

Bill No. CS for CS for SB 1206, 2nd Eng.

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Gay and Hart offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 20.171, Florida Statutes, is repealed effective January 1, 2001.

Section 2. (1) Effective July 1, 2000, the Division of Workers' Compensation and the Office of the Judges of Compensation Claims are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance, except that 29 full-time equivalent positions, and the associated salaries and benefits and expenses funding, related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, data management, and carrier compliance and review, are transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for

1 Health Care Administration.
2 (2) Effective July 1, 2000, all powers, duties,
3 functions, rules, records, personnel, property, and unexpended
4 balances of appropriations, allocations, and other funds of
5 the Division of Workforce and Employment Opportunities related
6 to the regulation of labor organizations under chapter 447,
7 Florida Statutes; the administration of child labor laws under
8 chapter 450, Florida Statutes; and the administration of
9 migrant labor and farm labor laws under chapter 450, Florida
10 Statutes, are transferred by a type two transfer, as defined
11 in section 20.06(2), Florida Statutes, from the Department of
12 Labor and Employment Security to the Bureau of Workplace
13 Regulation in the Division of Workers' Compensation of the
14 Department of Insurance.
15 (3) Effective July 1, 2000, any other powers, duties,
16 functions, rules, records, property, and unexpended balances
17 of appropriations, allocations, and other funds of the
18 Department of Labor and Employment Security, not otherwise
19 transferred by this act, relating to workplace regulation and
20 enforcement, including, but not limited to, those under
21 chapter 448, Florida Statutes, are transferred by a type two
22 transfer, as defined in section 20.06(2), Florida Statutes,
23 from the department to the Bureau of Workplace Regulation in
24 the Division of Workers' Compensation of the Department of
25 Insurance.
26 (4)(a) Effective July 1, 2000, the records, property,
27 and unexpended balances of appropriations, allocations, and
28 other funds and resources of the Office of the Secretary and
29 the Office of Administrative Services of the Department of
30 Labor and Employment Security which support the activities and
31 functions transferred under subsections (1), (2), and (3) are

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1 transferred as provided in section 20.06(2), Florida Statutes,
2 to the Division of Workers' Compensation and the Office of the
3 Judges of Compensation Claims. The Department of Insurance, in
4 consultation with the Department of Labor and Employment
5 Security, shall determine the number of positions needed for
6 administrative support of the programs within the Division of
7 Workers' Compensation and the Office of the Judges of
8 Compensation Claims as transferred to the Department of
9 Insurance. The number of administrative support positions that
10 the Department of Insurance determines are needed shall not
11 exceed the number of administrative support positions that
12 prior to the transfer were authorized to the Department of
13 Labor and Employment Security for this purpose. Upon transfer
14 of the Division of Workers' Compensation and the Office of the
15 Judges of Compensation Claims, the number of required
16 administrative support positions as determined by the
17 Department of Insurance shall also be transferred to the
18 Department of Insurance. The Department of Insurance may
19 transfer and reassign positions as deemed necessary to
20 effectively integrate the activities of the Division of
21 Workers' Compensation. Appointments to time-limited positions
22 under this act and authorized positions under this section may
23 be made without regard to the provisions of 60K-3, 4 and 17,
24 Florida Administrative Code.

25 (b) Effective July 1, 2000, the records, property, and
26 unexpended balances of appropriations, allocations, and other
27 funds and resources of the Office of the Secretary and the
28 Office of Administrative Services of the Department of Labor
29 and Employment Security which support the activities and
30 functions transferred under subsection (1) to the Agency for
31 Health Care Administration are transferred as provided in

1 section 20.06(2), Florida Statutes, to the Agency for Health
2 Care Administration.

3 Section 3. Subsection (2) of section 20.13, Florida
4 Statutes, is amended, and subsection (7) is added to that
5 section, to read:

6 20.13 Department of Insurance.--There is created a
7 Department of Insurance.

8 (2) The following divisions of the Department of
9 Insurance are established:

10 (a) Division of Insurer Services.

11 (b) Division of Insurance Consumer Services.

12 (c) Division of Agents and Agencies Services.

13 (d) Division of Rehabilitation and Liquidation.

14 (e) Division of Risk Management.

15 (f) Division of State Fire Marshal.

16 (g) Division of Insurance Fraud.

17 (h) Division of Administration.

18 (i) Division of Treasury.

19 (j) Division of Legal Services.

20 (k) Division of Workers' Compensation.

21 (7)(a) A Bureau of Workplace Regulation is created
22 within the Division of Workers' Compensation.

23 (b) A Bureau of Workplace Safety is created within the
24 Division of Workers' Compensation.

25 Section 4. Effective October 1, 2000, the Division of
26 Unemployment Compensation is transferred by a type two
27 transfer, as defined in section 20.06(2), Florida Statutes,
28 from the Department of Labor and Employment Security to the
29 Agency for Workforce Innovation. The resources, data,
30 records, property, and unexpended balances of appropriations,
31 allocations, and other funds within the Office of the

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1 Secretary or any other division, office, bureau, or unit
2 within the Department of Labor and Employment Security that
3 support the Division of Unemployment Compensation are
4 transferred by a type two transfer, as defined in section
5 20.06(2), Florida Statutes, from the Department of Labor and
6 Employment Security. The Agency for Workforce Innovation
7 shall enter into a contract with the Department of Revenue
8 which shall provide for the Department of Revenue to provide
9 unemployment tax collection services. The Department of
10 Revenue, in consultation with the Agency for Workforce
11 Innovation, shall determine the number of positions needed to
12 provide unemployment tax collection services within the
13 Department of Revenue. The number of unemployment tax
14 collection service positions the Department of Revenue
15 determines are needed shall not exceed the number of positions
16 that, prior to the contract, were authorized to the Department
17 of Labor and Employment Security for this purpose. Upon
18 entering into the contract with the Agency for Workforce
19 Innovation to provide unemployment tax collection services,
20 the number of required positions, as determined by the
21 Department of Revenue, shall be transferred from the Agency
22 for Workforce Innovation to the Department of Revenue.
23 Beginning January 1, 2002, the Office of Program Policy
24 Analysis and Government Accountability shall conduct a
25 feasibility study regarding privatization of unemployment tax
26 collection services. A report on the conclusions of this
27 study shall be submitted to the Governor, the President of the
28 Senate, and the Speaker of the House of Representatives.

29 Section 5. Effective October 1, 2000, the Office of
30 Information Systems is transferred by a type two transfer, as
31 defined in section 20.06(2), Florida Statutes, from the

1 Department of Labor and Employment Security to the Department
2 of Management Services, except that all powers, duties,
3 functions, rules, records, personnel, property, and unexpended
4 balances of appropriations, allocations, and other funds of
5 the office related to workforce information systems planning
6 are transferred effective October 1, 2000, by a type two
7 transfer as defined in section 20.06(2), Florida Statutes, to
8 the Agency for Workforce Innovation.

9 Section 6. Effective July 1, 2000, the Minority
10 Business Advocacy and Assistance Office is transferred by a
11 type two transfer as defined in section 20.06(2), Florida
12 Statutes, from the Department of Labor and Employment Security
13 to the Department of Management Services.

14 Section 7. (1) Effective upon this act becoming a
15 law, the Florida Task Force on Workplace Safety is established
16 within the Department of Insurance. All members of the task
17 force shall be appointed prior to July 15, 2000, and the task
18 force shall hold its first meeting by August 15, 2000. The
19 task force shall be composed of 15 members as follows:

20 (a) Five members appointed by the governor, one of
21 whom must be a representative of a statewide business
22 organization, one of whom must be a representative of
23 organized labor, and three of whom must be from private-sector
24 businesses. The Governor shall name one of the appointees
25 under this paragraph as chair of the task force;

26 Four members appointed by the President of the Senate,
27 one of whom must be a representative of a statewide business
28 organization, one of whom must be a representative of
29 organized labor, and two of whom must be from private-sector
30 businesses;

31 (c) Four members appointed by the Speaker of the House

1 of Representatives, one of whom must be a representative of a
2 statewide business organization, one of whom must be a
3 representative of organized labor, and two of whom must be
4 from private-sector businesses;

5 (d) One member appointed from the private-sector by
6 the Insurance Commissioner; and

7 (e) The president of Enterprise Florida, Inc., or his
8 or her designee from the organization.

9
10 The Insurance Commissioner or the commissioner's designee from
11 the Department of Insurance shall serve as an ex officio
12 nonvoting member of the task force.

13 (2) The purpose of the task force is to develop
14 findings and issue recommendations on innovative ways in which
15 the state may employ state or federal resources to reduce the
16 incidence of employee accidents, occupational diseases, and
17 fatalities compensable under the workers' compensation law.

18 The task force shall address issues including, but not limited
19 to:

20 (a) Alternative organizational structures for the
21 delivery of workplace safety assistance services to businesses
22 following the repeal of the Division of Safety of the
23 Department of Labor and Employment Security under chapter
24 99-240, Laws of Florida;

25 (b) The extent to which workplace safety assistance
26 services are or may be provided through private-sector
27 sources;

28 (c) The potential contribution of workplace safety
29 assistance services to a reduction in workers' compensation
30 rates for employers;

31 (d) Differences in the workplace safety needs of

1 businesses based upon the size of the businesses and the
2 nature of the businesses;
3 (e) Differences in the workplace safety needs of
4 private-sector employers and public-sector employers;
5 (f) The relationship between federal and state
6 workplace safety activities; and
7 (g) The impact of workplace safety and workers'
8 compensation on the economic development efforts of the state.
9 (3) The task force shall be located in the Department
10 of Insurance, and staff of the department shall serve as staff
11 for the task force.
12 (4) Members of the task force shall serve without
13 compensation but will be entitled to per diem and travel
14 expenses pursuant to section 112.061, Florida Statutes, while
15 in the performance of their duties.
16 (5) The task force may procure information and
17 assistance from any officer or agency of the state or any
18 subdivision thereof. All such officials and agencies shall
19 give the task force all relevant information and assistance on
20 any matter within their knowledge or control.
21 (6) The task force shall submit a report and
22 recommendations to the Governor, the Insurance Commissioner,
23 the President of the Senate, and the Speaker of the House of
24 Representatives no later than January 1, 2001. The report
25 shall include recommendations on the organizational structure,
26 mission, staffing structure and qualifications, and funding
27 level for the Bureau of Workplace Safety within the Division
28 of Workers' Compensation of the Department of Insurance. The
29 report also shall include any specific recommendations for
30 legislative action during the 2001 Regular Session of the
31 Legislature.

1 (7)(a) During fiscal year 2000-2001, the Division of
2 Workers' Compensation of the Department of Insurance is
3 authorized to establish 60 time-limited positions on July 1,
4 2000, which shall be responsible for the 21(d) federal grant
5 from the Occupational Safety and Health Administration,
6 federal grants from the U.S. Bureau of Labor Statistics for
7 statistical research, and for the core responsibilities under
8 a program for enforcement of safety and health regulations in
9 the public sector.

10 (b) After the Task Force on Workplace Safety has
11 issued its report and recommendations, the Division of
12 Workers' Compensation may eliminate the 60 time-limited
13 positions and establish and classify permanent positions as
14 authorized in the fiscal year 2000-2001 General Appropriations
15 Act, or seek a budget amendment as provided in chapter 216,
16 Florida Statutes, to implement the recommendations of the task
17 force.

18 (c) All records, property, and equipment of the
19 Division of Safety of the Department of Labor and Employment
20 Security, repealed under chapter 99-240, Laws of Florida,
21 shall be transferred to the Bureau of Workplace Safety of the
22 Division of Workers' Compensation of the Department of
23 Insurance for the bureau to retain, use, and maintain during
24 the deliberations of the task force.

25 (8) The task force shall terminate upon submission of
26 its report.

27 Section 8. Effective upon this act becoming a law,
28 section 39 of chapter 99-240, Laws of Florida, is amended to
29 read:

30 Section 39. Effective October 1, 2000 ~~January 1, 2001,~~
31 the Division of Blind Services is transferred by a type two

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1 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida
2 Statutes, from the Department of Labor and Employment Security
3 to the Department of Management Services ~~Education~~. Effective
4 October 1, 2000, the records, property, and unexpended
5 balances of appropriations, allocations, and other funds and
6 resources of the Office of the Secretary and the Office of
7 Administrative Services of the Department of Labor and
8 Employment Security which support the activities and functions
9 of the department's Division of Blind Services are transferred
10 by a type two transfer, as provided in s. 20.06(2), to the
11 Division of Blind Services in the Department of Management
12 Services.

13 Section 9. Section 440.565, Florida Statutes, is
14 created to read:

15 440.565 Workplace safety.--

16 (1) The division shall have the authority to adopt
17 rules for the purpose of assuring safe working conditions for
18 all workers by authorizing the enforcement of effective
19 standards, assisting and encouraging employers to maintain
20 safe working conditions, and by providing for education and
21 training in the field of safety. For public sector employers,
22 the division may by rule adopt subparts C through T and
23 subpart Z of 29 C.F.R. part 1910; subparts C through Z of 29
24 C.F.R. part 1926; subparts A through D, subpart I, and subpart
25 M of 29 C.F.R. part 1928; subparts A through G of 29 C.F.R.
26 part 1917; subparts A through L and subpart Z of 29 C.F.R.
27 part 1915; subparts A through J of 29 C.F.R. part 1918, as
28 revised July 1, 1993, provided that 29 C.F.R. s. 1910.156
29 applies to volunteer firefighters and fire departments
30 operated by the state or political subdivisions; the National
31 Fire Protection Association, Inc., Standard 1500, paragraph

1 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A
2 10.4-1990.

3 (2) The provisions of chapter 440 which pertain to
4 workplace safety shall be applicable to the division.

5 (3) All references to the Assistant Secretary of the
6 Occupational Safety and Health Administration and to the
7 Director of the National Institute for Occupational Safety and
8 Health and their authorized representatives in the adopted
9 federal Occupational Safety and Health Administration
10 standards shall, for purposes of this section, mean the
11 Director of the Division of Workers' Compensation of the
12 Department of Insurance or his or her authorized
13 representatives.

14 Section 10. Section 255.552, Florida Statutes, is
15 amended to read:

16 255.552 Asbestos management program.--The Secretary of
17 Management Services ~~Labor and Employment Security~~ shall
18 establish an asbestos management program and select an
19 asbestos program administrator. The asbestos program
20 administrator shall maintain centralized records in
21 Tallahassee of all public building surveys, operation and
22 maintenance plans, and abatement projects. The asbestos
23 program administrator shall select regional asbestos program
24 managers who shall review and approve and comment on all
25 public building survey reports, operation and maintenance
26 plans, and abatement specifications for public buildings. The
27 regional asbestos program managers shall oversee all abatement
28 work performed in public buildings and shall review and
29 approve and comment on all postabatement inspection reports.
30 Additionally, the regional asbestos program managers shall
31 oversee training of maintenance and custodial workers and

1 building supervisors in all public buildings in which an
2 operation and maintenance plan is administered. Training
3 shall be on the safe cleaning and handling of
4 asbestos-containing materials. Instructional material for
5 such training shall be developed by the Department of
6 Management Services ~~Labor and Employment Security~~. This
7 section does not apply to those structures identified in s.
8 255.5535.

9 Section 11. Subsection (2) of section 252.937, Florida
10 Statutes, is amended to read:

11 252.937 Department powers and duties.--

12 (2) To ensure that this program is self-supporting,
13 the department shall provide administrative support, including
14 staff, facilities, materials, and services to implement this
15 part for specified stationary sources subject to s. 252.939
16 and shall provide necessary funding to local emergency
17 planning committees and county emergency management agencies
18 for work performed to implement this part. Each state agency
19 with regulatory, inspection, or technical assistance programs
20 for specified stationary sources subject to this part shall
21 enter into a memorandum of understanding with the department
22 which specifically outlines how each agency's staff,
23 facilities, materials, and services will be utilized to
24 support implementation. At a minimum, these agencies and
25 programs include: the Department of Environmental
26 Protection's Division of Air Resources Management and Division
27 of Water Resource Management, and the Department of
28 Insurance's ~~Labor and Employment Security's~~ Division of
29 Workers' Compensation ~~Safety~~. It is the Legislature's intent
30 to implement this part as efficiently and economically as
31 possible, using existing expertise and resources, if available

1 and appropriate.

2 Section 12. Section 627.0915, Florida Statutes, is
3 amended to read:

4 627.0915 Rate filings; workers' compensation,
5 drug-free workplace, and safe employers.--The Department of
6 Insurance shall approve rating plans for workers' compensation
7 insurance that give specific identifiable consideration in the
8 setting of rates to employers that either implement a
9 drug-free workplace program pursuant to rules adopted by the
10 Division of Workers' Compensation ~~of the Department of Labor~~
11 ~~and Employment Security~~ or implement a safety program approved
12 by the division ~~of Safety pursuant to rules adopted by the~~
13 ~~Division of Safety of the Department of Labor and Employment~~
14 ~~Security~~ or implement both a drug-free workplace program and a
15 safety program. The division ~~of Safety~~ may by rule require
16 that the client of a help supply services company comply with
17 the essential requirements of a workplace safety program as a
18 condition for receiving a premium credit. The plans must take
19 effect January 1, 1994, must be actuarially sound, and must
20 state the savings anticipated to result from such drug-testing
21 and safety programs.

