A bill to be entitled
An act relating to administrative procedures; amending
s. 120.52, F.S.; revising and providing definitions;
amending s. 120.54, F.S.; applying certain provisions
regarding the incorporation by reference of material
to repromulgated rules; requiring a notice of
withdrawal if a notice of proposed rule is not filed
within a certain period of time; requiring a notice of
rule development to contain certain information and
statements; revising the scope of public workshops to
include information gathering for the preparation of
statements of estimated regulatory costs; requiring
that the agency make available at a public workshop
the person responsible for preparing the statement of
estimated regulatory costs; requiring a notice of
proposed rule to include a website address where a
statement of regulatory costs may be viewed; requiring
that a proposed rule and material proposed to be
incorporated by reference be made available to the
public; requiring that material proposed to be
incorporated by reference be made available in a
specified manner; authorizing electronic delivery of
notices to persons who have requested advance notice
of agency rulemaking proceedings; requiring an agency
to prepare a statement of estimated regulatory costs
before adopting or amending any rule other than an
emergency rule; requiring an agency to prepare a
statement of estimated regulatory costs before
repealing a rule under certain circumstances;
requiring that certain rule repeals be considered presumptively correct by the Division of Administrative Hearings or in certain proceedings; specifying circumstances under which an adverse impact on small business exists; requiring an agency to provide notice of a regulatory alternative to the Administrative Procedures Committee by a certain date; requiring certain agency personnel to attend public hearings on proposed rules; requiring an agency to publish a notice of convening a separate proceeding under certain circumstances; tolling rulemaking deadlines during such separate proceedings; revising requirements for the contents of a notice of change; requiring the committee to notify the Department of State that an agency has elected to withdraw a rule if an agency has failed to adopt a rule within the specified timeframes; requiring an agency to file petitions to initiate rulemaking with the committee; amending s. 120.541, F.S.; requiring an agency to provide a copy of any proposal for a lower cost regulatory alternative to the committee by a certain date; specifying the circumstances under which such a proposal is made in good faith; revising requirements for an agency’s consideration of a lower cost regulatory alternative; providing for an agency’s revision and the publication of a revised statement of estimated regulatory costs in response to such lower cost regulatory alternatives; deleting the definition of the term “transactional costs”; providing
additional requirements for the calculation of estimated regulatory costs; specifying requirements for the public postings of statements of estimated regulatory costs; conforming provisions to changes made by the act; creating s. 120.5435, F.S.; providing legislative intent; requiring agency review of rules and repromulgation of rules that do not require substantive changes within a specified time period; requiring an agency to publish a notice of repromulgation in the Florida Administrative Register and file a rule for repromulgation with the Department of State within a specified time period; requiring an agency to file a notice of repromulgation with the committee within a specified time period; requiring withdrawal of a rule proposed for repromulgation if the rule is not filed within a specified time period; providing that a repromulgated rule is not subject to challenge as a proposed rule and that certain hearing requirements do not apply; requiring an agency to file a specified number of certified copies of a proposed repromulgated rule and any material incorporated by reference; providing that a repromulgated rule is adopted upon filing with the department and becomes effective after a specified time period; requiring the department to update certain information in the Florida Administrative Code; requiring the department to adopt rules by a certain date; amending s. 120.545, F.S.; requiring the committee to examine existing rules; amending s. 120.55, F.S.; requiring the Florida
Administrative Code be published once daily; requiring
the department to require material incorporated by
reference to be filed in a specified manner; requiring
the department to include the date of a technical rule
change in the Florida Administrative Code; providing
that a technical change does not affect the effective
date of a rule; requiring the department to adopt
specified rules; amending s. 120.569, F.S.; requiring
that documents filed with the Division of
Administrative Hearings be filed electronically;
amending s. 120.74, F.S.; requiring an agency to list
each rule it plans to develop, adopt, or repeal during
the forthcoming year in the agency’s annual regulatory
plan; requiring that the agency’s annual regulatory
plan identify any rules that are required to be
repromulgated during the forthcoming year; requiring
the agency head to make certain declarations
concerning the annual regulatory plan; amending ss.
120.56, 120.80, 120.81, 420.9072, 420.9075, and
443.091, F.S.; conforming cross-references to changes
made by the act; providing an effective date.

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

Section 1. Present subsections (16) through (22) of section
120.52, Florida Statutes, are renumbered as subsections (17)
through (23), respectively, a new subsection (16) is added to
that section, and subsection (5) of that section is amended, to
read:
120.52 Definitions.—As used in this act:

(5) “Division” means the Division of Administrative Hearings. Any document filed with the division by a party represented by an attorney shall be filed by electronic means through the division’s website. Any document filed with the division by a party not represented by an attorney shall, whenever possible, be filed by electronic means through the division’s website.

(16) “Repromulgate” or “repromulgation” means the publication and adoption of an existing rule following an agency’s review of the rule for consistency with the powers and duties granted by its enabling statute.

