is filed, the agency shall certify

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233 that the time limitations prescribed by this paragraph have been
234 complied with, that all statutory rulemaking requirements have
235 been met, and that there is no administrative determination
236 pending on the rule.

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

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

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

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262 Legislature pursuant to s. 120.541(3). If the committee notifies
263 an agency that an objection to a rule is being considered, the
264 agency may postpone the adoption of the rule to accommodate
265 review of the rule by the committee. When an agency postpones
266 adoption of a rule to accommodate review by the committee, the
267 90-day period for filing the rule is tolled until the committee
268 notifies the agency that it has completed its review of the
269 rule.

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

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

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

278 120.545 Committee review of agency rules.—

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

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

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

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

290 (d) The rule is in proper form.

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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

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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 to
323 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, 2022.

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

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

333 (b) An agency proposing a rule is required to submit a rule
334 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 prohibition
348 in paragraph (a) by submitting an exemption request with the

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349 rule replacement request. An exemption request must include a
350 detailed explanation of the reasons why the proposed rule should
351 be exempt from the prohibition in paragraph (a), including the
352 reasons why the rule is necessary to protect public health,
353 safety, and welfare.

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

358 (3) ANNUAL REPORT.—By November 1 of each year, beginning in
359 2022, the committee shall submit an annual report providing the
360 percentage reduction in the total number of rules compared to
361 the 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 system,
368 compile and publish electronically, on a website managed by the
369 department, the "Florida Administrative Code." The Florida
370 Administrative Code shall contain the regulatory baseline, all
371 changes made to the total number of rules since the
372 establishment of the regulatory baseline, all rules adopted by
373 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

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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 with
397 an agency that files copies of its rules with the department,
398 the department shall publish the address and telephone number of
399 the executive offices of each agency, the manner by which the
400 agency indexes its rules, a listing of all rules of that agency
401 excluded from publication in the code, and a statement as to
402 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

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

435 120.74 Agency annual rulemaking and regulatory plans;

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436 reports.-

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

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

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

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

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

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465 120.81 Exceptions and special requirements; general areas.-

466 (1) EDUCATIONAL UNITS.-

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

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

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

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

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494 combination of resources by encouraging active partnerships
495 between government, lenders, builders and developers, real
496 estate professionals, advocates for low-income persons, and
497 community groups to produce affordable housing and provide
498 related services. Extending the partnership concept to encompass
499 cooperative efforts among small counties as defined in s. 120.52
500 ~~s. 120.52(19)~~, and among counties and municipalities is
501 specifically encouraged. Local governments are also intended to
502 establish an affordable housing advisory committee to recommend
503 monetary and nonmonetary incentives for affordable housing as
504 provided in s. 420.9076.

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

507 420.9075 Local housing assistance plans; partnerships.—

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

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523 of up to \$350,000 may use up to 10 percent of program income for
524 administrative costs.

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

527 443.091 Benefit eligibility conditions.—

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

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

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552 claimant and shall provide the records to the department upon
553 request by the department. However:

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

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

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

579 4. Union members who customarily obtain employment through
580 a union hiring hall may satisfy the work search requirements of

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581 this paragraph by reporting daily to their union hall.

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

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

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

593 Section 13. This act shall take effect July 1, 2021.