22 Section 13. Section 440.57, Florida Statutes, is
23 created to read: 440.57 Transfer of Administrative
24 Rules.--The administrative rules of the Department of Labor
25 and Employment Security pertaining to the function of the
26 Division of Safety which are in effect immediately before July
27 1, 2000, and are being transferred and revived pursuant to
28 this act, shall continue in effect as rules of the Division of
29 Workers' Compensation, Bureau of Workplace Safety, until
30 specifically amended by the Department of Insurance.

31 Section 14. (1) It is the intent of the Legislature

1 that the transfer of responsibilities from the Department of
2 Labor and Employment Security to other units of state
3 government as prescribed by this act be accomplished with
4 minimal disruption of services provided to the public and with
5 minimal disruption to the employees of the department. To that
6 end, the Legislature believes that a transition period during
7 which the activities of the department can be systematically
8 reduced and the activities of the other applicable units of
9 state government can be strategically increased is appropriate
10 and warranted.

11 (2) The Department of Labor and Employment Security
12 and the Department of Management Services shall provide
13 coordinated reemployment assistance to employees of the
14 Department of Labor and Employment Security who are dislocated
15 as a result of this act. The state Workforce Development
16 Board, the regional workforce boards, and staff of the
17 one-stop career centers shall provide assistance to the
18 departments in carrying out the provisions of this section.

19 (3) The state and its political subdivisions shall
20 give preference in the appointment and the retention of
21 employment to employees of the Department of Labor and
22 Employment Security who are dislocated as a result of this
23 act. Furthermore, for those positions for which an examination
24 is used to determine the qualifications for entrance into
25 employment with the state or its political subdivisions, 10
26 points shall be added to the earned ratings of any employee of
27 the Department of Labor and Employment Security who is
28 dislocated as a result of this act if such person has obtained
29 a qualifying score on the examination for the position.
30 Preference is considered to have expired once such person has
31 been employed by any state agency or any agency of a political

1 subdivision of the state.

2 (4)(a) There is created the Labor and Employment
3 Security Transition Team, which will be responsible for
4 coordinating and overseeing actions necessary to ensure the
5 timely, comprehensive, efficient, and effective implementation
6 of the provisions of this act, as well as implementation of
7 any statutory changes to the Department of Labor and
8 Employment Security's provision of workforce placement and
9 development services through the Division of Workforce and
10 Employment Opportunities. By February 1, 2001, the transition
11 team shall submit to the Governor, the President of the
12 Senate, and the Speaker of the House of Representatives a
13 comprehensive report on the transition of the Department of
14 Labor and Employment Security. The report shall include any
15 recommendations on legislative action necessary during the
16 2001 Regular Session of the Legislature to address substantive
17 or technical issues related to the department's transition.
18 The transition team shall terminate on May 15, 2001.

19 (b) The transition team shall consist of the following
20 members:

21 1. The Governor or the Governor's designee, who shall
22 serve as chair of the transition team and who shall convene
23 meetings of the transition team;

24 2. The Secretary of Labor and Employment Security or
25 the secretary's designee;

26 3. The Secretary of Management Services or the
27 secretary's designee;

28 4. The Commissioner of Insurance or the commissioner's
29 designee;

30 5. The executive director of the Department of Revenue
31 or the executive director's designee;

1 6. The director of the Agency for Workforce Innovation
2 or the director's designee;

3 7. The president of Workforce Florida, Inc., or the
4 president's designee;

5 8. The Chief Information Officer for the State; and

6 9. Any other members as deemed necessary by and
7 appointed by the Governor.

8 (c) Staff of the Office of Policy and Budget in the
9 Executive Office of the Governor shall serve as staff for the
10 transition team. In addition, each member of the transition
11 team shall appoint appropriate staff members from the
12 organization that he or she represents to serve as liaisons to
13 the transition team and to assist the transition team as
14 necessary. Each member of the transition team shall be
15 responsible for ensuring that the organization that he or she
16 represents cooperates fully in the implementation of this act.

17 (d) Between the date this act becomes a law and
18 January 1, 2001, the transition team shall submit bimonthly to
19 the President of the Senate and the Speaker of the House of
20 Representatives brief status reports on the progress and on
21 any significant problems in implementing this act.

22 (5) The transfer of any programs, activities, and
23 functions under this act shall include the transfer of any
24 records and unexpended balances of appropriations,
25 allocations, or other funds related to such programs,
26 activities, and functions. Any surplus records and unexpended
27 balances of appropriations, allocations, or other funds not so
28 transferred shall be transferred to the Department of
29 Management Services for proper disposition. The Department of
30 Management Services shall become the custodian of any property
31 of the Department of Labor and Employment Security which is

1 not otherwise transferred for the purposes of chapter 273,
2 Florida Statutes. The Department of Management Services is
3 authorized to permit the use of such property by organizations
4 as necessary to implement the provisions of this act.

5 (6) The transition team, in conjunction with the
6 Office of the Attorney General, may use any unexpended
7 balances of the Department of Labor and Employment Security to
8 settle any claims or leases, pay out personnel annual leave or
9 sick leave, or close out other costs owed by the department,
10 regardless of whether such costs relate to federal, state, or
11 local governments; department employees; or the private
12 sector. Any remaining balances of the department shall be
13 transferred as directed by this act or by budget amendment.

14 (7) The transition team shall monitor any personnel
15 plans of the Department of Labor and Employment Security and
16 any implementation activities of the department required by
17 this act. The department shall not fill a vacant position or
18 transfer an employee laterally between any divisions or other
19 units of the department without the approval of the transition
20 team.

21 (8) The transition team may submit proposals to the
22 Governor and recommend budget amendments to ensure the
23 effective implementation of this act, maintenance of federal
24 funding, and continuation of services to customers without
25 interruption. Prior to October 1, 2000, the transition team,
26 through the Office of Policy and Budget, shall prepare a
27 budget amendment to allocate the resources of the Office of
28 the Secretary, Office of Administrative Services, Division of
29 Unemployment Compensation, and other resources of the
30 Department of Labor and Employment Security not otherwise
31 transferred by this act. The allocation of resources under

1 this budget amendment must provide for the maintenance of the
2 department until January 1, 2001, in order to complete
3 activities related to the dissolution of the department and
4 must reserve any remaining funds or positions.

5 (9) This section shall take effect upon this act
6 becoming a law.

7 Section 15. To expedite the acquisition of goods and
8 services for implementing the provisions of this act, the
9 Department of Revenue, the Department of Insurance, the
10 Department of Management Services, and the Agency for
11 Workforce Innovation are exempt from the provisions of chapter
12 287, Florida Statutes, when contracting for the purchase or
13 lease of goods or services under this act. This section shall
14 take effect upon this act becoming a law and shall expire
15 January 1, 2001.

16 Section 16. To expedite the leasing of facilities for
17 implementing the provisions of this act, the Department of
18 Revenue, the Department of Insurance, the Department of
19 Management Services, and the Agency for Workforce Innovation
20 are exempt from the requirements of any state laws relating to
21 the leasing of space, including, but not limited to, the
22 requirements imposed by section 255.25, Florida Statutes, and
23 any rules adopted under such laws, provided, however, that all
24 leases entered into under this act through January 1, 2001,
25 must be submitted for approval to the Department of Management
26 Services at the earliest practicable time. This section shall
27 take effect upon this act becoming a law and shall expire
28 January 1, 2001.

29 Section 17. Notwithstanding the provisions of chapter
30 120, Florida Statutes, to the contrary, the Department of
31 Revenue, the Department of Insurance, the Department of

1 Management Services, and the Agency for Workforce Innovation
2 are authorized to develop emergency rules relating to and in
3 furtherance of the orderly implementation of the provisions of
4 this act. These emergency rules shall be valid for a period of
5 270 days after the effective date of this act.

6 Section 18. (1) The Department of Revenue shall
7 develop and issue notification to all businesses registered
8 with the Department of Labor and Employment Security for the
9 purpose of paying unemployment compensation tax imposed
10 pursuant to chapter 443, Florida Statutes. Such notification
11 shall include, but not be limited to, information on the
12 transfer of responsibilities from the Department of Labor and
13 Employment Security to the Department of Revenue and other
14 agencies relating to unemployment compensation activities.

15 (2) The Department of Revenue is authorized to issue
16 any notices, forms, documents, or publications relating to the
17 unemployment compensation tax which the Division of
18 Unemployment Compensation of the Department of Labor and
19 Employment Security was authorized to issue or publish under
20 chapter 443, Florida Statutes, prior to the transfer of any
21 responsibilities under this act.

22 (3) The Department of Revenue is authorized to
23 determine the most efficient and effective method for
24 administering, collecting, enforcing, and auditing the
25 unemployment compensation tax in consultation with the
26 businesses that pay such tax and consistent with the
27 provisions of chapter 443, Florida Statutes.

28 Section 19. Effective October 1, 2000, subsection (19)
29 of section 287.012, Florida Statutes, is amended to read:

30 287.012 Definitions.--The following definitions shall
31 apply in this part:

1 (19) "Office" means the Minority Business Advocacy and
2 Assistance Office of the Department of Management Services
3 ~~Labor and Employment Security~~.

4 Section 20. Effective October 1, 2000, subsection (1)
5 of section 287.0947, Florida Statutes, is amended to read:

6 287.0947 Florida Council on Small and Minority
7 Business Development; creation; membership; duties.--

8 (1) On or after October 1, 2000 ~~1996~~, the secretary of
9 the Department of Management Services ~~Labor and Employment~~
10 ~~Security~~ may create the Florida Advisory Council on Small and
11 Minority Business Development with the purpose of advising and
12 assisting the secretary in carrying out the secretary's duties
13 with respect to minority businesses and economic and business
14 development. It is the intent of the Legislature that the
15 membership of such council include practitioners, laypersons,
16 financiers, and others with business development experience
17 who can provide invaluable insight and expertise for this
18 state in the diversification of its markets and networking of
19 business opportunities. The council shall initially consist of

20 19 persons, each of whom is or has been actively engaged in
21 small and minority business development, either in private
22 industry, in governmental service, or as a scholar of
23 recognized achievement in the study of such matters.
24 Initially, the council shall consist of members representing
25 all regions of the state and shall include at least one member
26 from each group identified within the definition of "minority
27 person" in s. 288.703(3), considering also gender and
28 nationality subgroups, and shall consist of the following:

29 (a) Four members consisting of representatives of
30 local and federal small and minority business assistance
31 programs or community development programs.

1 (b) Eight members composed of representatives of the
2 minority private business sector, including certified minority
3 business enterprises and minority supplier development
4 councils, among whom at least two shall be women and at least
5 four shall be minority persons.

6 (c) Two representatives of local government, one of
7 whom shall be a representative of a large local government,
8 and one of whom shall be a representative of a small local
9 government.

10 (d) Two representatives from the banking and insurance
11 industry.

12 (e) Two members from the private business sector,
13 representing the construction and commodities industries.

14 (f) The chairperson of the Florida Black Business
15 Investment Board or the chairperson's designee.

16
17 A candidate for appointment may be considered if eligible to
18 be certified as an owner of a minority business enterprise, or
19 if otherwise qualified under the criteria above. Vacancies may
20 be filled by appointment of the secretary, in the manner of
21 the original appointment.

22 Section 21. Effective October 1, 2000, subsections (2)
23 and (3) and paragraph (h) of subsection (4) of section
24 287.09451, Florida Statutes, are amended to read:

25 287.09451 Minority Business Advocacy and Assistance
26 Office; powers, duties, and functions.--

27 (2) The Minority Business Advocacy and Assistance
28 Office is established within the Department of Management
29 Services ~~Labor and Employment Security~~ to assist minority
30 business enterprises in becoming suppliers of commodities,
31 services, and construction to state government.

1 (3) The Secretary of the Department of Management
2 Services ~~secretary~~ shall appoint an executive director for the
3 Minority Business Advocacy and Assistance Office, who shall
4 serve at the pleasure of the secretary.

5 (4) The Minority Business Advocacy and Assistance
6 Office shall have the following powers, duties, and functions:

7 (h) To develop procedures to investigate complaints
8 against minority business enterprises or contractors alleged
9 to violate any provision related to this section or s.
10 287.0943, that may include visits to worksites or business
11 premises, and to refer all information on businesses suspected
12 of misrepresenting minority status to the Department of
13 Management Services ~~Labor and Employment Security~~ for
14 investigation. When an investigation is completed and there is
15 reason to believe that a violation has occurred, the
16 Department of Management Services ~~Labor and Employment~~
17 ~~Security~~ shall refer the matter to the office of the Attorney
18 General, Department of Legal Affairs, for prosecution.

19 Section 22. Effective upon this act becoming a law,
20 subsections (3), (4), and (6) of section 20.15, Florida
21 Statutes, are amended and paragraph (d) is added to subsection
22 (5) of that section to read:

23 20.15 Department of Education.--There is created a
24 Department of Education.

25 (3) DIVISIONS.--The following divisions of the
26 Department of Education are established:

27 (a) Division of Community Colleges.

28 (b) Division of Public Schools and Community
29 Education.

30 (c) Division of Universities.

31 (d) Division of Workforce Development.

- 1 (e) Division of Human Resource Development.
- 2 (f) Division of Administration.
- 3 (g) Division of Financial Services.
- 4 (h) Division of Support Services.
- 5 (i) Division of Technology.
- 6 (j) Division of Occupational Access and Opportunity.
- 7 (4) DIRECTORS.--The Board of Regents is the director
- 8 of the Division of Universities, the Occupational Access and
- 9 Opportunity Commission is the director of the Division of
- 10 Occupational Access and Opportunity,and the State Board of
- 11 Community Colleges is the director of the Division of
- 12 Community Colleges, pursuant to chapter 240. The directors of
- 13 all other divisions shall be appointed by the commissioner
- 14 subject to approval by the state board.
- 15 (5) POWERS AND DUTIES.--The State Board of Education
- 16 and the Commissioner of Education:
- 17 (d) Shall assign to the Division of Occupational
- 18 Access and Opportunity such powers, duties, responsibilities,
- 19 and functions as are necessary to ensure the coordination,
- 20 efficiency, and effectiveness of its programs, including, but
- 21 not limited to, vocational rehabilitation and independent
- 22 living services to persons with disabilities which services
- 23 are funded under the Rehabilitation Act of 1973, as amended,
- 24 except:
- 25 1. Those duties specifically assigned to the Division
- 26 of Blind Services of the Department of Management Services;
- 27 2. Those duties specifically assigned to the
- 28 Commissioner of Education in ss. 229.512 and 229.551;
- 29 3. Those duties concerning physical facilities in
- 30 chapter 235;
- 31 4. Those duties assigned to the State Board of

1 Community Colleges in chapter 240; and

2 5. Those duties assigned to the Division of Workforce
3 Development in chapter 239.

4
5 Effective October 1, 2000, the Occupational Access and
6 Opportunity Commission shall assume all responsibilities
7 necessary to be the designated state agency for purposes of
8 compliance with the Rehabilitation Act of 1973, as amended.

9 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
10 contained in law to the contrary, the Commissioner of
11 Education shall appoint all members of all councils and
12 committees of the Department of Education, except the Board of
13 Regents, the State Board of Community Colleges, the community
14 college district boards of trustees, the Postsecondary
15 Education Planning Commission, the Education Practices
16 Commission, the Education Standards Commission, the State
17 Board of Independent Colleges and Universities, the
18 Occupational Access and Opportunity Commission, the Florida
19 Rehabilitation Council, the Florida Independent Living
20 Council, and the State Board of Nonpublic Career Education.

21 Section 23. Subsection (16) is added to section
22 120.80, Florida Statutes, to read:

23 120.80 Exceptions and special requirements;
24 agencies.--

25 (16) OCCUPATIONAL ACCESS AND OPPORTUNITY
26 COMMISSION.--Notwithstanding s. 120.57(1)(a), hearings
27 concerning determinations by the Occupational Access and
28 Opportunity Commission on eligibility, plans of services, or
29 closure need not be conducted by an administrative law judge
30 assigned by the division. The commission may choose to
31 contract with another appropriate resource in these matters.

1 Section 24. Effective October 1, 2000, section
2 413.011, Florida Statutes, is amended to read:

3 413.011 Division of Blind Services, internal
4 organizational structure; Florida Rehabilitation Advisory
5 Council for ~~the~~ Blind Services.--

6 (1) The internal organizational structure of the
7 Division of Blind Services shall be designed for the purpose
8 of ensuring the greatest possible efficiency and effectiveness
9 of services to the blind and to be consistent with chapter 20.
10 The Division of Blind Services shall ~~plan, supervise, and~~
11 carry out the following activities under planning and policy
12 guidance from the Florida Rehabilitation Council for Blind
13 Services:

14 (a) Implement the provisions of the 5-year strategic
15 plan prepared by the council under paragraph (3)(a) to provide
16 services to individuals who are blind.

17 (b)~~(a)~~ Recommend personnel as may be necessary to
18 carry out the purposes of this section.

19 (c)~~(b)~~ Cause to be compiled and maintained a complete
20 register of individuals in the state who are ~~the~~ blind ~~in the~~
21 ~~state~~, which shall describe the condition, cause of blindness,
22 and capacity for education and industrial training, with such
23 other facts as may seem to the division to be of value. Any
24 information in the register of individuals who are ~~the~~ blind
25 which, when released, could identify an individual is
26 confidential and exempt from the provisions of s. 119.07(1).