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

120.54 Rulemaking.—

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

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

2. An agency rule that incorporates by specific reference another rule of that agency automatically incorporates subsequent amendments to the referenced rule unless a contrary intent is clearly indicated in the referencing rule. A notice of amendments to a rule that has been incorporated by specific reference in other rules of that agency must explain the effect of those amendments on the referencing rules.
3. In rules adopted after December 31, 2010, and rules repromulgated on or after July 1, 2019, material may not be incorporated by reference unless:
   a. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through an electronic hyperlink from the rule making the reference in the Florida Administrative Code; or
   b. The agency has determined that posting the material on the Internet for purposes of public examination and inspection would constitute a violation of federal copyright law, in which case a statement to that effect, along with the address of locations at the Department of State and the agency at which the material is available for public inspection and examination, must be included in the notice required by subparagraph (3)(a)1.

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

5. Notwithstanding any contrary provision in this section, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency’s rule to implement a provision of part IV of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Register, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in
the rule incorporated by reference are effective as to the other agency 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Register, file an objection to rulemaking with the agency. The objection shall specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency shall not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. The agency shall publish notice of the objection and of its action in response in the next available issue of the Florida Administrative Register.

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

(2) RULE DEVELOPMENT; WORKSHOPS; NEGOTIATED RULEMAKING.—
(a) Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Register before providing notice of a proposed rule as required by paragraph (3)(a). If a notice of a proposed rule is not filed within 12 months after the notice of rule development, the agency shall withdraw the rule and give notice of the withdrawal in the next available issue of the Florida Administrative Register. The notice of rule development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose
and effect of the proposed rule, cite the grant of rulemaking authority for the proposed rule and the law being implemented specific legal authority for the proposed rule, and include the proposed rule number and the preliminary text of the proposed rules, if available, or a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, when if available. The notice also must include a request for the submission of any information that would be helpful to the agency in preparing its statement of estimated regulatory costs and a statement of how a person may submit comments on the proposal and provide information regarding the potential regulatory costs.

(b) All rules should be drafted in readable language. The language is readable if:

1. It avoids the use of obscure words and unnecessarily long or complicated constructions; and

2. It avoids the use of unnecessary technical or specialized language that is understood only by members of particular trades or professions.

(c) An agency may hold public workshops for purposes of rule development and information gathering for the preparation of the statement of estimated regulatory costs. If requested in writing by any affected person, an agency must hold public workshops, including workshops in various regions of the state or the agency’s service area, for purposes of rule development and information gathering for the preparation of the statement of estimated regulatory costs if requested in writing by any affected person, unless the agency head explains in writing why a workshop is unnecessary. The explanation is not final agency
action subject to review pursuant to ss. 120.569 and 120.57. The failure to provide the explanation when required may be a material error in procedure pursuant to s. 120.56(1)(c). When a workshop or public hearing is held, the agency must ensure that the persons responsible for preparing the proposed rule and the statement of estimated regulatory costs are available to receive public input, to explain the agency’s proposal, and to respond to questions or comments regarding the rule being developed and the statement of estimated regulatory costs. The workshop may be facilitated or mediated by a neutral third person, or the agency may employ other types of dispute resolution alternatives for the workshop that are appropriate for rule development and for preparation of the statement of estimated regulatory costs.

Notice of a rule development workshop shall be by publication in the Florida Administrative Register not less than 14 days before the date on which the workshop is scheduled to be held and shall indicate the subject area which will be addressed; the agency contact person; and the place, date, and time of the workshop.

(d)1. An agency may use negotiated rulemaking in developing and adopting rules. The agency should consider the use of negotiated rulemaking when complex rules are being drafted or strong opposition to the rules is anticipated. The agency should consider, but is not limited to considering, whether a balanced committee of interested persons who will negotiate in good faith can be assembled, whether the agency is willing to support the work of the negotiating committee, and whether the agency can use the group consensus as the basis for its proposed rule.

Negotiated rulemaking uses a committee of designated
representatives to draft a mutually acceptable proposed rule and to develop information necessary to prepare a statement of estimated regulatory costs, when applicable.

2. An agency that chooses to use the negotiated rulemaking process described in this paragraph shall publish in the Florida Administrative Register a notice of negotiated rulemaking that includes a listing of the representative groups that will be invited to participate in the negotiated rulemaking process. Any person who believes that his or her interest is not adequately represented may apply to participate within 30 days after publication of the notice. All meetings of the negotiating committee shall be noticed and open to the public pursuant to the provisions of this chapter. The negotiating committee shall be chaired by a neutral facilitator or mediator.

3. The agency’s decision to use negotiated rulemaking, its selection of the representative groups, and approval or denial of an application to participate in the negotiated rulemaking process are not agency action. Nothing in this subparagraph is intended to affect the rights of a substantially affected person to challenge a proposed rule developed under this paragraph in accordance with s. 120.56(2).