27 (d)~~(c)~~ Inquire into the cause of blindness, inaugurate
28 preventive measures, and provide for the examination and
29 treatment of individuals who are ~~the~~ blind, or those
30 threatened with blindness, for the benefit of such persons,
31 and shall pay therefor, including necessary incidental

1 expenses.

2 (e)(d) Contract with community-based rehabilitation
3 providers, to the maximum extent allowable under federal law,
4 to assist individuals who are blind in obtaining ~~Aid the blind~~
5 ~~in finding~~ employment, teach them trades and occupations
6 within their capacities, assist them in disposing of products
7 made by them in home industries, assist them in obtaining
8 funds for establishing enterprises where federal funds
9 reimburse the state, and do such things as will contribute to
10 the efficiency of self-support of individuals who are the
11 blind.

12 (f)(e) Establish one or more training schools and
13 workshops for the employment of suitable individuals who are
14 blind persons; make expenditures of funds for such purposes;
15 receive moneys from sales of commodities involved in such
16 activities and from such funds make payments of wages,
17 repairs, insurance premiums and replacements of equipment. All
18 of the activities provided for in this section may be carried
19 on in cooperation with private workshops for individuals who
20 are the blind, except that all tools and equipment furnished
21 by the division shall remain the property of the state.

22 (g)(f) Contract with community-based rehabilitation
23 providers, to the maximum extent allowable under federal law,
24 to provide special services and benefits for individuals who
25 are the blind in order to assist them in ~~for~~ developing their
26 social life through community activities and recreational
27 facilities.

28 (h)(g) Undertake such other activities as may
29 ameliorate the condition of ~~blind~~ citizens of this state who
30 are blind.

31 (i)(h) Cooperate with other agencies, public or

1 private, especially the Division of the Blind and Physically
2 Handicapped of the Library of Congress and the Division of
3 Library and Information Services of the Department of State,
4 to provide library service to individuals who are the blind
5 and individuals who have other disabilities ~~other handicapped~~
6 ~~persons~~ as defined in federal law and regulations in carrying
7 out any or all of the provisions of this law.

8 (j)~~(i)~~ Recommend contracts and agreements with
9 federal, state, county, municipal and private corporations,
10 and individuals.

11 (k)~~(j)~~ Receive moneys or properties by gift or bequest
12 from any person, firm, corporation, or organization for any of
13 the purposes herein set out, but without authority to bind the
14 state to any expenditure or policy except such as may be
15 specifically authorized by law. All such moneys or properties
16 so received by gift or bequest as herein authorized may be
17 disbursed and expended by the division upon its own warrant
18 for any of the purposes herein set forth, and such moneys or
19 properties shall not constitute or be considered a part of any
20 legislative appropriation made by the state for the purpose of
21 carrying out the provisions of this law.

22 (l)~~(k)~~ Prepare and make available to individuals who
23 are the blind, in braille and on electronic recording
24 equipment, Florida Statutes chapters 20, 120, 121, and 413, in
25 their entirety.

26 (m)~~(l)~~ Adopt by rule procedures necessary to comply
27 with any plans prepared by the council for providing
28 vocational rehabilitation services for individuals who are the
29 blind.

30 (n)~~(m)~~ Adopt by rule forms and instructions to be used
31 by the division in its general administration.

1 (o) Recommend to the Legislature a method to privatize
2 the Business Enterprise Program established under s. 413.051
3 by creating a not-for-profit entity. The entity shall conform
4 to requirements of the federal Randolph Sheppard Act and shall
5 be composed of blind licensees with expertise in operating
6 business enterprises. The division shall submit its
7 recommendations to the Governor, the President of the Senate,
8 and the Speaker of the House of Representatives, as well as to
9 the appropriate substantive committees of the Legislature, by
10 January 1, 2001.

11 (2) As used in this section:

12 (a) "Act," unless the context indicates otherwise,
13 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797,
14 as amended.

15 (b) "Blind" or "blindness" means the condition of any
16 person for whom blindness is a disability as defined by the
17 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

18 (c) "Community-based rehabilitation provider" means a
19 provider of services in a community setting to individuals who
20 are blind.

21 (d) "Council" means the Florida Rehabilitation Council
22 for Blind Services.

23 (e)~~(c)~~ "Department" means the Department of Management
24 Services Labor and Employment Security.

25 (f) "Plan" means the 5-year strategic plan developed
26 by the council under paragraph (3)(a).

27 (g) "State plan" means the state plan for vocational
28 rehabilitation required by the federal Rehabilitation Act of
29 1973, as amended.

30 (3) There is ~~hereby~~ created in the department the
31 Florida Rehabilitation Advisory Council for the Blind

1 Services. The council shall be established in accordance with
2 the act and must include at least four representatives of
3 private-sector businesses that are not providers of vocational
4 rehabilitation services. Members of the council shall serve
5 without compensation, but may be reimbursed for per diem and
6 travel expenses pursuant to s. 112.061.~~to assist the division~~
7 ~~in the planning and development of statewide rehabilitation~~
8 ~~programs and services, to recommend improvements to such~~
9 ~~programs and services, and to perform the functions provided~~
10 ~~in this section.~~

11 ~~(a) The advisory council shall be composed of:~~

12 ~~1. At least one representative of the Independent~~
13 ~~Living Council, which representative may be the chair or other~~
14 ~~designee of the council;~~

15 ~~2. At least one representative of a parent training~~
16 ~~and information center established pursuant to s. 631(c)(9) of~~
17 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~
18 ~~1431(c)(9);~~

19 ~~3. At least one representative of the client~~
20 ~~assistance program established under the act;~~

21 ~~4. At least one vocational rehabilitation counselor~~
22 ~~who has knowledge of and experience in vocational~~
23 ~~rehabilitation services for the blind, who shall serve as an~~
24 ~~ex officio nonvoting member of the council if the counselor is~~
25 ~~an employee of the department;~~

26 ~~5. At least one representative of community~~
27 ~~rehabilitation program service providers;~~

28 ~~6. Four representatives of business, industry, and~~
29 ~~labor;~~

30 ~~7. At least one representative of a disability~~
31 ~~advocacy group representing individuals who are blind;~~

1 ~~8. At least one parent, family member, guardian,~~
2 ~~advocate, or authorized representative of an individual who is~~
3 ~~blind, has multiple disabilities, and either has difficulties~~
4 ~~representing himself or herself or is unable, due to~~
5 ~~disabilities, to represent himself or herself;~~

6 ~~9. Current or former applicants for, or recipients of,~~
7 ~~vocational rehabilitation services; and~~

8 ~~10. The director of the division, who shall be an ex~~
9 ~~officio member of the council.~~

10 ~~(a)(b)~~ Members of the council shall be appointed by
11 the Governor, who shall select members after soliciting
12 recommendations from representatives of organizations
13 representing a broad range of individuals who have
14 disabilities, and organizations interested in those
15 individuals.

16 ~~(c) A majority of council members shall be persons who~~
17 ~~are:~~

18 ~~1. Blind; and~~

19 ~~2. >Not employed by the division.~~

20 ~~(d) The council shall select a chair from among its~~
21 ~~membership.~~

22 ~~(e) Each member of the council shall serve for a term~~
23 ~~of not more than 3 years, except that:~~

24 ~~1. A member appointed to fill a vacancy occurring~~
25 ~~prior to the expiration of the term for which a predecessor~~
26 ~~was appointed shall be appointed for the remainder of such~~
27 ~~term; and~~

28 ~~2. The terms of service of the members initially~~
29 ~~appointed shall be, as specified by the Governor, for such~~
30 ~~fewer number of years as will provide for the expiration of~~
31 ~~terms on a staggered basis.~~

1 ~~(f) No member of the council may serve more than two~~
2 ~~consecutive full terms.~~

3 ~~(g) Any vacancy occurring in the membership of the~~
4 ~~council shall be filled in the same manner as the original~~
5 ~~appointment. A vacancy does not affect the power of the~~
6 ~~remaining members to execute the duties of the council.~~

7 **(b)(h)** In addition to the other functions specified in
8 the act this section, the council shall:

9 1. Review, analyze, and advise the division regarding
10 the performance of the responsibilities of the division under
11 Title I of the act, particularly responsibilities relating to:

12 a. Eligibility, including order of selection;
13 b. The extent, scope, and effectiveness of services
14 provided; and

15 c. Functions performed by state agencies that affect
16 or potentially affect the ability of individuals who are blind
17 to achieve rehabilitation goals and objectives under Title I.

18 2. Advise the department and the division, and, at the
19 discretion of the department or division, assist in the
20 preparation of applications, the state plan as required by
21 federal law, the strategic plan, and amendments to the plans,
22 reports, needs assessments, and evaluations required by Title
23 I.

24 3. Prepare by March 1, 2001, for implementation by the
25 division by July 1, 2001, subject to approval by the Federal
26 Government, a 5-year strategic plan to provide services to
27 individuals who are blind. The council must consult with
28 stakeholders and conduct public hearings as part of the
29 development of the plan. The plan must be submitted to the
30 Governor, the President of the Senate, and the Speaker of the
31 House of Representatives. The council annually shall make

1 amendments to the plan, which also must be submitted to the
2 Governor, the President of the Senate, and the Speaker of the
3 House of Representatives. The plan must provide for the
4 maximum use of community-based rehabilitation providers for
5 the delivery of services and a corresponding reduction in the
6 number of state employees in the division to the minimum
7 number necessary to carry out the functions required under
8 this section. The plan also must provide for 90 percent of the
9 funds provided for services to individuals who are blind to be
10 used for direct customer services.

11 ~~4.3.~~ To the extent feasible, conduct a review and
12 analysis of the effectiveness of, and consumer satisfaction
13 with:

14 a. The functions performed by state agencies and other
15 public and private entities responsible for performing
16 functions for individuals who are blind.

17 b. Vocational rehabilitation services:

18 (I) Provided or paid for from funds made available
19 under the act or through other public or private sources.

20 (II) Provided by state agencies and other public and
21 private entities responsible for providing vocational
22 rehabilitation services to individuals who are blind.

23 ~~5.4.~~ Prepare and submit an annual report on the status
24 of vocational rehabilitation services for individuals who are
25 ~~the~~ blind in the state to the Governor and the Commissioner of
26 the Rehabilitative Services Administration, established under
27 s. 702 of the act, and make the report available to the
28 public.

29 ~~6.5.~~ Coordinate with other councils within the state,
30 including the Independent Living Council, the advisory panel
31 established under s. 613(a)(12) of the Individuals with

1 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
2 Planning Council described in s. 124 of the Developmental
3 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
4 6024, and the state mental health planning council established
5 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
6 300X-4(e), the Occupational Access and Opportunity Commission,
7 and the state Workforce Development Board under the federal
8 Workforce Investment Act.

9 ~~7.6.~~ Advise the department and division and provide
10 for coordination and the establishment of working
11 relationships among the department, the division, the
12 Independent Living Council, and centers for independent living
13 in the state.

14 ~~8.7.~~ Perform such other functions consistent with the
15 purposes of the act as the council determines to be
16 appropriate that are comparable to functions performed by the
17 council.

18 ~~(c)(i)~~1. The council shall prepare, in conjunction
19 with the division, a plan for the provision of such resources,
20 including such staff and other personnel, as may be necessary
21 to carry out the functions of the council. The resource plan
22 shall, to the maximum extent possible, rely on the use of
23 resources in existence during the period of implementation of
24 the plan.

25 2. If there is a disagreement between the council and
26 the division in regard to the resources necessary to carry out
27 the functions of the council as set forth in this section, the
28 disagreement shall be resolved by the Governor.

29 3. The council shall, consistent with law, supervise
30 and evaluate such staff and other personnel as may be
31 necessary to carry out its functions.

1 4. While assisting the council in carrying out its
2 duties, staff and other personnel shall not be assigned duties
3 by the division or any other state agency or office that would
4 create a conflict of interest.

5 (d)(j) No council member shall cast a vote on any
6 matter that would provide direct financial benefit to the
7 member or otherwise give the appearance of a conflict of
8 interest under state law.

9 (e)(k) The council shall convene at least four
10 meetings each year. These meetings shall occur in such places
11 as the council deems necessary to conduct council business.
12 The council may conduct such forums or hearings as the council
13 considers appropriate. The meetings, hearings, and forums
14 shall be publicly announced. The meetings shall be open and
15 accessible to the public. To the maximum extent possible, the
16 meetings shall be held in locations that are accessible to
17 individuals with disabilities.The council shall make a report
18 of each meeting which shall include a record of its
19 discussions and recommendations, all of which reports shall be
20 made available to the public.

21 (f) Members of the commission may rely on and are
22 subject to the provisions of s. 413.273.

23 Section 25. Effective October 1, 2000, section
24 413.014, Florida Statutes, is amended to read:

25 413.014 Community-based rehabilitation providers
26 programs.--The 5-year plan prepared under s. 413.011(3)(a)3.
27 shall require the Division of Blind Services to shall enter
28 into cooperative agreements with community-based
29 rehabilitation providers programs to be the service providers
30 for the blind citizens of their communities. State employees,
31 however, shall provide all services that may not be delegated

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1 under federal law.The division shall, as rapidly as feasible,
2 increase the amount of such services provided by
3 community-based rehabilitation providers ~~programs~~. The goal
4 shall be to decrease the amount of such services provided by
5 division employees and to increase to the maximum extent
6 allowed by federal law the amount of such services provided
7 through cooperative agreements with community-based service
8 providers. The division shall seek, to the maximum extent
9 allowed by federal and state law and regulation, all available
10 federal funds for such purposes. Funds and in-kind matching
11 contributions from community and private sources shall be used
12 to maximize federal funds. Unless prohibited by federal law or
13 regulation, the share of the federal vocational rehabilitation
14 grant apportioned for services to the blind shall be not less
15 than 17 percent. By December 31 of each year, the division
16 shall submit to the Governor, the President of the Senate, and
17 the Speaker of the House of Representatives a status report on
18 its progress on increasing the amount of services provided by
19 community-based rehabilitation providers as required by this
20 section. The report shall include recommendations on
21 reductions in the number of division employees based upon
22 increased use of community-based rehabilitation providers.

23 Section 26. Effective October 1, 2000, subsection (1)
24 of section 413.034, Florida Statutes, is amended to read:

25 413.034 Commission established; membership.--

26 (1) There is created within the Department of
27 Management Services the Commission for Purchase from the Blind
28 or Other Severely Handicapped, to be composed of the secretary
29 of the Department of Management Services; the director of the
30 Division of Occupational Access and Opportunity ~~Vocational~~
31 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~

1 ~~Employment Security~~, who shall be an ex officio member with
2 voting rights; the director of the Division of Blind Services
3 of the Department of Management Services ~~Labor and Employment~~
4 ~~Security~~; and four members to be appointed by the Governor,
5 which four members shall be an executive director of a
6 nonprofit agency for the blind, an executive director of a
7 nonprofit agency for other severely handicapped persons, a
8 representative of private enterprise, and a representative of
9 other political subdivisions. All appointed members shall
10 serve for terms of 4 years. Appointed commission members
11 shall serve subject to confirmation by the Senate.

12 Section 27. Effective October 1, 2000, paragraph (a)
13 of subsection (2) and subsection (3) of section 413.051,
14 Florida Statutes, are amended to read:

15 413.051 Eligible blind persons; operation of vending
16 stands.--

17 (2) As used in this section:

18 (a) "Blind licensee" means any person who is blind and
19 who is person trained and licensed by the Division of Blind
20 Services of the Department of Management Services ~~Labor and~~
21 ~~Employment Security~~ to operate a vending stand.

22 (3) Blind licensees shall be given the first
23 opportunity to participate in the operation of vending stands
24 on all state properties acquired after July 1, 1979, when such
25 facilities are operated under the supervision of the Division
26 of Blind Services of the Department of Management Services
27 ~~Labor and Employment Security~~.

28 Section 28. Effective October 1, 2000, section
29 413.064, Florida Statutes, is amended to read:

30 413.064 Rules.--The Department of Management Services
31 ~~Labor and Employment Security~~ shall adopt all necessary rules

1 pertaining to the conduct of a solicitation for the benefit of
2 individuals who are blind persons, including criteria for
3 approval of an application for a permit for such solicitation.

4 Section 29. Effective October 1, 2000, section
5 413.066, Florida Statutes, is amended to read:

6 413.066 Revocation of permit.--Any failure on the part
7 of a person or organization holding a permit under the
8 provisions of ss. 413.061-413.068 to comply with the law or
9 with all rules promulgated by the Department of Management
10 Services Labor and Employment Security as authorized by s.
11 413.064 constitutes a ground for revocation of the permit by
12 the Division of Blind Services.

13 Section 30. Effective October 1, 2000, section
14 413.067, Florida Statutes, is amended to read:

15 413.067 Penalty.--Any person who violates the
16 provisions of ss. 413.061-413.068 or any rule promulgated by
17 the Department of Management Services Labor and Employment
18 Security pursuant thereto commits a misdemeanor of the second
19 degree, punishable as provided in s. 775.082 or s. 775.083.