(3) ADOPTION PROCEDURES.—

(a) Notices.—

1. Before Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, an agency, upon approval of the agency head, shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action; the full text of the proposed rule or amendment and a summary thereof; a reference to the
grant of rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented or interpreted. The notice must include a concise summary of the agency’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in s. 120.541(2), which describes the regulatory impact of the rule in readable language; an agency website address where the statement of estimated regulatory costs can be viewed in its entirety; a statement that any person who wishes to provide the agency with information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by s. 120.541(1), must do so in writing within 21 days after publication of the notice; a request for the submission of any information that could be helpful to the agency regarding its statement of estimated regulatory costs; and a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described by the agency if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to s. 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule. Except when the intended action is the repeal of a rule, the notice must include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.

2. The notice shall be published in the Florida Administrative Register at least not less than 28 days before prior to the intended action. The proposed rule, including all
material proposed to be incorporated by reference and the statement of estimated regulatory costs, must shall be available for inspection and copying by the public at the time of the publication of notice. Material proposed to be incorporated by reference in the notice must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or (1)(i)3.b.

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

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

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

1. Statement of estimated regulatory costs.—Before the adoption amend. or repeal of any rule, other than an emergency rule, an agency must is encouraged to prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541. However, an agency is not required to

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prepare a statement of estimated regulatory costs for a rule repeal unless such repeal would impose a regulatory cost. In any challenge to a rule repeal, a rule repeal that reduces or eliminates regulations on those presently regulated by the rule must be considered presumptively correct in any proceeding before the division or in any proceeding before a court of competent jurisdiction. However, an agency must prepare a statement of estimated regulatory costs of the proposed rule, as provided by s. 120.541, if:

a. The proposed rule will have an adverse impact on small business; or
b. The proposed rule is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate in this state within 1 year after the implementation of the rule.

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

a. For purposes of this subsection and s. 120.541(2), an adverse impact on small business exists if, for any small business:

(I) An owner, an officer, an operator, or a manager must complete any education, training, or testing to comply, or is likely to either expend 10 hours or purchase professional advice to understand and comply with the rule in the first year;

(II) Taxes or fees assessed on transactions are likely to increase by $500 or more in the aggregate in 1 year;

(III) Prices charged for goods and services are restricted or are likely to increase because of the rule;

(IV) Specially trained, licensed, or tested employees will be required;
(V) Operating costs are expected to increase by at least $1,000 annually; or

(VI) Capital expenditures in excess of $1,000 are necessary to comply with the rule.

b. Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined by s. 288.703 and the impact of the rule on small counties or small cities as defined by s. 120.52.

Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses, small counties, or small cities to avoid regulating small businesses, small counties, or small cities that do not contribute significantly to the problem the rule is designed to address. An agency may define “small business” to include businesses employing more than 200 persons, may define “small county” to include those with populations of more than 75,000, and may define “small city” to include those with populations of more than 10,000, if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses, small counties, or small cities. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses, small counties, and small cities, or any combination of these entities:

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

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

(III) Consolidating or simplifying the rule’s compliance or reporting requirements.
(IV) Establishing performance standards or best management practices to replace design or operational standards in the rule.

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

\[c.(I)b.\] If the agency determines that the proposed action will affect small businesses as defined by the agency as provided in sub-subparagraph \[b.\] the agency shall send written notice of the rule to the rules ombudsman in the Executive Office of the Governor at least 28 days before the intended action.

(II) Each agency shall adopt those regulatory alternatives offered by the rules ombudsman in the Executive Office of the Governor and provided to the agency no later than 21 days after the rules ombudsman’s receipt of the written notice of the rule which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small businesses. When regulatory alternatives are offered by the rules ombudsman in the Executive Office of the Governor, the 90-day period for filing the rule in subparagraph (e)2. is extended for a period of 21 days. The agency shall provide notice to the committee of any regulatory alternative offered to the agency pursuant to this sub-subparagraph at least 21 days before filing the rule for adoption.

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

(c) Hearings.—

1. If the intended action concerns any rule other than one relating exclusively to procedure or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice of intended agency action, give affected persons an opportunity to present evidence and argument on all issues under consideration. The agency may schedule a public hearing on the proposed rule and, if requested by any affected person, shall schedule a public hearing on the proposed rule. When a public hearing is held, the agency must ensure that persons responsible for preparing the proposed rule and the statement of estimated regulatory costs staff are available to explain the agency’s proposal and to respond to questions or comments regarding the proposed rule, the statement of estimated regulatory costs, and the agency’s decision whether to adopt a lower cost regulatory alternative submitted pursuant to s. 120.541(1)(a). If the agency head is a board or other collegial body created under s. 20.165(4) or s. 20.43(3)(g), and one or more requested public hearings is scheduled, the board or other collegial body shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted to the agency between the date of publication of the notice and the end of the final public
hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

2. Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that the person’s substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect the person’s interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of ss. 120.569 and 120.57. The agency shall publish notice of convening a separate proceeding in the Florida Administrative Register. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed. All timelines in this section are tolled during any suspension of the rulemaking proceeding under this subparagraph, beginning on the date the notice of convening a separate proceeding is published and resuming on the day after the conclusion of the separate proceeding.