20 Section 31. Effective October 1, 2000, subsection (1)
21 of section 413.395, Florida Statutes, is amended to read:

22 413.395 Florida Independent Living Council.--

23 (1) There is created the Florida Independent Living
24 Council to assist the division and the Division of Blind
25 Services of the Department of Management Services Labor and
26 Employment Security, as well as other state agencies and local
27 planning and administrative entities assisted under Title VII
28 of the act, in the expansion and development of statewide
29 independent living policies, programs, and concepts and to
30 recommend improvements for such programs and services. The
31 council shall function independently of the division and,

1 unless the council elects to incorporate as a not-for-profit
2 corporation, is assigned to the division for administrative
3 purposes only. The council may elect to be incorporated as a
4 Florida corporation not for profit and, upon such election,
5 shall be assisted in the incorporation by the division for the
6 purposes stated in this section. The appointed members of the
7 council may constitute the board of directors for the
8 corporation.

9 Section 32. It is the intent of the Legislature that
10 the provisions of this act relating to services for
11 individuals who are blind not conflict with any federal
12 statute or implementing regulation governing federal
13 grant-in-aid programs administered by the Division of Blind
14 Services or the Florida Rehabilitation Council for Blind
15 Services. Whenever such a conflict is asserted by the U.S.
16 Department of Education or other applicable agency of the
17 Federal Government, the council shall submit to the U.S.
18 Department of Education or other applicable federal agency a
19 request for a favorable policy interpretation of the
20 conflicting portions of such statute or regulation. If the
21 request is approved, as certified in writing by the Secretary
22 of the U.S. Department of Education or the head of the other
23 applicable federal agency, the council or the division is
24 authorized to adjust the plan as necessary to achieve
25 conformity with federal statutes or regulations. Before
26 adjusting the plan, the council or the division shall provide
27 to the President of the Senate and the Speaker of the House of
28 Representatives an explanation and justification of the
29 position of the council or division and shall outline all
30 feasible alternatives that are consistent with this act. These
31 alternatives may include the state supervision of local

1 service agencies by the council or the division if the
2 agencies are designated by the Governor.

3 Section 33. Effective upon this act becoming a law,
4 section 413.82, Florida Statutes, is amended to read:

5 413.82 Definitions.--As used in ss. 413.81-413.93, the
6 term:

7 (1) "Commission" means the Commission on Occupational
8 Access and Opportunity.

9 (2) "Community rehabilitation provider" means a
10 provider of services in a community setting to people with
11 disabilities.

12 ~~(3)(2)~~ "Corporation" means the Occupational Access and
13 Opportunity Corporation.

14 ~~(4)(3)~~ "Division" means the Division of Occupational
15 Access and Opportunity ~~Vocational Rehabilitation.~~

16 (5) "Plan" means the plan required by ss.
17 413.81-413.93. ~~(4) "Office" means the Executive Office of the~~
18 ~~Governor.~~

19 ~~(6)(5)~~ "State plan" means the state plan for
20 vocational rehabilitation required by Title I of the federal
21 Rehabilitation Act of 1973, as amended, and ~~ss. 413.81-413.93.~~

22 ~~(7)(6)~~ "Region" means a service area for a regional
23 workforce development board established by the Workforce
24 Development Board.

25 Section 34. Effective upon this act becoming a law,
26 subsections (2), (3), (6), (7), (8), and (10) of section
27 413.83, Florida Statutes, are amended to read:

28 413.83 Occupational Access and Opportunity Commission;
29 creation; purpose; membership.--

30 (2) The commission shall consist of 16 voting members,
31 including 15 members appointed, as provided in this section

1 ~~herein~~, by the Governor, the President of the Senate, and the
2 Speaker of the House of Representatives, and four ex-officio,
3 nonvoting members. ~~The commission must contain a minimum of 50~~
4 ~~percent representation from the private sector.~~ Appointment of
5 members is subject to confirmation by the Senate. The
6 membership of the commission may not include more than two
7 individuals who are, or are employed by, community
8 rehabilitation providers who contract to provide vocational
9 rehabilitation services to individuals who qualify for the
10 program. The members of the commission shall include:

11 (a) The Commissioner of Education, or his or her
12 designee, ~~who shall serve as chair;~~

13 (b) Eight employers from the private sector, three of
14 whom shall be appointed by the Governor for a term of 4 years,
15 three of whom shall be appointed by the President of the
16 Senate for a term of 4 years, and two of whom shall be
17 appointed by the Speaker of the House of Representatives for a
18 term of 4 years;

19 (c) An individual who is a consumer of vocational
20 rehabilitation services, who shall be appointed by the
21 Governor for a term of 4 years;

22 (d) A community rehabilitation provider who contracts
23 to provide vocational rehabilitation services to individuals
24 who qualify for the program and who shall be appointed by the
25 Governor for a term of 4 years;

26 (e) Five representatives of business, workforce
27 development, education, state government, local government, a
28 consumer advocate group, or a community organization, three of
29 whom shall be appointed by the Governor for a term of 4 years,
30 one of whom shall be appointed by the President of the Senate
31 for a term of 4 years, and one of whom shall be appointed by

1 the Speaker of the House of Representatives for a term of 4
2 years; and
3 (f) As exofficio, nonvoting members:
4 1. The executive director or his or her designee from
5 the Advocacy Center for Persons with Disabilities;
6 2. The chair of the Florida Rehabilitation Council;
7 3. The chair of the Council for Independent Living;
8 and
9 4. The chair of the Commission for the Purchase from
10 the Blind or Other Severely Handicapped.
11 ~~(b) The chair of the Florida Rehabilitation Council;~~
12 ~~(c) The chair of the Council for Independent Living;~~
13 ~~(d) The chair of the Commission for the Purchase from~~
14 ~~the Blind or Other Severely Handicapped;~~
15 ~~(e) A community rehabilitation provider who contracts~~
16 ~~to provide vocational rehabilitation services to individuals~~
17 ~~who qualify for the program, who shall be appointed by the~~
18 ~~Governor for a term of 4 years;~~
19 ~~(f) A representative from the Advocacy Center for~~
20 ~~Persons With Disabilities, who shall be appointed by the~~
21 ~~President of the Senate for a term of 4 years;~~
22 ~~(g) A consumer of vocational rehabilitation services,~~
23 ~~who shall be appointed by the Speaker of the House of~~
24 ~~Representatives for a term of 4 years; and~~
25 ~~(h) Other individuals with disabilities and~~
26 ~~representatives of business, workforce development, education,~~
27 ~~state government, local government, consumer advocate groups,~~
28 ~~employers of individuals with disabilities, or community~~
29 ~~organizations.~~
30 (3) By September 1, 2000, after receiving
31 recommendations from the commission, the Governor, the

1 President of the Senate, and the Speaker of the House of
2 Representatives shall consult together and take actions
3 necessary to bring the membership of the commission into
4 compliance with the requirements of this section. In taking
5 such action, initial terms shall be staggered as necessary to
6 ensure that the terms of no more than one-fourth of the
7 commission's total appointed membership shall expire in any
8 1-year period.~~Initially, the Governor, the President of the~~
9 ~~Senate, and the Speaker of the House of Representatives shall~~
10 ~~each appoint as members meeting the qualifications contained~~
11 ~~in paragraph (2)(h), one member for a term of 3 years, one~~
12 ~~member for a term of 2 years, and one member for a term of 1~~
13 ~~year. Thereafter,~~After receiving recommendations from the
14 commission, the Governor, the President of the Senate, and the
15 Speaker of the House of Representatives shall appoint all
16 members for terms of 4 years. Any vacancy shall be filled by
17 appointment by the original appointing authority for the
18 unexpired portion of the term by a person who possesses the
19 proper qualifications for the vacancy.

20 (6) The Governor shall name the chair of the
21 commission from its appointed members. The commission shall
22 biennially elect one of its members as vice chair, who shall
23 preside in the absence of the chair. Neither the chair, nor
24 the vice chair, may be a provider of client services funded
25 through the commission.

26 (7) The Rehabilitation Council created by s. 413.405
27 ~~shall serve the commission and shall continue to perform its~~
28 designated duties, with the commission as the designated state
29 vocational rehabilitation agency. The commission shall
30 ~~consider the recommendations made by the council.~~

31 (8) The commission may appoint advisory committees

1 that the commission considers appropriate, which may include
2 members from outside the commission to study special problems
3 or issues and advise the commission on those subjects. The
4 commission shall establish an advisory council composed of
5 representatives from not-for-profit organizations that have
6 submitted a resolution requesting membership and have had the
7 request approved by the commission.~~Any existing advisory~~
8 ~~board, commission, or council may seek to become an official~~
9 ~~advisory committee to the commission by submitting to the~~
10 ~~commission a resolution requesting affiliation and having the~~
11 ~~request approved by the commission.~~The commission shall
12 establish the operating procedures of the committees.

13 (10) The members of the commission may rely on and are
14 subject to the provisions of ~~are entitled to be reimbursed for~~
15 ~~reasonable and necessary expenses of attending meetings and~~
16 ~~performing commission duties, including per diem and travel~~
17 ~~expenses, and for personal care attendants and interpreters~~
18 ~~needed by members during meetings, as provided in s. 413.273.~~

19 Section 35. Effective upon this act becoming a law,
20 section 413.84, Florida Statutes, is amended to read:

21 413.84 Powers and duties.--The commission:

22 (1) Effective July 1, 2000, shall serve as the
23 director of the Division of Occupational Access and
24 Opportunity of the Department of Education.

25 (2) Is responsible for establishing policy, planning,
26 and quality assurance for the programs assigned and funded to
27 the division, including, but not limited to, vocational
28 rehabilitation and independent living services to persons with
29 disabilities which services are funded under the federal
30 Rehabilitation Act of 1973, as amended, in a coordinated,
31 efficient, and effective manner. The Occupational Access and

1 Opportunity Commission has authority to adopt rules pursuant
2 to ss. 120.536(1) and 120.54 to implement provisions of law
3 conferring duties upon it. Such rules and policies shall be
4 submitted to the State Board of Education for approval. If any
5 rule is not disapproved by the State Board of Education within
6 45 days after its receipt by the State Board of Education, the
7 rule shall be filed immediately with the Department of State.
8 Effective October 1, 2000, rules adopted by the commission do
9 not require approval by the State Board of Education.

10 (3) Shall, in consultation with the Commissioner of
11 Education, hire a division director to be responsible to the
12 commission for operation and maintenance of the programs
13 assigned and funded to the division.

14 (4)(1) Shall, no later than January July 1, 2001 2000,
15 after consulting with stakeholders and holding public
16 hearings, develop and implement a 5-year plan to promote
17 occupational access and opportunities for Floridians with
18 disabilities, and to fulfill the federal plan requirements.
19 The plan must be submitted to the Governor, the President of
20 the Senate, and the Speaker of the House of Representatives.
21 The commission may make amendments annually to the plan, which
22 must be submitted to the Governor, the President of the
23 Senate, and the Speaker of the House of Representatives by the
24 first of January.

25 (a) The plan must explore the use of Individual
26 Training Accounts, as described in the federal Workforce Act
27 of 1998, Pub. L. No. 105-220, for eligible clients. If
28 developed, these accounts must be distributed under a written
29 memorandum of understanding with One-Stop Career Center
30 operators.

31 (b) The plan must include an emergency response

1 component to address economic downturns.

2 (c) The plan must designate an administrative entity
3 that will support the commission's work; provide technical
4 assistance, training, and capacity-building assistance; help
5 raise additional federal, state, and local funds; and promote
6 innovative contracts that upgrade or enhance direct services
7 to Floridians with disabilities.

8 (d) The plan must require that the commission enter
9 into cooperative agreements with community-based
10 rehabilitation programs by workforce region to be the service
11 providers for the program; however, state ~~career service~~
12 employees shall provide all services that may not be delegated
13 under mandated by federal law. The commission shall, as
14 rapidly as is feasible, increase the amount of such services
15 provided by community-based rehabilitation programs. The plan
16 must incorporate, to the maximum extent allowed by federal and
17 state law and regulation, all available funds for such
18 purposes. Funds and in-kind contributions from community and
19 private sources shall be used to enhance federal and state
20 resources.

21 (e) The plan must include recommendations regarding
22 specific performance standards and measurable outcomes, and
23 must outline procedures for monitoring operations of the
24 commission, the corporation, the division, ~~commission's~~ and
25 all providers of services under contract to the commission's
26 designated administrative entity's operations to ensure that
27 performance data is maintained and supported by records of
28 such entities. The commission shall consult with the Office of
29 Program Policy Analysis and Government Accountability in the
30 establishment of performance standards, measurable outcomes,
31 and monitoring procedures.

1 ~~(5)(2)~~ Notwithstanding the provisions of part I of
2 chapter 287, shall contract, no later than July 1, 2000, with
3 the corporation ~~administrative entity designated in the plan~~
4 to execute the services, functions, and programs prescribed in
5 the plan. The commission shall serve as contract
6 administrator. ~~If approved by the federal Department of~~
7 ~~Education, the administrative entity may be a direct support~~
8 ~~organization.~~The commission shall define the terms of the
9 contract.

10 ~~(6)(3)~~ Shall work with the employer community to
11 better define, address, and meet its business needs with
12 qualified Floridians with disabilities.

13 ~~(7)(4)~~ Is responsible for the prudent use of all
14 public and private funds provided for the commission's use,
15 ensuring that the use of all funds is in accordance with all
16 applicable laws, bylaws, and contractual requirements.

17 ~~(8)(5)~~ Shall develop an operational structure to carry
18 out the plan developed by the commission.

19 ~~(9)(6)~~ May appear on its own behalf before the
20 Legislature, boards, commissions, departments, or other
21 agencies of municipal, county, state, or Federal Government.

22 ~~(10)(7)~~ In the performance of its duties, may
23 undertake or commission research and studies.

24 ~~(11)(8)~~ Shall develop a budget, which is in keeping
25 with the plan, for the operation and activities of the
26 commission and functions of its designated administrative
27 entity. The budget shall be submitted to the Governor for
28 inclusion in the Governor's budget recommendations.

29 ~~(12)(9)~~ May assign staff from the ~~office or~~ division
30 to assist in implementing the provisions of this act relating
31 to the Occupational Access and Opportunity Commission.

1 Section 36. Effective upon this act becoming a law,
2 subsections (1), (3), and (4) of section 413.85, Florida
3 Statutes, are amended to read:

4 413.85 Occupational Access and Opportunity
5 Corporation; use of property; board of directors; duties;
6 audit.--

7 (1) ESTABLISHMENT.--If the commission elects to
8 contract with the corporation to provide services ~~designate a~~
9 ~~direct-support organization as its administrative entity~~, such
10 organization shall be designated the Occupational Access and
11 Opportunity Corporation:

12 (a) Which is a corporation not for profit, as defined
13 in s. 501(c)~~s. 501(c)(6)~~ of the Internal Revenue Code of
14 1986, as amended, and is incorporated under the provisions of
15 chapter 617 and approved by the Department of State.

16 (b) Which is organized and operated exclusively to
17 carry out such activities and tasks as the commission assigns
18 through contract ~~request, receive, hold, invest, and~~
19 ~~administer property and to manage and make expenditures for~~
20 ~~the operation of the activities, services, functions, and~~
21 ~~programs of the provisions of this act relating to the~~
22 ~~Occupational Access and Opportunity Commission.~~

23 (c) Which the commission, after review, has certified
24 to be operating in a manner consistent with the policies and
25 goals of the commission and the plan.

26 (d) Which shall not be considered an agency for the
27 purposes of chapters 120, and 216, and 287; ss. 255.25 and
28 255.254, relating to leasing of buildings; ss. 283.33 and
29 283.35, relating to bids for printing; s. 215.31; and parts IV
30 through VIII of chapter 112.

31 (e) Which shall be subject to the provisions of

1 chapter 119, relating to public records; ~~and the provisions~~
2 of chapter 286, relating to public meetings; and the
3 provisions of s. 768.28 as a corporation primarily acting as
4 an instrumentality of this state.

5 (3) BOARD OF DIRECTORS.--The board of directors of the
6 corporation shall be composed of no fewer than 7 and no more
7 than 15 members appointed by the commission, and a majority of
8 its members must be members of the commission ~~15 members,~~
9 ~~appointed by the commission from its own membership.~~ The vice
10 chair of the commission shall serve as chair of the
11 corporation's board of directors.

12 (4) POWERS AND DUTIES.--The corporation, in the
13 performance of its duties:

14 (a) May make and enter into contracts and assume such
15 other functions as are necessary to carry out the provisions
16 of the plan and the corporation's contract with the commission
17 which are not inconsistent with this or any other provision of
18 law.

19 (b) May develop a program to leverage the existing
20 federal and state funding and to provide upgraded or expanded
21 services to Floridians with disabilities if directed by the
22 commission.

23 (c) May commission and adopt, in cooperation with the
24 commission, an official business name and logo to be used in
25 all promotional materials directly produced by the
26 corporation.

27 (d) The corporation shall establish cooperative and
28 collaborative memoranda of understanding with One-Stop Career
29 Center operators to increase, upgrade, or expand services to
30 Floridians with disabilities who are seeking employment and
31 self-sufficiency.

1 (e) The corporation is encouraged to hire any
2 individual who, as of June 30, 2000, is employed by the
3 Division of Vocational Rehabilitation.

4 Section 37. Effective upon this act becoming a law,
5 section 413.86, Florida Statutes, is amended to read:

6 413.86 Public-private partnerships.--The Division of
7 Occupational Access and Opportunity ~~Vocational Rehabilitation~~
8 will enter into local public-private partnerships to the
9 extent that it is beneficial to increasing employment outcomes
10 for persons with disabilities and ensuring their full
11 involvement in the comprehensive workforce investment system.

12 Section 38. Effective upon this act becoming law,
13 section 413.865, Florida Statutes, is created to read:

14 413.865 Coordination with workforce system.--

15 (1) The Occupational Access and Opportunity
16 Commission, the Division of Occupational Access and
17 Opportunity, the corporation, and community-based service
18 providers shall coordinate and integrate their planning,
19 programs, and services with the planning, programs, and
20 services of Workforce Florida, Inc., the Agency for Workforce
21 Innovation, regional workforce boards, and one-stop center
22 operators to ensure that persons with disabilities can easily
23 receive all intended and available federal, state, and local
24 program services.

25 (2) These public and private partners shall work
26 together to ensure and provide continuity of service to
27 persons with disabilities throughout the state, as well as to
28 provide consistent and upgraded services to persons with
29 disabilities throughout the state.

30 (3) These public and private partners shall work
31 together to ensure that Florida's design and implementation of

1 the federal Workforce Investment Act:

2 (a) Integrates these partners in the One-Stop Delivery
3 System through memorandums of understanding;

4 (b) Includes qualified and eligible providers of
5 services to persons with disabilities in consumer reports to
6 promote choice;

7 (c) Develops, using the Untried Worker Placement and
8 Employment Incentive Act, a tailored Individual Training
9 Account design for persons with disabilities; and

10 (d) Provides electronic access for persons with
11 disabilities to workforce development services.

12 (4) These partners, with resources under their control
13 or by budget amendment, shall establish the collaboration
14 prescribed by this section. The Commission and Workforce
15 Florida, Inc., may adopt a joint agreement that commits,
16 contracts, redirects, and obligates resources under their
17 control to support the strategy detailed in this section.

18 (5) The commission, in cooperation with its public and
19 private partners, shall be responsible for developing and
20 implementing comprehensive performance measurement
21 methodologies to monitor and evaluate the progress of the
22 commission and its public and private partners in meeting the
23 statutory responsibilities for providing services to
24 individuals with disabilities. These methodologies shall
25 include, but are not limited to, measures to evaluate the
26 performance of community rehabilitation providers who contract
27 with the commission. The commission shall emphasize
28 integration with performance measurement methodologies of the
29 state's workforce development system.

30 Section 39. Effective upon this act becoming a law,
31 subsection (2) of section 413.87, Florida Statutes, is amended

1 to read:

2 413.87 Annual audit.--

3 (2) The corporation shall provide to the commission a
4 quarterly report that:

5 (a) Updates its progress and impact in creating
6 employment and increasing the personal income of individuals
7 with disabilities;

8 (b) Provides detailed, unaudited financial statements
9 of sources and uses of public and private funds;

10 (c) Measures progress towards annual goals and
11 objectives set forth in the contract ~~commission's plan~~;

12 (d) Reviews all pertinent research findings and
13 training efforts; and

14 (e) Provides other measures of accountability as
15 requested by the commission.

16 Section 40. Effective upon this act becoming a law,
17 section 413.88, Florida Statutes, is amended to read:

18 413.88 Annual report of the Occupational Access and
19 Opportunity Commission; audits.--

20 (1) Before January 1 of each year, the commission
21 shall submit to the Governor, the President of the Senate, and
22 the Speaker of the House of Representatives a complete and
23 detailed report setting forth for itself and its designated
24 administrative entity:

25 (a) Its operations and accomplishments during the
26 fiscal year.

27 (b) Its business and operational plan.

28 (c) The assets and liabilities of the corporation
29 ~~designated administrative entity~~ at the end of its most recent
30 fiscal year.

31 (d) A copy of the annual financial and compliance

1 audit.

2 (2) The Auditor General may, pursuant to his or her
3 own authority or at the direction of the Legislative Auditing
4 Committee, conduct an audit of the commission or the
5 corporation its designated administrative entity.

6 Section 41. Effective upon this act becoming a law,
7 section 413.89, Florida Statutes, is amended to read:

8 413.89 State vocational rehabilitation plan;
9 preparation and submittal; administration.--Effective July 1,
10 2000, the Department of Education is the designated state
11 agency and the Division of Occupational Access and Opportunity
12 is the designated state unit for purposes of compliance with
13 the federal Rehabilitation Act of 1973, as amended. Effective
14 October 1, 2000, ~~Upon appointment,~~ the Occupational Access and
15 Opportunity Commission is the designated state agency for
16 purposes of compliance with the Rehabilitation Act of 1973, as
17 amended, and authorized to prepare and submit the federally
18 required state vocational rehabilitation plan and to serve as
19 the governing authority of programs administered by the
20 commission, including, but not limited to: administering the
21 state's plan under the Rehabilitation Act of 1973, as amended;
22 receiving federal funds as the state vocational rehabilitation
23 agency; directing the expenditure of legislative
24 appropriations for rehabilitative services through its
25 designated administrative entity or other agents; and, if
26 necessary, making any changes to the plan that the commission
27 considers necessary to maintain compliance with the federal
28 Rehabilitation Act of 1973, as amended, and implementing such
29 changes in order to continue to qualify and maintain federal
30 funding support. During the period of time between July 1,
31 2000, and October 1, 2000, the department and ~~the appointment~~

1 ~~of the commission and the designation of the administrative~~
2 ~~entity, the commission and the division may, by agreement,~~
3 provide for continued administration consistent with federal
4 and state law.

5 Section 42. Effective upon this act becoming a law,
6 section 413.90, Florida Statutes, is amended to read:

7 413.90 Designated State Agency and Designated State
8 Unit Designation of administrative entity.--Effective July 1,
9 2000, The division must comply with the transitional direction
10 of the plan. If the commission designates an administrative
11 entity other than the division, all powers, duties, and
12 functions of and all related records, personnel, property, and
13 equipment and all contractual rights, obligations of, and
14 unexpended balances of appropriations and other funds or
15 allocations of the division's component programs of the
16 Division of Vocational Rehabilitation of the Department of
17 Labor and Employment Security shall be transferred to the
18 Division of Occupational Access and Opportunity of the
19 Department of Education by a type two transfer, as defined in
20 s. 20.06(2) commission as provided in the plan, pursuant to s.
21 20.06(2). The commission and the Department of Education, in
22 establishing the Division of Occupational Access and
23 Opportunity, may advertise for, fill, lateral, or transfer no
24 more than 700 positions. These positions may be filled
25 initially by former employees of the Division of Vocational
26 Rehabilitation. By October 1, 2000, the division shall reduce
27 the number of positions to no more than 300. Notwithstanding
28 the provisions of s. 110.227, if a layoff becomes necessary
29 with respect to the Division of Occupational Access and
30 Opportunity, the competitive area identified for such layoff
31 shall not include any other division of the Department of

1 Education. If at any time during the fiscal year unforeseen
2 transition activities occur in moving service delivery from
3 division employees to community rehabilitation providers and
4 create situations negatively affecting client services, and
5 the remedy to those temporary situations would require more
6 than 300 positions, the division may request a budget
7 amendment to reestablish positions. The request must provide
8 full justification for the continuation and include the number
9 of positions and duration of time required. Effective July 1,
10 2000, the records, property, and unexpended balances of
11 appropriations, allocations, and other funds and resources of
12 the Office of the Secretary and the Office of Administrative
13 Services of the Department of Labor and Employment Security
14 which support the activities and functions of the Division of
15 Vocational Rehabilitation are transferred as provided in s.
16 20.06(2), to the Division of Occupational Access and
17 Opportunity at the Department of Education. Appointments to
18 positions under this act and authorized positions under this
19 section may be made without regard to the provisions of 60K-3,
20 4 and 17, Florida Administrative Code.The Department of Labor
21 and Employment Security shall assist the commission in
22 carrying out the intent of this chapter and achieving an
23 orderly transition. The Office of Planning and Budget shall
24 submit the necessary budget amendments to the Legislature in
25 order to bring the budget into compliance with the plan.

26 Section 43. Effective upon this act becoming a law,
27 section 413.91, Florida Statutes, is amended to read:

28 413.91 Service providers; quality assurance and
29 fitness for responsibilities.--The Occupational Access and
30 Opportunity Commission shall assure that all contractors ~~the~~
31 ~~designated administrative entity~~ and providers of direct

1 service maintain an internal system of quality assurance, have
2 proven functional systems, and are subject to a due-diligence
3 inquiry for their fitness to undertake service
4 responsibilities regardless of whether a contract for services
5 is competitively or noncompetitively procured.

6 Section 44. Effective upon this act becoming a law,
7 section 413.92, Florida Statutes, is amended to read:

8 413.92 Conflict of laws.--It is the intent of the
9 Legislature that the provisions of this act relating to the
10 Occupational Access and Opportunity Commission not conflict
11 with any federal statute or implementing regulation governing
12 federal grant-in-aid programs administered by the division or
13 the commission. Whenever such a conflict is asserted by the
14 applicable agency of the Federal Government, until October 1,
15 2000, the department, and after October 1, 2000, the
16 commission shall submit to the federal Department of
17 Education, or other applicable federal agency, a request for a
18 favorable policy interpretation of the conflicting portions.
19 If the request is approved, as certified in writing by the
20 secretary of the federal Department of Education, or the head
21 of the other applicable federal agency, the commission or the
22 division is authorized to make the adjustments in the plan
23 which are necessary for achieving conformity to federal
24 statutes and regulations. Before making such adjustments, the
25 commission or the division shall provide to the President of
26 the Senate and the Speaker of the House of Representatives an
27 explanation and justification of the position of the division
28 or the commission and shall outline all feasible alternatives
29 that are consistent with this section. These alternatives may
30 include the state supervision of local service agencies by the
31 commission or the division if the agencies are designated by

1 the Governor.

2 Section 45. Effective upon this act becoming a law,
3 section 413.93, Florida Statutes, is repealed.

4 Section 46. Subsections (11) and (13) of section
5 440.02, Florida Statutes, are amended to read:

6 440.02 Definitions.--When used in this chapter, unless
7 the context clearly requires otherwise, the following terms
8 shall have the following meanings:

9 (11) "Department" means the Department of Insurance
10 ~~Labor and Employment Security.~~

11 (13) "Division" means the Division of Workers'
12 Compensation of the Department of Insurance ~~Labor and~~
13 ~~Employment Security.~~

14 Section 47. Subsection (1) of section 440.207, Florida
15 Statutes, is amended to read:

16 440.207 Workers' compensation system guide.--

17 (1) The Division of Workers' Compensation of the
18 Department of Insurance ~~Labor and Employment Security~~ shall
19 educate all persons providing or receiving benefits pursuant
20 to this chapter as to their rights and responsibilities under
21 this chapter.

22 Section 48. Subsections (2), (4), (5), (6), (9), and
23 (10); paragraph (c) of subsection (3); and paragraph (a) of
24 subsection (8) of section 440.385, Florida Statutes, are
25 amended to read:

26 440.385 Florida Self-Insurers Guaranty Association,
27 Incorporated.--

28 (2) BOARD OF DIRECTORS.--The board of directors of the
29 association shall consist of nine persons and shall be
30 organized as established in the plan of operation. ~~With~~
31 ~~respect to initial appointments, the Secretary of Labor and~~

1 ~~Employment Security shall, by July 15, 1982, approve and~~
2 ~~appoint to the board persons who are experienced with~~
3 ~~self-insurance in this state and who are recommended by the~~
4 ~~individual self-insurers in this state required to become~~
5 ~~members of the association pursuant to the provisions of~~
6 ~~paragraph (1)(a). In the event the secretary finds that any~~
7 ~~person so recommended does not have the necessary~~
8 ~~qualifications for service on the board and a majority of the~~
9 ~~board has been appointed, the secretary shall request the~~
10 ~~directors thus far approved and appointed to recommend another~~
11 ~~person for appointment to the board. Each director shall serve~~
12 ~~for a 4-year term and may be reappointed. Appointments other~~
13 ~~than initial appointments shall be made by the Insurance~~
14 ~~Commissioner and Treasurer Secretary of Labor and Employment~~
15 ~~Security upon recommendation of members of the association.~~
16 Any vacancy on the board shall be filled for the remaining
17 period of the term in the same manner as appointments other
18 than initial appointments are made. Each director shall be
19 reimbursed for expenses incurred in carrying out the duties of
20 the board on behalf of the association.

21 (3) POWERS AND DUTIES.--

22 (c)1. To the extent necessary to secure funds for the
23 payment of covered claims and also to pay the reasonable costs
24 to administer them, the Department of Insurance ~~Labor and~~
25 ~~Employment Security~~, upon certification of the board of
26 directors, shall levy assessments based on the annual normal
27 premium each employer would have paid had the employer not
28 been self-insured. Every assessment shall be made as a
29 uniform percentage of the figure applicable to all individual
30 self-insurers, provided that the assessment levied against any
31 self-insurer in any one year shall not exceed 1 percent of the

1 annual normal premium during the calendar year preceding the
2 date of the assessment. Assessments shall be remitted to and
3 administered by the board of directors in the manner specified
4 by the approved plan. Each employer so assessed shall have at
5 least 30 days' written notice as to the date the assessment is
6 due and payable. The association shall levy assessments
7 against any newly admitted member of the association so that
8 the basis of contribution of any newly admitted member is the
9 same as previously admitted members, provision for which shall
10 be contained in the plan of operation.

11 2. If, in any one year, funds available from such
12 assessments, together with funds previously raised, are not
13 sufficient to make all the payments or reimbursements then
14 owing, the funds available shall be prorated, and the unpaid
15 portion shall be paid as soon thereafter as sufficient
16 additional funds become available.

17 3. No state funds of any kind shall be allocated or
18 paid to the association or any of its accounts except those
19 state funds accruing to the association by and through the
20 assignment of rights of an insolvent employer.

21 (4) ~~INSOLVENCY FUND.--Upon the adoption of a plan of~~
22 ~~operation or the adoption of rules by the Department of Labor~~
23 ~~and Employment Security pursuant to subsection (5), there~~
24 shall be created an Insolvency Fund to be managed by the
25 association.

26 (a) The Insolvency Fund is created for purposes of
27 meeting the obligations of insolvent members incurred while
28 members of the association and after the exhaustion of any
29 bond, as required under this chapter. However, if such bond,
30 surety, or reinsurance policy is payable to the Florida
31 Self-Insurers Guaranty Association, the association shall

1 commence to provide benefits out of the Insolvency Fund and be
2 reimbursed from the bond, surety, or reinsurance policy. The
3 method of operation of the Insolvency Fund shall be defined in
4 the plan of operation as provided in subsection (5).

5 (b) The department shall have the authority to audit
6 the financial soundness of the Insolvency Fund annually.

7 (c) The department may offer certain amendments to the
8 plan of operation to the board of directors of the association
9 for purposes of assuring the ongoing financial soundness of
10 the Insolvency Fund and its ability to meet the obligations of
11 this section.

12 (d) The department actuary may make certain
13 recommendations to improve the orderly payment of claims.

14 (5) PLAN OF OPERATION.--~~By September 15, 1982, The~~
15 board of directors shall use ~~submit to the Department of Labor~~
16 ~~and Employment Security~~ a proposed plan of operation for the
17 administration of the association and the Insolvency Fund.

18 (a) The purpose of the plan of operation shall be to
19 provide the association and the board of directors with the
20 authority and responsibility to establish the necessary
21 programs and to take the necessary actions to protect against
22 the insolvency of a member of the association. In addition,
23 the plan shall provide that the members of the association
24 shall be responsible for maintaining an adequate Insolvency
25 Fund to meet the obligations of insolvent members provided for
26 under this act and shall authorize the board of directors to
27 contract and employ those persons with the necessary expertise
28 to carry out this stated purpose.

29 ~~(b) The plan of operation, and any amendments thereto,~~
30 ~~shall take effect upon approval in writing by the department.~~
31 ~~If the board of directors fails to submit a plan by September~~

1 ~~15, 1982, or fails to make required amendments to the plan~~
2 ~~within 30 days thereafter, the department shall promulgate~~
3 ~~such rules as are necessary to effectuate the provisions of~~
4 ~~this subsection. Such rules shall continue in force until~~
5 ~~modified by the department or superseded by a plan submitted~~
6 ~~by the board of directors and approved by the department.~~

7 (b)~~(c)~~ All member employers shall comply with the plan
8 of operation.

9 (c)~~(d)~~ The plan of operation shall:

10 1. Establish the procedures whereby all the powers and
11 duties of the association under subsection (3) will be
12 performed.

13 2. Establish procedures for handling assets of the
14 association.

15 3. Establish the amount and method of reimbursing
16 members of the board of directors under subsection (2).

17 4. Establish procedures by which claims may be filed
18 with the association and establish acceptable forms of proof
19 of covered claims. Notice of claims to the receiver or
20 liquidator of the insolvent employer shall be deemed notice to
21 the association or its agent, and a list of such claims shall
22 be submitted periodically to the association or similar
23 organization in another state by the receiver or liquidator.