(d) Modification or withdrawal of proposed rules.—

1. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, if the proposed rule has not been changed from the proposed rule as previously filed with the committee, or contains only technical changes that do not affect the substance of the rule, the adopting agency shall file a notice to that effect with the committee at least 7 days before prior to filing the proposed

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rule for adoption. Any change, other than a technical change that does not affect the substance of the rule, must be supported by the record of public hearings held on the proposed rule, must be in response to written material submitted to the agency within 21 days after the date of publication of the notice of intended agency action or submitted to the agency between the date of publication of the notice and the end of the final public hearing, or must be in response to a proposed objection by the committee. Any change, other than a technical change, to a statement of estimated regulatory costs requires a notice of change. In addition, when any change is made in a proposed rule text or any material incorporates by reference, other than a technical change, the adopting agency shall provide a copy of a notice of change by certified mail or actual delivery to any person who requests it in writing no later than 21 days after the notice required in paragraph (a). The agency shall file the notice of change with the committee, along with the reasons for the change, and provide the notice of change to persons requesting it, at least 21 days before prior to filing the proposed rule for adoption. The notice of change shall be published in the Florida Administrative Register at least 21 days before prior to filing the proposed rule for adoption. The notice of change must include a summary of any revision of the statement of estimated regulatory costs required by s. 120.541(1)(c). This subparagraph does not apply to emergency rules adopted pursuant to subsection (4). Material proposed to be incorporated by reference in the notice required by this subparagraph must be made available in the manner prescribed by sub-subparagraph (1)(i)3.a. or (1)(i)3.b.
2. After the notice required by paragraph (a) and before adoption, the agency may withdraw the proposed rule in whole or in part.

3. After the notice required by paragraph (a), the agency shall withdraw the proposed rule if the agency has failed to adopt it within the prescribed timeframes in this chapter. If, 30 days after notice by the committee that the agency has failed to adopt the proposed rule within the prescribed timeframes in this chapter, the agency has not given notice of the withdrawal of the rule, the committee shall notify the Department of State that the date for adoption of the rule has expired and the Department of State shall publish a notice of withdrawal of the proposed rule.

4. After adoption and before the rule becomes effective, a rule may be modified or withdrawn only in the following circumstances:
   a. When the committee objects to the rule;
   b. When a final order, which is not subject to further appeal, is entered in a rule challenge brought pursuant to s. 120.56 after the date of adoption but before the rule becomes effective pursuant to subparagraph (e);
   c. If the rule requires ratification, when more than 90 days have passed since the rule was filed for adoption without the Legislature ratifying the rule, in which case the rule may be withdrawn but may not be modified; or
   d. When the committee notifies the agency that an objection to the rule is being considered, in which case the rule may be modified to extend the effective date by not more than 60 days.

5. The agency shall give notice of its decision to
withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published, shall notify those persons described in subparagraph (a)3. in accordance with the requirements of that subparagraph, and shall notify the Department of State if the rule is required to be filed with the Department of State.

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

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

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

2. A rule may not be filed for adoption less than 28 days or more than 90 days after the notice required by paragraph (a), until 21 days after the notice of change required by paragraph (d), until 14 days after the final public hearing, until 21 days after a statement of estimated regulatory costs required under s. 120.541 has been provided to all persons who submitted a lower cost regulatory alternative and made available to the
public at a readily accessible page on the agency’s website, or
until the administrative law judge has rendered a decision under
s. 120.56(2), whichever applies. When a required notice of
change is published before the expiration of the time
to file the rule for adoption, the period during which a rule
must be filed for adoption is extended to 45 days after the date
of publication. If notice of a public hearing is published
before the expiration of the time to file the rule for
adoption, the period during which a rule must be filed for
adoption is extended to 45 days after adjournment of the final
hearing on the rule, 21 days after receipt of all material
authorized to be submitted at the hearing, or 21 days after
receipt of the transcript, if one is made, whichever is latest.

The term “public hearing” includes any public meeting held by
any agency at which the rule is considered. If a petition for an
administrative determination under s. 120.56(2) is filed, the
period during which a rule must be filed for adoption is
extended to 60 days after the administrative law judge files the
final order with the clerk or until 60 days after subsequent
judicial review is complete.