24 5. Establish regular places and times for meetings of
25 the board of directors.

26 6. Establish procedures for records to be kept of all
27 financial transactions of the association and its agents and
28 the board of directors.

29 7. Provide that any member employer aggrieved by any
30 final action or decision of the association may appeal to the
31 department within 30 days after the action or decision.

1 8. Establish the procedures whereby recommendations of
2 candidates for the board of directors shall be submitted to
3 the department.

4 9. Contain additional provisions necessary or proper
5 for the execution of the powers and duties of the association.

6 (d)~~(e)~~ The plan of operation may provide that any or
7 all of the powers and duties of the association, except those
8 specified under subparagraphs (c)1.~~(d)1.~~ and 2., be delegated
9 to a corporation, association, or other organization which
10 performs or will perform functions similar to those of this
11 association or its equivalent in two or more states. Such a
12 corporation, association, or organization shall be reimbursed
13 as a servicing facility would be reimbursed and shall be paid
14 for its performance of any other functions of the association.
15 A delegation of powers or duties under this subsection shall
16 take effect only with the approval of both the board of
17 directors and the department and may be made only to a
18 corporation, association, or organization which extends
19 protection which is not substantially less favorable and
20 effective than the protection provided by this section.

21 (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE LABOR
22 ~~AND EMPLOYMENT SECURITY.~~--

23 (a) The department shall:

24 1. Notify the association of the existence of an
25 insolvent employer not later than 3 days after it receives
26 notice of the determination of insolvency.

27 2. Upon request of the board of directors, provide the
28 association with a statement of the annual normal premiums of
29 each member employer.

30 (b) The department may:

31 1. Require that the association notify the member

1 employers and any other interested parties of the
2 determination of insolvency and of their rights under this
3 section. Such notification shall be by mail at the last known
4 address thereof when available; but, if sufficient information
5 for notification by mail is not available, notice by
6 publication in a newspaper of general circulation shall be
7 sufficient.

8 2. Suspend or revoke the authority of any member
9 employer failing to pay an assessment when due or failing to
10 comply with the plan of operation to self-insure in this
11 state. As an alternative, the department may levy a fine on
12 any member employer failing to pay an assessment when due.
13 Such fine shall not exceed 5 percent of the unpaid assessment
14 per month, except that no fine shall be less than \$100 per
15 month.

16 3. Revoke the designation of any servicing facility if
17 the department finds that claims are being handled
18 unsatisfactorily.

19 (8) PREVENTION OF INSOLVENCIES.--To aid in the
20 detection and prevention of employer insolvencies:

21 (a) Upon determination by majority vote that any
22 member employer may be insolvent or in a financial condition
23 hazardous to the employees thereof or to the public, it shall
24 be the duty of the board of directors to notify the Department
25 of Insurance Labor and Employment Security of any information
26 indicating such condition.

27 (9) EXAMINATION OF THE ASSOCIATION.--The association
28 shall be subject to examination and regulation by the
29 Department of Insurance Labor and Employment Security. No
30 later than March 30 of each year, the board of directors shall
31 submit a financial report for the preceding calendar year in a

1 form approved by the department.

2 (10) IMMUNITY.--There shall be no liability on the
3 part of, and no cause of action of any nature shall arise
4 against, any member employer, the association or its agents or
5 employees, the board of directors, or the Department of
6 Insurance ~~Labor and Employment Security~~ or its representatives
7 for any action taken by them in the performance of their
8 powers and duties under this section.

9 Section 49. Subsection (6) of section 440.44, Florida
10 Statutes, is amended to read:

11 440.44 Workers' compensation; staff organization.--

12 (6) SEAL.--The division, the judges of compensation
13 claims, and the Chief Judge shall have a seal upon which shall
14 be inscribed the words "State of Florida Department of
15 Insurance ~~Labor and Employment Security~~--Seal."

16 Section 50. Subsections (1) and (3) of section
17 440.4416, Florida Statutes, are amended to read:

18 440.4416 Workers' Compensation Oversight Board.--

19 (1) There is created within the Department of
20 Insurance ~~Labor and Employment Security~~ the Workers'
21 Compensation Oversight Board. The board shall be composed of
22 the following members, each of whom has knowledge of, or
23 experience with, the workers' compensation system:

24 (a) Six members selected by the Governor, none of whom
25 shall be a member of the Legislature at the time of
26 appointment, consisting of the following:

- 27 1. Two representatives of employers.
28 2. Four representatives of employees, one of whom must
29 be a representative of an employee's union whose members are
30 covered by workers' compensation pursuant to this chapter.

31 (b) Three members selected by the President of the

1 Senate, none of whom shall be members of the Legislature at
2 the time of appointment, consisting of:

3 1. A representative of employers who employs at least
4 10 employees in Florida for which workers' compensation
5 coverage is provided pursuant to this chapter, and who is a
6 licensed general contractor actively engaged in the
7 construction industry in this state.

8 2. A representative of employers who employs fewer
9 than 10 employees in Florida for which workers' compensation
10 coverage is provided pursuant to this chapter.

11 3. A representative of employees.

12 (c) Three members selected by the Speaker of the House
13 of Representatives, none of whom shall be members of the
14 Legislature at the time of appointment, consisting of:

15 1. A representative of employers who employs fewer
16 than 10 employees in Florida and who is a licensed general
17 contractor actively engaged in the construction industry in
18 this state for which workers' compensation coverage is
19 provided pursuant to this chapter.

20 2. A representative of employers who employs at least
21 10 employees in Florida for which workers' compensation
22 coverage is provided pursuant to this chapter.

23 3. A representative of employees.

24 (d) Additionally, the Insurance Commissioner ~~and the~~
25 ~~secretary of the Department of Labor and Employment Security~~
26 shall be a nonvoting ex officio member ~~members~~.

27 (e) The original appointments to the board shall be
28 made on or before January 1, 1994. Vacancies in the membership
29 of the board shall be filled in the same manner as the
30 original appointments. Except as to ex officio members of the
31 board, three appointees of the Governor, two appointees of the

1 President of the Senate, and two appointees of the Speaker of
2 the House of Representatives shall serve for terms of 2 years,
3 and the remaining appointees shall serve for terms of 4 years.
4 Thereafter, all members shall serve for terms of 4 years;
5 except that a vacancy shall be filled by appointment for the
6 remainder of the term. The board shall have an organizational
7 meeting on or before March 1, 1994, the time and place of such
8 meeting to be determined by the Governor.

9 (f) Each member is accountable to the Governor for
10 proper performance of his or her duties as a member of the
11 board. The Governor may remove from office any member for
12 malfeasance, misfeasance, neglect of duty, drunkenness,
13 incompetence, permanent inability to perform official duties,
14 or for pleading guilty or nolo contendere to, or having been
15 adjudicated guilty of, a first degree misdemeanor or a felony.

16 (g) A vacancy shall occur upon failure of a member to
17 attend four consecutive meetings of the board or 50 percent of
18 the meetings of the board during a 12-month period, unless the
19 board by majority votes to excuse the absence of such member.

20 (3) EXECUTIVE DIRECTOR; EXPENSES.--

21 (a) The board shall appoint an executive director to
22 direct and supervise the administrative affairs and general
23 management of the board who shall be subject to the provisions
24 of part IV of chapter 110. The executive director may employ
25 persons and obtain technical assistance as authorized by the
26 board and shall attend all meetings of the board. Board
27 employees shall be exempt from part II of chapter 110.

28 (b) In addition to per diem and travel expenses
29 authorized by s. 112.061, board members shall receive
30 compensation of \$50 for each full day allocable to business of
31 the board. The board shall promulgate procedures defining

1 "business" for purposes of receiving compensation. Such
2 procedures shall require each member to maintain time records
3 and submit such records to the executive director on a monthly
4 basis. Failure to timely file such monthly record shall
5 extinguish the member's entitlement to compensation for the
6 subject period. Travel outside this state shall be approved by
7 the Insurance Commissioner and Treasurer ~~secretary of the~~
8 ~~department~~. Expenses associated with the administration of
9 this section shall be appropriated and paid for from the trust
10 fund created by s. 440.50.

11 Section 51. Subsection (1) of section 440.45, Florida
12 Statutes, is amended to read:

13 440.45 Office of the Judges of Compensation Claims.--

14 (1) There is hereby created the Office of the Judges
15 of Compensation Claims within the Department of Insurance
16 ~~Labor and Employment Security~~. The Office of the Judges of
17 Compensation Claims shall be headed by a Chief Judge. The
18 Chief Judge shall be appointed by the Governor for a term of 4
19 years from a list of three names submitted by the statewide
20 nominating commission created under subsection (2). The Chief
21 Judge must possess the same qualifications for appointment as
22 a judge of compensation claims, and the procedure for
23 reappointment of the Chief Judge will be the same as for
24 reappointment of a judge of compensation claims. The office
25 shall be a separate budget entity and the Chief Judge shall be
26 its agency head for all purposes. The Department of Insurance
27 ~~Labor and Employment Security~~ shall provide administrative
28 support and service to the office to the extent requested by
29 the Chief Judge but shall not direct, supervise, or control
30 the Office of the Judges of Compensation Claims in any manner,
31 including, but not limited to, personnel, purchasing,

1 budgetary matters, or property transactions. The operating
2 budget of the Office of the Judges of Compensation Claims
3 shall be paid out of the Workers' Compensation Administration
4 Trust Fund established in s. 440.50.

5 Section 52. Paragraph (e) of subsection (9) of section
6 440.49, Florida Statutes, is amended to read:

7 440.49 Limitation of liability for subsequent injury
8 through Special Disability Trust Fund.--

9 (9) SPECIAL DISABILITY TRUST FUND.--

10 (e) The Department of Insurance ~~Labor and Employment~~
11 ~~Security~~ or administrator shall report annually on the status
12 of the Special Disability Trust Fund. The report shall update
13 the estimated undiscounted and discounted fund liability, as
14 determined by an independent actuary, change in the total
15 number of notices of claim on file with the fund in addition
16 to the number of newly filed notices of claim, change in the
17 number of proofs of claim processed by the fund, the fee
18 revenues refunded and revenues applied to pay down the
19 liability of the fund, the average time required to reimburse
20 accepted claims, and the average administrative costs per
21 claim. The department or administrator shall submit its
22 report to the Governor, the President of the Senate, and the
23 Speaker of the House of Representatives by December 1 of each
24 year.

25 Section 53. Effective October 1, 2000, section
26 215.311, Florida Statutes, is amended to read:

27 215.311 State funds; exceptions.--The provisions of s.
28 215.31 shall not apply to funds collected by and under the
29 direction and supervision of the Division of Blind Services of
30 the Department of Management Services ~~Labor and Employment~~
31 ~~Security~~ as provided under ss. 413.011, 413.041, and 413.051;

1 however, nothing in this section shall be construed to except
2 from the provisions of s. 215.31 any appropriations made by
3 the state to the division.

4 Section 54. Effective October 1, 2000, subsection (1)
5 of section 413.091, Florida Statutes, is amended to read:

6 413.091 Identification cards.--

7 (1) The Division of Blind Services of the Department
8 of Management Services ~~Labor and Employment Security~~ is hereby
9 empowered to issue identification cards to persons known to be
10 blind or partially sighted, upon the written request of such
11 individual.

12 Section 55. Subsection (3) of section 440.102, Florida
13 Statutes, is amended to read:

14 440.102 Drug-free workplace program requirements.--The
15 following provisions apply to a drug-free workplace program
16 implemented pursuant to law or to rules adopted by the Agency
17 for Health Care Administration:

18 (3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.--

19 (a) One time only, prior to testing, an employer shall
20 give all employees and job applicants for employment a written
21 policy statement which contains:

22 1. A general statement of the employer's policy on
23 employee drug use, which must identify:

24 a. The types of drug testing an employee or job
25 applicant may be required to submit to, including
26 reasonable-suspicion drug testing or drug testing conducted on
27 any other basis.

28 b. The actions the employer may take against an
29 employee or job applicant on the basis of a positive confirmed
30 drug test result.

31 2. A statement advising the employee or job applicant

1 of the existence of this section.

2 3. A general statement concerning confidentiality.

3 4. Procedures for employees and job applicants to
4 confidentially report to a medical review officer the use of
5 prescription or nonprescription medications to a medical
6 review officer both before and after being tested.

7 5. A list of the most common medications, by brand
8 name or common name, as applicable, as well as by chemical
9 name, which may alter or affect a drug test. A list of such
10 medications as developed by the Agency for Health Care
11 Administration shall be available to employers through the
12 Division of Workers' Compensation of the Department of
13 Insurance ~~Labor and Employment Security~~.

14 6. The consequences of refusing to submit to a drug
15 test.

16 7. A representative sampling of names, addresses, and
17 telephone numbers of employee assistance programs and local
18 drug rehabilitation programs.

19 8. A statement that an employee or job applicant who
20 receives a positive confirmed test result may contest or
21 explain the result to the medical review officer within 5
22 working days after receiving written notification of the test
23 result; that if an employee's or job applicant's explanation
24 or challenge is unsatisfactory to the medical review officer,
25 the medical review officer shall report a positive test result
26 back to the employer; and that a person may contest the drug
27 test result pursuant to law or to rules adopted by the Agency
28 for Health Care Administration.

29 9. A statement informing the employee or job applicant
30 of his or her responsibility to notify the laboratory of any
31 administrative or civil action brought pursuant to this

1 section.

2 10. A list of all drugs for which the employer will
3 test, described by brand name or common name, as applicable,
4 as well as by chemical name.

5 11. A statement regarding any applicable collective
6 bargaining agreement or contract and the right to appeal to
7 the Public Employees Relations Commission or applicable court.

8 12. A statement notifying employees and job applicants
9 of their right to consult with a medical review officer for
10 technical information regarding prescription or
11 nonprescription medication.

12 (b) An employer not having a drug-testing program
13 shall ensure that at least 60 days elapse between a general
14 one-time notice to all employees that a drug-testing program
15 is being implemented and the beginning of actual drug testing.
16 An employer having a drug-testing program in place prior to
17 July 1, 1990, is not required to provide a 60-day notice
18 period.

19 (c) An employer shall include notice of drug testing
20 on vacancy announcements for positions for which drug testing
21 is required. A notice of the employer's drug-testing policy
22 must also be posted in an appropriate and conspicuous location
23 on the employer's premises, and copies of the policy must be
24 made available for inspection by the employees or job
25 applicants of the employer during regular business hours in
26 the employer's personnel office or other suitable locations.

27 Section 56. Subsection (1) of section 440.125, Florida
28 Statutes, is amended to read:

29 440.125 Medical records and reports; identifying
30 information in employee medical bills; confidentiality.--

31 (1) Any medical records and medical reports of an

1 injured employee and any information identifying an injured
2 employee in medical bills which are provided to the Division
3 of Workers' Compensation of the Department of Insurance Labor
4 ~~and Employment Security~~ pursuant to s. 440.13 are confidential
5 and exempt from the provisions of s. 119.07(1) and s. 24(a),
6 Art. I of the State Constitution, except as otherwise provided
7 by this chapter.

8 Section 57. Paragraph (a) of subsection (11) of
9 section 440.13, Florida Statutes, is amended to read:

10 440.13 Medical services and supplies; penalty for
11 violations; limitations.--

12 (11) AUDITS BY DIVISION; JURISDICTION.--

13 (a) The Division of Workers' Compensation of the
14 Department of Insurance Labor and Employment Security may
15 investigate health care providers to determine whether
16 providers are complying with this chapter and with rules
17 adopted by the division, whether the providers are engaging in
18 overutilization, and whether providers are engaging in
19 improper billing practices. If the division finds that a
20 health care provider has improperly billed, overutilized, or
21 failed to comply with division rules or the requirements of
22 this chapter it must notify the provider of its findings and
23 may determine that the health care provider may not receive
24 payment from the carrier or may impose penalties as set forth
25 in subsection (8) or other sections of this chapter. If the
26 health care provider has received payment from a carrier for
27 services that were improperly billed or for overutilization,
28 it must return those payments to the carrier. The division may
29 assess a penalty not to exceed \$500 for each overpayment that
30 is not refunded within 30 days after notification of
31 overpayment by the division or carrier.

1 Section 58. Paragraph (f) of subsection (4) and
2 paragraph (b) of subsection (5) of section 440.25, Florida
3 Statutes, are amended to read:

4 (4)

5 (f) Each judge of compensation claims is required to
6 submit a special report to the Chief Judge in each contested
7 workers' compensation case in which the case is not determined
8 within 14 days of final hearing. Said form shall be provided
9 by the Chief Judge and shall contain the names of the judge of
10 compensation claims and of the attorneys involved and a brief
11 explanation by the judge of compensation claims as to the
12 reason for such a delay in issuing a final order. The Chief
13 Judge shall compile these special reports into an annual
14 public report to the Governor, the Insurance Commissioner
15 ~~Secretary of Labor and Employment Security~~, the Legislature,
16 The Florida Bar, and the appellate district judicial
17 nominating commissions.