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

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

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

6. The proposed rule shall be adopted on being filed with the Department of State and become effective 20 days after being filed, on a later date specified in the notice required by subparagraph (a)1., on a date required by statute, or upon ratification by the Legislature pursuant to s. 120.541(3). Rules not required to be filed with the Department of State shall become effective when adopted by the agency head, on a later date specified by rule or statute, or upon ratification by the Legislature pursuant to s. 120.541(3). If the committee notifies an agency that an objection to a rule is being considered, the agency may postpone the adoption of the rule to accommodate review of the rule by the committee. When an agency postpones adoption of a rule to accommodate review by the committee, the 90-day period for filing the rule is tolled until the committee notifies the agency that it has completed its review of the rule.
For the purposes of this paragraph, the term “administrative determination” does not include subsequent judicial review.

(7) PETITION TO INITIATE RULEMAKING.—

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

Section 3. Section 120.541, Florida Statutes, is amended to read:

120.541 Statement of estimated regulatory costs.—

(1)(a) Within 21 days after publication of the notice of proposed rule or notice of change required under s. 120.54(3)(a), a substantially affected person may submit to an agency a good faith written proposal for a lower cost regulatory alternative to a proposed rule which substantially accomplishes the objectives of the law being implemented. The agency shall provide a copy of any proposal for a lower cost regulatory alternative to the committee at least 21 days before filing the rule for adoption. The proposal may include the alternative of not adopting any rule if the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. If submitted after a notice of change, a proposal for
a lower cost regulatory alternative is deemed to be made in good faith only if the person reasonably believes, and the proposal states the person’s reasons for believing, that the proposed rule as changed by the notice of change increases the regulatory costs or creates an adverse impact on small business that was not created by the previous proposed rule. If such a proposal is submitted, the 90-day period for filing the rule is extended 21 days. Upon the submission of the lower cost regulatory alternative, the agency shall prepare a statement of estimated regulatory costs as provided in subsection (2), or shall revise its prior statement of estimated regulatory costs, and either adopt the alternative proposal, reject the alternative proposal, or modify the proposed rule to reduce the regulatory costs. If the agency rejects the alternative proposal or modifies the proposed rule, the agency shall provide a statement of the reasons for rejecting the alternative in favor of the proposed rule.

(b) If a proposed rule will have an adverse impact on small business or if the proposed rule is likely to directly or indirectly increase regulatory costs in excess of $200,000 in the aggregate within 1 year after the implementation of the rule, the agency shall prepare a statement of estimated regulatory costs as required by s. 120.54(3)(b).

(c) The agency shall revise a statement of estimated regulatory costs if any change to the rule made under s. 120.54(3)(d) increases the regulatory costs of the rule or if the rule is modified in response to the submission of a lower cost regulatory alternative. A summary of the revised statement must be included with any subsequent notice published under s.
120.54(3).

(c) (d) At least 21 days before filing the proposed rule for adoption, an agency that is required to revise a statement of estimated regulatory costs shall provide the statement to the person who submitted the lower cost regulatory alternative, to the rules ombudsman in the Executive Office of the Governor, and to the committee. The revised statement shall be published and made available in the same manner as the original statement of estimated regulatory costs and shall provide notice on the agency's website that it is available to the public.

(d) (e) Notwithstanding s. 120.56(1)(c), the failure of the agency to prepare and publish a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative as provided in this subsection is a material failure to follow the applicable rulemaking procedures or requirements set forth in this chapter.

(e) (f) An agency’s failure to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative may not be raised in a proceeding challenging the validity of a rule pursuant to s. 120.52(8)(a) unless:

1. Raised in a petition filed no later than 1 year after the effective date of the rule; and

2. Raised by a person whose substantial interests are affected by the rule’s regulatory costs.

(f) (g) A rule that is challenged pursuant to s. 120.52(8)(f) may not be declared invalid unless:

1. The issue is raised in an administrative proceeding within 1 year after the effective date of the rule;
2. The challenge is to the agency’s rejection of a lower cost regulatory alternative offered under paragraph (a) or § 120.54(3)(b)2.c. and § 120.54(3)(b)2.b.; and

3. The substantial interests of the person challenging the rule are materially affected by the rejection.

(2) A statement of estimated regulatory costs shall include:

(a) An economic analysis showing whether the rule directly or indirectly:

1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule;

2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within 5 years after the implementation of the rule; or

3. Is likely to increase regulatory costs, including all transactional costs and impacts estimated in the statement, in excess of $1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals, small businesses, and other entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing
and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the compliance transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, “transactional costs” are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency’s decision not to implement alternatives that would reduce adverse impacts on small businesses.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2)(a), the rule shall be submitted to the President of the Senate and
Speaker of the House of Representatives no later than 30 days before the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

(4) Subsection (3) does not apply to the adoption of:

(a) Federal standards pursuant to s. 120.54(6).

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.202.

(d) Emergency rules adopted pursuant to s. 120.54(4).

(5) For purposes of subsections (2) and (3), adverse impacts and regulatory costs likely to occur within 5 years after implementation of the rule include adverse impacts and regulatory costs estimated to occur within 5 years after the effective date of the rule. However, if any provision of the rule is not fully implemented upon the effective date of the rule, the adverse impacts and regulatory costs associated with such provision must be adjusted to include any additional adverse impacts and regulatory costs estimated to occur within 5 years after implementation of such provision.

(6)(a) In evaluating the impacts described in paragraphs (2)(a) and (2)(e), an agency shall include good faith estimates of market impacts likely to result from compliance with the proposed rule, including:

1. Increased customer charges for goods or services.

2. Decreased market value of goods or services produced, provided, or sold.

3. Increased costs resulting from the purchase of
substitute or alternative goods or services.

4. The reasonable value of time to be expended by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time expended to complete required education, training, or testing.

5. Capital costs.

6. Any other impacts suggested by the rules ombudsman or interested persons.

(b) In estimating the information required in paragraphs (2)(b)-(e), the agency may use surveys of individuals, businesses, business organizations, counties, and municipalities to collect data helpful to estimate the costs and impacts.

(c) In estimating compliance costs under paragraph (2)(d), the agency shall consider, among other matters, all direct and indirect costs necessary to comply with the proposed rule which are readily ascertainable based upon standard business practices, including, but not limited to, costs related to:

1. Filing fees.
2. Obtaining a license.
3. Necessary equipment.
4. Installation, utilities, and maintenance of necessary equipment.
5. Necessary operations and procedures.
6. Accounting, financial, information management, and other administrative processes.
7. Other processes.
8. Labor based on relevant rates of wages, salaries, and benefits.
9. Materials and supplies.
10. Capital expenditures, including financing costs.

11. Professional and technical services, including contracted services necessary to implement and maintain compliance.

12. Monitoring and reporting.

13. Qualifying and recurring education, training, and testing.

14. Travel.

15. Insurance and surety requirements.

16. A fair and reasonable allocation of administrative costs or other overhead.

17. Reduced sales or other revenues.

18. Other items suggested by the rules ombudsman or any interested person, business organization, or business representative.

(7)(a) The Department of State shall include on the Florida Administrative Register website the agency website addresses where statements of estimated regulatory costs can be viewed in their entirety.

(b) An agency that prepares a statement of estimated regulatory costs must provide, as part of the notice required under s. 120.54(3)(a), the agency website address where the statement of estimated regulatory costs can be read in its entirety to the Department of State for publication in the Florida Administrative Register.

(c) If an agency revises its statement of estimated regulatory costs, the agency must provide notice that a revision has been made. Such notice must include the agency website address where the revision can be viewed in its entirety.
Section 4. Section 120.5435, Florida Statutes, is created to read:

120.5435 Repromulgation of rules.—

(1) It is the intent of the Legislature that each agency shall periodically review its rules for consistency with the powers and duties granted by its enabling statutes. If an agency determines after such review that substantive changes to update a rule are not required, such agency shall repromulgate the rule to reflect the date of the review. Each agency shall review its rules pursuant to this section either 5 years after July 1, 2019, if the rule was adopted before January 1, 2010, or 10 years after the rule was adopted, if the rule was adopted on or after January 1, 2010. Failure of an agency to adhere to the deadlines imposed in this section constitutes repeal of any affected rule. In the event of such a failure, the committee shall notify the Department of State that the agency, by its failure to repromulgate the affected rule, has elected to repeal the rule. Upon receipt of the committee’s notice, the Department of State shall publish a notice to that effect in the next available issue of the Florida Administrative Register. Upon publication of the notice, the rule must be stricken from the files of the Department of State and from the files of the agency.

(2) Before repromulgation of a rule, the agency shall, upon approval by the agency head or his or her designee:

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

(b) File the rule for repromulgation with the Department of
State. A rule may not be filed for repromulgation less than 28 days, and more than 90 days, after the date of publication of the notice required by paragraph (a).

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

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

(5) The hearing requirements of s. 120.54 do not apply to repromulgation of a rule.

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

(b) The repromulgated rule must be adopted upon filing with the Department of State and becomes effective 20 days after the date it is filed.

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

(7) The Department of State shall adopt rules to implement this section by December 31, 2019.

Section 5. Subsection (1) of section 120.545, Florida Statutes, is amended to read:

120.545 Committee review of agency rules.—
(1) As a legislative check on legislatively created authority, the committee shall examine each existing rule and proposed rule, except for those proposed rules exempted by s. 120.81(1)(e) and (2), and its accompanying material, and each emergency rule, and may examine any existing rule, for the purpose of determining whether:

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

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

(c) The rule reiterates or paraphrases statutory material.

(d) The rule is in proper form.

(e) The notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule.

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

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

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

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

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

(k) The rule will require additional appropriations.