18 (5)

19 (b) An appellant may be relieved of any necessary
20 filing fee by filing a verified petition of indigency for
21 approval as provided in s. 57.081(1) and may be relieved in
22 whole or in part from the costs for preparation of the record
23 on appeal if, within 15 days after the date notice of the
24 estimated costs for the preparation is served, the appellant
25 files with the judge of compensation claims a copy of the
26 designation of the record on appeal, and a verified petition
27 to be relieved of costs. A verified petition filed prior to
28 the date of service of the notice of the estimated costs shall
29 be deemed not timely filed. The verified petition relating to
30 record costs shall contain a sworn statement that the
31 appellant is insolvent and a complete, detailed, and sworn

1 financial affidavit showing all the appellant's assets,
2 liabilities, and income. Failure to state in the affidavit all
3 assets and income, including marital assets and income, shall
4 be grounds for denying the petition with prejudice. The
5 division shall promulgate rules as may be required pursuant to
6 this subsection, including forms for use in all petitions
7 brought under this subsection. The appellant's attorney, or
8 the appellant if she or he is not represented by an attorney,
9 shall include as a part of the verified petition relating to
10 record costs an affidavit or affirmation that, in her or his
11 opinion, the notice of appeal was filed in good faith and that
12 there is a probable basis for the District Court of Appeal,
13 First District, to find reversible error, and shall state with
14 particularity the specific legal and factual grounds for the
15 opinion. Failure to so affirm shall be grounds for denying the
16 petition. A copy of the verified petition relating to record
17 costs shall be served upon all interested parties, including
18 the division and the Office of the General Counsel, Department
19 of Insurance ~~Labor and Employment Security~~, in Tallahassee.
20 The judge of compensation claims shall promptly conduct a
21 hearing on the verified petition relating to record costs,
22 giving at least 15 days' notice to the appellant, the
23 division, and all other interested parties, all of whom shall
24 be parties to the proceedings. The judge of compensation
25 claims may enter an order without such hearing if no objection
26 is filed by an interested party within 20 days from the
27 service date of the verified petition relating to record
28 costs. Such proceedings shall be conducted in accordance with
29 the provisions of this section and with the workers'
30 compensation rules of procedure, to the extent applicable. In
31 the event an insolvency petition is granted, the judge of

1 compensation claims shall direct the division to pay record
2 costs and filing fees from the Workers' Compensation Trust
3 Fund pending final disposition of the costs of appeal. The
4 division may transcribe or arrange for the transcription of
5 the record in any proceeding for which it is ordered to pay
6 the cost of the record. In the event the insolvency petition
7 is denied, the judge of compensation claims may enter an order
8 requiring the petitioner to reimburse the division for costs
9 incurred in opposing the petition, including investigation and
10 travel expenses.

11 Section 59. Section 440.525, Florida Statutes, is
12 amended to read:

13 440.525 Examination of carriers.--~~Beginning July 1,~~
14 ~~1994,~~The Division of Workers' Compensation of the Department
15 of Insurance ~~Labor and Employment Security~~ may examine each
16 carrier as often as is warranted to ensure that carriers are
17 fulfilling their obligations under the law, and shall examine
18 each carrier not less frequently than once every 3 years. The
19 examination must cover the preceding 3 fiscal years of the
20 carrier's operations and must commence within 12 months after
21 the end of the most recent fiscal year being covered by the
22 examination. The examination may cover any period of the
23 carrier's operations since the last previous examination.

24 Section 60. Subsections (1) and (2) of section 440.59,
25 Florida Statutes, are amended to read:

26 440.59 Reporting requirements.--

27 (1) The Department of Insurance ~~Labor and Employment~~
28 ~~Security~~ shall annually prepare a report of the administration
29 of this chapter for the preceding calendar year, including a
30 detailed statement of the receipts of and expenditures from
31 the fund established in s. 440.50 and a statement of the

1 causes of the accidents leading to the injuries for which the
2 awards were made, together with such recommendations as the
3 department considers advisable. On or before September 15 of
4 each year, the department shall submit a copy of the report to
5 the Governor, the President of the Senate, the Speaker of the
6 House of Representatives, the Democratic and Republican
7 Leaders of the Senate and the House of Representatives, and
8 the chairs of the legislative committees having jurisdiction
9 over workers' compensation.

10 (2) The Division of Workers' Compensation of the
11 Department of Insurance ~~Labor and Employment Security~~ shall
12 complete on a quarterly basis an analysis of the previous
13 quarter's injuries which resulted in workers' compensation
14 claims. The analysis shall be broken down by risk
15 classification, shall show for each such risk classification
16 the frequency and severity for the various types of injury,
17 and shall include an analysis of the causes of such injuries.
18 The division shall distribute to each employer and
19 self-insurer in the state covered by the Workers' Compensation
20 Law the data relevant to its workforce. The report shall also
21 be distributed to the insurers authorized to write workers'
22 compensation insurance in the state.

23 Section 61. Effective January 1, 2001, subsections
24 (1), (4), and (5) of section 443.012, Florida Statutes, are
25 amended to read:

26 443.012 Unemployment Appeals Commission.--

27 (1) There is created within the Department of
28 Management Services ~~Labor and Employment Security~~ an
29 Unemployment Appeals Commission, hereinafter referred to as
30 the "commission." The commission shall consist of a chair and
31 two other members to be appointed by the Governor, subject to

1 confirmation by the Senate. Not more than one appointee must
2 be a person who, on account of previous vocation, employment,
3 or affiliation, is classified as a representative of
4 employers; and not more than one such appointee must be a
5 person who, on account of previous vocation, employment, or
6 affiliation, is classified as a representative of employees.

7 (a) The chair shall devote his or her entire time to
8 commission duties and shall be responsible for the
9 administrative functions of the commission.

10 (b) The chair shall have the authority to appoint a
11 general counsel and such other personnel as may be necessary
12 to carry out the duties and responsibilities of the
13 commission.

14 (c) The chair shall have the qualifications required
15 by law for a judge of the circuit court and shall not engage
16 in any other business vocation or employment. Notwithstanding
17 any other provisions of existing law, the chair shall be paid
18 a salary equal to that paid under state law to a judge of the
19 circuit court.

20 (d) The remaining members shall be paid a stipend of
21 \$100 for each day they are engaged in the work of the
22 commission. The chair and other members shall also be
23 reimbursed for travel expenses, as provided in s. 112.061.

24 (e) The total salary and travel expenses of each
25 member of the commission shall be paid from the Employment
26 Security Administration Trust Fund.

27 (4) The property, personnel, and appropriations
28 relating to the specified authority, powers, duties, and
29 responsibilities of the commission shall be provided to the
30 commission by the Department of Management Services ~~Labor and~~
31 ~~Employment Security~~.

1 (5) The commission shall not be subject to control,
2 supervision, or direction by the Department of Management
3 Services Labor and Employment Security in the performance of
4 its powers and duties under this chapter.

5 Section 62. Effective October 1, 2000, all powers,
6 duties, functions, rules, records, personnel, property, and
7 unexpended balances of appropriations, allocations, and other
8 funds of the Unemployment Appeals Commission relating to the
9 commission's specified authority, powers, duties, and
10 responsibilities are transferred by a type two transfer, as
11 defined in section 20.06(2), Florida Statutes, to the
12 Department of Management Services.

13 Section 63. Effective October 1, 2000, subsections
14 (12), (15), and (22) of section 443.036, Florida Statutes, are
15 amended to read:

16 443.036 Definitions.--As used in this chapter, unless
17 the context clearly requires otherwise:

18 (12) COMMISSION.--"Commission" means the Unemployment
19 Appeals Commission ~~of the Department of Labor and Employment~~
20 ~~Security~~.

21 (15) AGENCY DIVISION.--"Agency"Division means the
22 Agency for Workforce Innovation ~~Division of Unemployment~~
23 ~~Compensation of the Department of Labor and Employment~~
24 ~~Security~~.

25 (22) EMPLOYMENT OFFICE.--"Employment office" means a
26 free public employment office or branch thereof operated by
27 this or any other state, or a duly authorized agent thereof,
28 as a part of a state-controlled system of public employment
29 offices or by a federal agency charged with the administration
30 of an unemployment compensation program or free public
31 employment offices.

1 Section 64. Subsection (1) of section 443.091, Florida
2 Statutes, is amended to read:

3 443.091 Benefit eligibility conditions.--

4 (1) An unemployed individual shall be eligible to
5 receive benefits with respect to any week only if the agency
6 ~~division~~ finds that:

7 (a) She or he has made a claim for benefits with
8 respect to such week in accordance with such rules as the
9 division may prescribe.

10 (b) She or he has registered for work at, and
11 thereafter continued to report as instructed by at, the agency
12 ~~division, which shall be responsible for notification of the~~
13 ~~Division of Jobs and Benefits~~ in accordance with such rules as
14 the agency division may prescribe; except that the agency
15 ~~division~~ may, by rule not inconsistent with the purposes of
16 this law, waive or alter either or both of the requirements of
17 this subsection as to individuals attached to regular jobs;
18 but no such rule shall conflict with s. 443.111(1).

19 (c)1. She or he is able to work and is available for
20 work. In order to assess eligibility for a claimed week of
21 unemployment, the division shall develop criteria to determine
22 a claimant's ability to work and availability for work.

23 2. Notwithstanding any other provisions in this
24 section, no otherwise eligible individual shall be denied
25 benefits for any week because she or he is in training with
26 the approval of the division, nor shall such individual be
27 denied benefits with respect to any week in which she or he is
28 in training with the approval of the division by reason of the
29 application of provisions in subparagraph 1. relating to
30 availability for work, or the provisions of s. 443.101(2)
31 relating to failure to apply for, or refusal to accept,

1 suitable work. Training may be approved by the division in
2 accordance with criteria prescribed by rule. A claimant's
3 eligibility during approved training is contingent upon
4 satisfying eligibility conditions prescribed by rule.

5 3. Notwithstanding any other provision of this
6 chapter, an individual who is in training approved under s.
7 236(a)(1) of the Trade Act of 1974, as amended, may not be
8 determined to be ineligible or disqualified for benefits with
9 respect to her or his enrollment in such training or because
10 of leaving work which is not suitable employment to enter such
11 training. For the purposes of this subparagraph, the term
12 "suitable employment" means, with respect to a worker, work of
13 a substantially equal or higher skill level than the worker's
14 past adversely affected employment, as defined for purposes of
15 the Trade Act of 1974, as amended, the wages for which are not
16 less than 80 percent of the worker's average weekly wage as
17 determined for purposes of the Trade Act of 1974, as amended.

18 4. Notwithstanding any other provision of this
19 section, an otherwise eligible individual shall not be denied
20 benefits for any week by reason of the application of
21 subparagraph 1. because she or he is before any court of the
22 United States or any state pursuant to a lawfully issued
23 summons to appear for jury duty.

24 (d) She or he participates in reemployment services,
25 such as job search assistance services, whenever the
26 individual has been determined, pursuant to a profiling system
27 established by rule of the division, to be likely to exhaust
28 regular benefits and to be in need of reemployment services.

29 (e) She or he has been unemployed for a waiting period
30 of 1 week. No week shall be counted as a week of unemployment
31 for the purposes of this subsection:

1 1. Unless it occurs within the benefit year which
2 includes the week with respect to which she or he claims
3 payment of benefits.

4 2. If benefits have been paid with respect thereto.

5 3. Unless the individual was eligible for benefits
6 with respect thereto as provided in this section and s.
7 443.101 except for the requirements of this subsection and of
8 s. 443.101(5).

9 (f) She or he has been paid wages for insured work
10 equal to 1.5 times her or his high quarter wages during her or
11 his base period, except that an unemployed individual is not
12 eligible to receive benefits if the base period wages are less
13 than \$3,400. As amended by this act, this paragraph applies
14 only to benefit years beginning on or after July 1, 1996.

15 Section 65. Effective January 1, 2001, paragraph (a)
16 of subsection (4) and subsection (8) of section 443.151,
17 Florida Statutes, are amended to read:

18 443.151 Procedure concerning claims.--

19 (4) APPEALS.--

20 (a) Appeals referees.--The agency ~~division~~ shall
21 appoint one or more impartial salaried appeals referees
22 selected in accordance with s. 443.171(4) to hear and decide
23 appealed or disputed claims. Such appeals referees shall have
24 such qualifications as may be established by the Department of
25 Management Services upon the advice and consent of the agency
26 ~~division~~. No person shall participate on behalf of the agency
27 ~~division~~ as an appeals referee in any case in which she or he
28 is an interested party. The agency ~~division~~ may designate
29 alternates to serve in the absence or disqualification of any
30 appeals referee upon a temporary basis and pro hac vice which
31 alternate shall be possessed of the same qualifications

1 required of appeals referees. The Department of Management
2 Services and the agency division shall provide the commission
3 and the appeals referees with proper facilities and assistance
4 for the execution of their functions.

5 (8) BILINGUAL REQUIREMENTS.--

6 (a) Based on the estimated total number of households
7 in a county which speak the same non-English language, a
8 single-language minority, the agency division shall provide
9 printed bilingual instructional and educational materials in
10 the appropriate language in those counties in which 5 percent
11 or more of the households in the county are classified as a
12 single-language minority.

13 (b) The agency division shall ensure that one-stop
14 career centers jobs and benefits offices and appeals bureaus
15 in counties subject to the requirements of paragraph (c)
16 prominently post notices in the appropriate languages that
17 translators are available in those centers offices and
18 bureaus.

19 (c) Single-language minority refers to households
20 which speak the same non-English language and which do not
21 contain an adult fluent in English. The agency division shall
22 develop estimates of the percentages of single-language
23 minority households for each county by using data made
24 available by the United States Bureau of the Census.

25 Section 66. Effective January 1, 2001, subsections
26 (1), (5), and (7) of section 443.171, Florida Statutes, are
27 amended to read:

28 443.171 Agency Division and commission; powers and
29 duties; rules; advisory council; records and reports.--

30 (1) POWERS AND DUTIES OF AGENCY DIVISION.--It shall be
31 the duty of the agency division to administer this chapter;

1 and it shall have power and authority to employ such persons,
2 make such expenditures, require such reports, make such
3 investigations, and take such other action as it deems
4 necessary or suitable to that end. The agency division shall
5 determine its own organization and methods of procedure in
6 accordance with the provisions of this chapter. Not later than
7 March 15 of each year, the agency, in conjunction with the
8 Unemployment Appeals Commission division, ~~through the~~
9 ~~Department of Labor and Employment Security,~~ shall submit to
10 the Governor a report covering the administration and
11 operation of this chapter during the preceding calendar year
12 and shall make such recommendations for amendment to this
13 chapter as it deems proper.

14 (5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.--There
15 is created a state Unemployment Compensation Advisory Council
16 to assist the agency division in reviewing the unemployment
17 insurance program and to recommend improvements for such
18 program.

19 (a) The council shall consist of 18 members, including
20 equal numbers of employer representatives and employee
21 representatives who may fairly be regarded as representative
22 because of their vocations, employments, or affiliations, and
23 representatives of the general public.

24 (b) The members of the council shall be appointed by
25 the director of the Agency for Workforce Innovation ~~secretary~~
26 ~~of the Department of Labor and Employment Security.~~ Initially,
27 ~~the secretary shall appoint five members for terms of 4 years,~~
28 ~~five members for terms of 3 years, five members for terms of 2~~
29 ~~years, and three members for terms of 1 year. Thereafter,~~
30 Members shall be appointed for 4-year terms. A vacancy shall
31 be filled for the remainder of the unexpired term.

1 (c) The council shall meet at the call of its chair,
2 at the request of a majority of its membership, at the request
3 of the division, or at such times as may be prescribed by its
4 rules, but not less than twice a year. The council shall make
5 a report of each meeting, which shall include a record of its
6 discussions and recommendations. The division shall make such
7 reports available to any interested person or group.

8 (d) Members of the council shall serve without
9 compensation but shall be entitled to receive reimbursement
10 for per diem and travel expenses as provided in s. 112.061.

11 (7) RECORDS AND REPORTS.--Each employing unit shall
12 keep true and accurate work records, containing such
13 information as the agency division may prescribe. Such records
14 shall be open to inspection and be subject to being copied by
15 the agency division at any reasonable time and as often as may
16 be necessary. The agency division or an appeals referee may
17 require from any employing unit any sworn or unsworn reports,
18 with respect to persons employed by it, deemed necessary for
19 the effective administration of this chapter. However, a state
20 or local governmental agency performing intelligence or
21 counterintelligence functions need not report an employee if
22 the head of such agency has determined that reporting the
23 employee could endanger the safety of the employee or
24 compromise an ongoing investigation or intelligence mission.
25 Information revealing the employing unit's or individual's
26 identity thus obtained from the employing unit or from any
27 individual pursuant to the administration of this chapter,
28 shall, except to the extent necessary for the proper
29 presentation of a claim or upon written authorization of the
30 claimant who has a workers' compensation claim pending, be
31 held confidential and exempt from the provisions of s.