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

Section 6. Paragraphs (a) and (c) of subsection (1) and subsection (6) of section 120.55, Florida Statutes, are amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a) 1. Through a continuous revision and publication system, compile and publish electronically, on a website managed by the department, the “Florida Administrative Code.” The Florida Administrative Code shall contain all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(7), complete indexes to all rules contained in the code, and any other material required or authorized by law or deemed useful by the department. The electronic code shall display each rule chapter currently in effect in browse mode and allow full text search of the code and each rule chapter. The department may contract with a publishing firm for a printed publication; however, the department shall retain responsibility for the code as provided in this section. The electronic publication shall be the official compilation of the administrative rules of this state. The Florida Administrative Code must be published once
daily by no later than 8 a.m. If, after publication, a rule is corrected and replaced, the Florida Administrative Code must indicate that it has been republished and must indicate the rule that has been corrected by the Department of State. The Department of State shall retain the copyright over the Florida Administrative Code.

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

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

4. Not publish forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of “rule” provided in s. 120.52 shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall
include the number, title, and effective date of the form and an 
explanation of how the form may be obtained. Each form created 
by an agency which is incorporated by reference in a rule notice 
of which is given under s. 120.54(3)(a) after December 31, 2007, 
must clearly display the number, title, and effective date of 
the form and the number of the rule in which the form is 
incorporated.

5. Require all material incorporated by reference in any 
part of an adopted rule and in any part of a repromulgated rule 
The department shall allow adopted rules and material 
incorporated by reference to be filed in the manner prescribed 
by s. 120.54(1)(i)3.a. or s. 120.54(1)(i)3.b. electronic form as 
prescribed by department rule. When a rule is filed for adoption 
or repromulgation with incorporated material in electronic form, 
the department’s publication of the Florida Administrative Code 
on its website must contain a hyperlink from the incorporating 
reference in the rule directly to that material. The department 
may not allow hyperlinks from rules in the Florida 
Administrative Code to any material other than that filed with 
and maintained by the department, but may allow hyperlinks to 
incorporated material maintained by the department from the 
adopting agency’s website or other sites.

6. Include the date of any technical changes to a rule in 
the history note of the rule in the Florida Administrative Code. 
A technical change does not affect the effective date of the 
rule.

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

(6) Any publication of a proposed rule promulgated by an agency, whether published in the Florida Administrative Register or elsewhere, shall include, along with the rule, the name of the person or persons originating such rule, the name of the agency head who approved the rule, and the date upon which the rule was approved.

Section 7. Subsection (1) of section 120.569, Florida Statutes, is amended to read:

120.569 Decisions which affect substantial interests.—

(1)(a) The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless the parties are proceeding under s. 120.573 or s. 120.574. Unless waived by all parties, s. 120.57(1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, s. 120.57(2) applies in all other cases. If a disputed issue of material fact arises during a proceeding under s. 120.57(2), then, unless waived by all parties, the proceeding under s. 120.57(2) shall be terminated and a proceeding under s. 120.57(1) shall be conducted. Parties shall be notified of any order, including a final order. Unless waived, a copy of the order shall be delivered or mailed to each party or the party’s attorney of record at the address of record. Each notice shall inform the recipient of any administrative hearing or judicial review that is available under this section, s. 120.57, or s. 120.68; shall indicate the procedure which must be followed to obtain the
hearing or judicial review; and shall state the time limits
which apply.
(b) For all proceedings conducted before the division, any
document filed with the division by a party represented by an
attorney must be filed electronically through the division’s
website. Any document filed with the division by a party not
represented by an attorney must be filed, whenever possible,
electronically through the division’s website. The division
shall serve all such documents on all parties of record
electronically through the division’s website. The parties are
relieved of any requirement to serve other parties who are
registered for electronic filing when they file documents
electronically with the division.
Section 8. Subsection (1) and paragraph (a) of subsection
(2) of section 120.74, Florida Statutes, are amended to read:
120.74 Agency annual rulemaking and regulatory plans;
reports.—
(1) REGULATORY PLAN.—By October 1 of each year, each agency
shall prepare a regulatory plan.
(a) The plan must include a listing of each law enacted or
amended during the previous 12 months which creates or modifies
the duties or authority of the agency. If the Governor or the
Attorney General provides a letter to the committee stating that
a law affects all or most agencies, the agency may exclude the
law from its plan. For each law listed by an agency under this
paragraph, the plan must state:
1. Whether the agency must adopt rules to implement the
law.
2. If rulemaking is necessary to implement the law:
a. Whether a notice of rule development has been published and, if so, the citation to such notice in the Florida Administrative Register.

b. The date by which the agency expects to publish the notice of proposed rule under s. 120.54(3)(a).

3. If rulemaking is not necessary to implement the law, a concise written explanation of the reasons why the law may be implemented without rulemaking.

(b) The plan must also identify and describe each rule, including each rule number or proposed rule number, include a listing of each law not otherwise listed pursuant to paragraph (a) which the agency expects to develop, adopt, or repeal for the 12-month period beginning on October 1 and ending on September 30 implement by rulemaking before the following July 1, excluding emergency rules except emergency rulemaking. For each rule law listed under this paragraph, the plan must state whether the rulemaking is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules.

(c) The plan must include any desired update to the prior year’s regulatory plan or supplement published pursuant to subsection (7). If, in a prior year, a law was identified under this paragraph or under subparagraph (a)1. as a law requiring rulemaking to implement but a notice of proposed rule has not been published:

1. The agency shall identify and again list such law, noting the applicable notice of rule development by citation to the Florida Administrative Register; or
2. If the agency has subsequently determined that rulemaking is not necessary to implement the law, the agency shall identify such law, reference the citation to the applicable notice of rule development in the Florida Administrative Register, and provide a concise written explanation of the reason why the law may be implemented without rulemaking.

(d) The plan must identify any rules that are required to be repromulgated pursuant to s. 120.5435 for the 12-month period beginning on October 1 and ending on September 30.

(e) The plan must include a certification executed on behalf of the agency by both the agency head, or, if the agency head is a collegial body, the presiding officer; and the individual acting as principal legal advisor to the agency head. The certification must:

1. Declare Verify that the persons executing the certification have reviewed the plan.

2. Declare Verify that the agency regularly reviews all of its rules and identify the period during which all rules have most recently been reviewed to determine if the rules remain consistent with the agency’s rulemaking authority and the laws implemented.

3. Declare that the agency understands that regulatory accountability is necessary to ensure public confidence in the integrity of state government and that, to that end, the agency is diligently working toward lowering the total number of rules adopted.

4. Declare the total number of rules adopted and repealed during the previous 12 months.
(2) PUBLICATION AND DELIVERY TO THE COMMITTEE.—
   (a) By October 1 of each year, each agency shall:
      1. Publish its regulatory plan on its website or on another
         state website established for publication of administrative law
         records. A clearly labeled hyperlink to the current plan must be
         included on the agency’s primary website homepage.
      2. Electronically deliver to the committee a copy of the
         certification required in paragraph (1)(e) (1)(d).
      3. Publish in the Florida Administrative Register a notice
         identifying the date of publication of the agency’s regulatory
         plan. The notice must include a hyperlink or website address
         providing direct access to the published plan.

Section 9. Paragraph (a) of subsection (2) of section
120.56, Florida Statutes, is amended to read:

120.56 Challenges to rules.—
   (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—
   (a) A petition alleging the invalidity of a proposed rule
   shall be filed within 21 days after the date of publication of
   the notice required by s. 120.54(3)(a); within 10 days after the
   final public hearing is held on the proposed rule as provided by
   s. 120.54(3)(e)(d); within 20 days after the statement of
   estimated regulatory costs or revised statement of estimated
   regulatory costs, if applicable, has been prepared and made
   available as provided in s. 120.541(1)(c) s. 120.541(1)(d); or
   within 20 days after the date of publication of the notice
   required by s. 120.54(3)(d). The petitioner has the burden to
   prove by a preponderance of the evidence that the petitioner
   would be substantially affected by the proposed rule. The agency
   then has the burden to prove by a preponderance of the evidence
that the proposed rule is not an invalid exercise of delegated legislative authority as to the objections raised. A person who is not substantially affected by the proposed rule as initially noticed, but who is substantially affected by the rule as a result of a change, may challenge any provision of the resulting proposed rule.

Section 10. Subsection (11) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—
(11) NATIONAL GUARD.—Notwithstanding s. 120.52(17) or s. 120.52(16), the enlistment, organization, administration, equipment, maintenance, training, and discipline of the militia, National Guard, organized militia, and unorganized militia, as provided by s. 2, Art. X of the State Constitution, are not rules as defined by this chapter.

Section 11. Paragraph (c) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—
(1) EDUCATIONAL UNITS.—
(c) Notwithstanding s. 120.52(17) or s. 120.52(16), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 1003.4282, s. 1008.22, or s. 1008.25, or any other statewide educational tests required by law, are not rules.

Section 12. Paragraph (a) of subsection (1) of section 420.9072, Florida Statutes, is amended to read:
420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the
purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

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

Section 13. Subsection (7) of section 420.9075, Florida
Statutes, is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(7) The moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. The cost of administering the plan may not exceed 5 percent of the local housing distribution moneys and program income deposited into the trust fund. A county or an eligible municipality may not exceed the 5-percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(20), and eligible municipalities receiving a local housing distribution of up to $350,000 may use up to 10 percent of program income for administrative costs.

Section 14. Paragraph (d) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

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

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

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

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

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

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

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

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

7. The work search requirements of this paragraph do not apply to persons required to participate in reemployment services under paragraph (e).
Section 15. This act shall take effect July 1, 2019.