1 119.07(1). Such information shall be available only to public
2 employees or their duly authorized agents in the performance
3 of their public duties, including employees of the Department
4 of Education in obtaining information for the Florida
5 Education and Training Placement Information Program and the
6 Office of Tourism, Trade, and Economic Development ~~Department~~
7 ~~of Commerce~~ in its administration of the qualified defense
8 contractor tax refund program authorized by s. 288.1045 ~~s.~~
9 ~~288.104~~, the qualified target industry business tax refund
10 program authorized by s. 288.106. Any claimant, or the
11 claimant's legal representative, at a hearing before an
12 appeals referee or the commission shall be supplied with
13 information from such records to the extent necessary for the
14 proper presentation of her or his claim. Any employee or
15 member of the commission or any employee of the agency
16 ~~division~~, or any other person receiving confidential
17 information, who violates any provision of this subsection is
18 guilty of a misdemeanor of the second degree, punishable as
19 provided in s. 775.082 or s. 775.083. However, the agency
20 ~~division~~ may furnish to any employer copies of any report
21 previously submitted by such employer, upon the request of
22 such employer, and the agency ~~division~~ is authorized to charge
23 therefor such reasonable fee as the agency ~~division~~ may by
24 rule prescribe not to exceed the actual reasonable cost of the
25 preparation of such copies. Fees received by the agency
26 ~~division~~ for copies provided under this subsection shall be
27 deposited to the credit of the Employment Security
28 Administration Trust Fund.

29 Section 67. Subsection (1) of section 443.1715,
30 Florida Statutes, is amended to read:

31 443.1715 Disclosure of information; confidentiality.--

1 (1) RECORDS AND REPORTS.--Information revealing the
2 employing unit's or individual's identity obtained from the
3 employing unit or from any individual pursuant to the
4 administration of this chapter, and any determination
5 revealing such information, must, except to the extent
6 necessary for the proper presentation of a claim or upon
7 written authorization of the claimant who has a workers'
8 compensation claim pending, be held confidential and exempt
9 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
10 the State Constitution. Such information may be made available
11 only to public employees or their duly authorized agents in
12 the performance of their public duties, including employees of
13 the Department of Education in obtaining information for the
14 Florida Education and Training Placement Information Program
15 and the Office of Tourism, Trade, and Economic Development
16 ~~Department of Commerce~~ in its administration of the qualified
17 defense contractor tax refund program authorized by s.
18 288.104. Except as otherwise provided by law, public employees
19 receiving such information must retain the confidentiality of
20 such information. Any claimant, or the claimant's legal
21 representative, at a hearing before an appeals referee or the
22 commission shall be supplied with information from such
23 records to the extent necessary for the proper presentation of
24 her or his claim. Any employee or member of the commission or
25 any employee of the agency division, or any other person
26 receiving confidential information, who violates any provision
27 of this subsection commits a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083. However,
29 the agency division may furnish to any employer copies of any
30 report previously submitted by such employer, upon the request
31 of such employer, and may furnish to any claimant copies of

1 any report previously submitted by such claimant, upon the
2 request of such claimant, and the agency division is
3 authorized to charge therefor such reasonable fee as the
4 agency division may by rule prescribe not to exceed the actual
5 reasonable cost of the preparation of such copies. Fees
6 received by the agency division for copies as provided in this
7 subsection must be deposited to the credit of the Employment
8 Security Administration Trust Fund.

9 Section 68. Subsections (1), (2), (4), (6), (7), and
10 (8) of section 443.1716, Florida Statutes, are amended, and
11 subsection (11) is added to said section, to read:

12 443.1716 Authorized electronic access to employer
13 information.--

14 (1) Notwithstanding any other provisions of this
15 chapter, the Agency for Workforce Innovation may ~~Department of~~
16 ~~Labor and Employment Security shall~~ contract with one or more
17 consumer-reporting agencies to provide creditors with secured
18 electronic access to employer-provided information relating to
19 the quarterly wages report submitted in accordance with the
20 state's unemployment compensation law. Such access is limited
21 to the wage reports for the preceding 16 calendar quarters.

22 (2) Creditors must obtain written consent from the
23 credit applicant. Any such written consent from the credit
24 applicant must be signed and must include the following:

25 (a) Specific notice that the individual's wage and
26 employment history information will be released to a
27 consumer-reporting agency.†

28 (b) Notice that such release is made for the sole
29 purpose of reviewing a specific application for credit made by
30 the individual.†

31 (c) Notice that the files of the Agency for Workforce

1 ~~Innovation Department of Labor and Employment Security~~
2 containing wage and employment history information submitted
3 by the individual or his or her employers may be accessed.†
4 ~~and~~

5 (d) A listing of the parties authorized to receive the
6 released information.

7 (e) Notice that the consent to disclose is voluntary
8 and not required by law and that refusal to consent to
9 disclosure of state wage and employment information shall not
10 be a basis for denial of credit.

11 (4) Should any consumer-reporting agency or creditor
12 violate any provision of this section, the Agency for
13 Workforce Innovation Department of Labor and Employment
14 Security shall, upon 30 days' written notice to the
15 consumer-reporting agency, terminate the contract established
16 between the Agency for Workforce Innovation department and the
17 consumer-reporting agency resulting from this section.

18 (6) The Agency for Workforce Innovation Department of
19 Labor and Employment Security shall establish minimum audit,
20 security, net-worth, and liability-insurance standards,
21 technical requirements, and any other terms and conditions
22 considered necessary in the discretion of the state agency to
23 safeguard the confidentiality of the information released
24 under this section and to otherwise serve the public interest.
25 The Agency for Workforce Innovation Department of Labor and
26 Employment Security shall also include, in coordination with
27 any necessary state agencies, necessary audit procedures to
28 ensure that these terms and conditions ~~rules~~ are followed.

29 (7) In contracting with one or more consumer-reporting
30 agencies under this section, any revenues generated by such
31 contract must be used to pay the entire cost of providing

1 access to the information. Further, in accordance with federal
2 regulations, any additional revenues generated by the Agency
3 for Workforce Innovation ~~department~~ or the state under this
4 section must be paid into the agency's ~~department's~~ trust fund
5 for the administration of the unemployment compensation
6 system.

7 (8) The Agency for Workforce Innovation ~~department~~ may
8 not provide wage and employment history information to any
9 consumer-reporting agency before the consumer-reporting agency
10 or agencies under contract with the Agency for Workforce
11 Innovation ~~department~~ pay all development and other startup
12 costs incurred by the state in connection with the design,
13 installation, and administration of technological systems and
14 procedures for the electronic-access program.

15 (11) The wage information supplied to the creditor must
16 be provided, upon request, to the credit applicant in
17 accordance with the fair credit reporting laws of this state
18 and the United States.

19 Section 69. Effective January 1, 2001, subsections (1)
20 and (2) of section 443.211, Florida Statutes, are amended to
21 read:

22 443.211 Employment Security Administration Trust Fund;
23 appropriation; reimbursement.--

24 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST
25 FUND.--There is created in the State Treasury a special fund
26 to be known as the "Employment Security Administration Trust
27 Fund." All moneys that are deposited into this fund remain
28 continuously available ~~to the division~~ for expenditure in
29 accordance with the provisions of this chapter and do not
30 lapse at any time and may not be transferred to any other
31 fund. All moneys in this fund which are received from the

1 Federal Government or any agency thereof or which are
2 appropriated by this state for the purposes described in ss.
3 443.171 and 443.181, except money received under s.
4 443.191(5)(c), must be expended solely for the purposes and in
5 the amounts found necessary by the authorized cooperating
6 federal agencies for the proper and efficient administration
7 of this chapter. The fund shall consist of all moneys
8 appropriated by this state; all moneys received from the
9 United States or any agency thereof; all moneys received from
10 any other source for such purpose; any moneys received from
11 any agency of the United States or any other state as
12 compensation for services or facilities supplied to such
13 agency; any amounts received pursuant to any surety bond or
14 insurance policy or from other sources for losses sustained by
15 the Employment Security Administration Trust Fund or by reason
16 of damage to equipment or supplies purchased from moneys in
17 such fund; and any proceeds realized from the sale or
18 disposition of any such equipment or supplies which may no
19 longer be necessary for the proper administration of this
20 chapter. Notwithstanding any provision of this section, all
21 money requisitioned and deposited in this fund under s.
22 443.191(5)(c) remains part of the Unemployment Compensation
23 Trust Fund and must be used only in accordance with the
24 conditions specified in s. 443.191(5). All moneys in this
25 fund must be deposited, administered, and disbursed in the
26 same manner and under the same conditions and requirements as
27 is provided by law for other special funds in the State
28 Treasury. Such moneys must be secured by the depositary in
29 which they are held to the same extent and in the same manner
30 as required by the general depositary law of the state, and
31 collateral pledged must be maintained in a separate custody

1 account. All payments from the Employment Security
2 Administration Trust Fund must be approved by the agency, the
3 commission, division, or by a duly authorized agent and must
4 be made by the Treasurer upon warrants issued by the
5 Comptroller. Any balances in this fund do not lapse at any
6 time and must remain continuously available ~~to the division~~
7 for expenditure consistent with this chapter.

8 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST
9 FUND.--There is created in the State Treasury a special fund,
10 to be known as the "Special Employment Security Administration
11 Trust Fund," into which shall be deposited or transferred all
12 interest on contributions, penalties, and fines or fees
13 collected under this chapter. Interest on contributions,
14 penalties, and fines or fees deposited during any calendar
15 quarter in the clearing account in the Unemployment
16 Compensation Trust Fund shall, as soon as practicable after
17 the close of such calendar quarter and upon certification of
18 the agency division, be transferred to the Special Employment
19 Security Administration Trust Fund. However, there shall be
20 withheld from any such transfer the amount certified by the
21 agency division to be required under this chapter to pay
22 refunds of interest on contributions, penalties, and fines or
23 fees collected and erroneously deposited into the clearing
24 account in the Unemployment Compensation Trust Fund. Such
25 amounts of interest and penalties so certified for transfer
26 shall be deemed to have been erroneously deposited in the
27 clearing account, and the transfer thereof to the Special
28 Employment Security Administration Trust Fund shall be deemed
29 to be a refund of such erroneous deposits. All moneys in this
30 fund shall be deposited, administered, and disbursed in the
31 same manner and under the same conditions and requirements as

1 are provided by law for other special funds in the State
2 Treasury. These moneys shall not be expended or be available
3 for expenditure in any manner which would permit their
4 substitution for, or permit a corresponding reduction in,
5 federal funds which would, in the absence of these moneys, be
6 available to finance expenditures for the administration of
7 the Unemployment Compensation Law. But nothing in this
8 section shall prevent these moneys from being used as a
9 revolving fund to cover expenditures, necessary and proper
10 under the law, for which federal funds have been duly
11 requested but not yet received, subject to the charging of
12 such expenditures against such funds when received. The
13 moneys in this fund, with the approval of the Executive Office
14 of the Governor, shall be used by the Agency for Workforce
15 Innovation and the Unemployment Appeals Commission, ~~Division~~
16 ~~of Unemployment Compensation and the Division of Jobs and~~
17 ~~Benefits~~ for the payment of costs of administration which are
18 found not to have been properly and validly chargeable against
19 funds obtained from federal sources. All moneys in the Special
20 Employment Security Administration Trust Fund shall be
21 continuously available ~~to the division~~ for expenditure in
22 accordance with the provisions of this chapter and shall not
23 lapse at any time. All payments from the Special Employment
24 Security Administration Trust Fund shall be approved by the
25 agency division or by a duly authorized agent thereof and
26 shall be made by the Treasurer upon warrants issued by the
27 Comptroller. The moneys in this fund are hereby specifically
28 made available to replace, as contemplated by subsection (3),
29 expenditures from the Employment Security Administration Trust
30 Fund, established by subsection (1), which have been found by
31 the Bureau of Employment Security, or other authorized federal

1 agency or authority, because of any action or contingency, to
2 have been lost or improperly expended. The Treasurer shall be
3 liable on her or his official bond for the faithful
4 performance of her or his duties in connection with the
5 Special Employment Security Administration Trust Fund.

6 Section 70. Subsection (3) of section 443.221, Florida
7 Statutes, is amended to read:

8 443.221 Reciprocal arrangements.--

9 (3) The administration of this chapter and of other
10 state and federal unemployment compensation and public
11 employment service laws will be promoted by cooperation
12 between this state and such other states and the appropriate
13 federal agencies and therefore the agency division is
14 authorized to enter into reciprocal arrangements with
15 appropriate and duly authorized agencies of other states or
16 the Federal Government or both in exchanging services,
17 determining and enforcing payment obligations, and making
18 available facilities and information. The Agency for
19 Workforce Innovation is, Division of Unemployment Compensation
20 and Division of Jobs and Benefits are each, therefore,
21 authorized to make such investigations, secure and transmit
22 such information, make available such services and facilities,
23 and exercise such of the other powers provided herein with
24 respect to the administration of this chapter as deemed each
25 deems necessary or appropriate to facilitate the
26 administration of any such unemployment compensation or public
27 employment service law and, in like manner, to accept and
28 utilize information, services, and facilities made available
29 to this state by the agency charged with the administration of
30 any such other unemployment compensation or public employment
31 service law.

1 Section 71. Paragraphs (b) and (c) of subsection (2),
2 subsection (3), paragraphs (b), (g), and (h) of subsection
3 (4), and paragraphs (b), (c), and (d) of subsection (6) of
4 section 443.231, Florida Statutes, are amended to read:

5 443.231 Florida Training Investment Program.--The
6 Florida Training Investment Program is designed to extend
7 additional benefit eligibility to dislocated workers
8 throughout Florida who have lost their jobs, have limited
9 marketable skills, and enroll in vocational training intended
10 to lead to employment in a recognized occupation for which
11 there is labor market demand. Pursuant thereto:

12 (2) DEFINITIONS.--As used in this section:

13 (b) "Authorized training" means training which meets
14 the following criteria:

15 1. Claimant must possess the aptitude and skills that
16 can be usefully supplemented by training.

17 2. The labor market demands for the claimant's present
18 skills must be minimal.

19 3. The training programs in vocational or technical
20 schools or classes must be designed to prepare the participant
21 for gainful employment in a recognized occupation. Authorized
22 training shall consist of a practical curriculum for
23 development of vocational, rather than avocational, skills.
24 The agency division may not approve as training programs,
25 educational or academic programs primarily intended to lead
26 toward a baccalaureate or higher degree. However, a basic
27 education program which is a prerequisite for skilled training
28 or other short-term, vocational-directed academic courses may
29 be approved.

30 4. There must be reasonable expectations that the
31 claimant will be employable upon completion of the training in

1 the area of the state where the applicant expressed a
2 willingness to work.

3 5. The training course or school must be approved by
4 the Department of Education or other official government
5 approving agency within the state where the training is being
6 conducted.

7 6. The agency division may approve training programs
8 established under s. 302 of the Job Training Partnership Act
9 for claimants who are dislocated workers.

10 (c) "Authorized training institution" means a
11 vocational, technical, Job Training Partnership Act, or
12 vocational-directed basic education program or training
13 institution approved by the division to provide authorized
14 training to individuals participating in the Florida Training
15 Investment Program.

16 (3) LIMITATIONS ON BENEFITS.--Applications will be
17 accepted and considered each fiscal year until all annual
18 funds have been obligated by the agency division, at which
19 point no further applications will be accepted or considered
20 until the following fiscal year. The total amount of benefits
21 payable statewide under this section shall not exceed \$16.5
22 million per fiscal year.

23 (4) ELIGIBILITY CRITERIA.--

24 (b) The applicant must also:

25 1. Complete such forms as required by the agency
26 division. The forms promulgated by the agency division are
27 exempt from the requirements of chapter 120.

28 2. Attend all classes for each week of benefits
29 claimed. Absences from class shall result in the ineligibility
30 for benefits for the week in which the absence occurs unless
31 the authorized training institution excuses the absence for

1 good cause as determined by the authorized training
2 institution.

3 3. Maintain satisfactory progress in the authorized
4 training program, as determined by the authorized training
5 institution.

6 4. Certify, on forms approved by the agency ~~division~~,
7 that the claimant attended all classes during the week of
8 training being claimed or that the claimant was on an approved
9 break. Upon request by the claimant, the authorized training
10 institution shall certify attendance and performance. The
11 claimant shall be responsible for timely furnishing the agency
12 ~~division~~ with the required certifications.

13 5. Possess the qualifications or aptitude required to
14 successfully complete the selected training program.

15 ~~6. Be a resident of Florida.~~

16 (g) The training sought by an applicant relates to an
17 occupation or skill for which there are or are expected to be
18 in the immediate future reasonable opportunities for
19 employment in a labor market area ~~of this state~~ where the
20 applicant expresses an intention or willingness to seek work.
21 The training must also be planned and scheduled so as to lead
22 to the earliest feasible completion and readiness for
23 employment or reemployment.

24 (h) That reasonable employment opportunities in
25 occupations for which the claimant is qualified either do not
26 exist or have been substantially diminished in the labor
27 market area making a change in occupation necessary for
28 reemployment in the labor market area. If the applicant has a
29 skill in an occupation with an average wage that is the same
30 or more that the average wage of the occupation from which the
31 applicant is displaced, that applicant will not be eligible

1 for benefits if there are reasonable employment opportunities
2 in the local labor market. The agency ~~division~~ may use labor
3 market projections, in conjunction with local job information
4 data, to make a determination of the existence of a reasonable
5 employment opportunity for an occupation.

6 (6) PROCEDURE.--

7 (b) Upon approval of an application the agency
8 ~~division~~ shall notify both the applicant and the training
9 institution by mail of the applicant's status under this
10 section and shall request the training institution to promptly
11 notify the regular claims reporting office in writing if the
12 participant's attendance or progress should become
13 unsatisfactory.

14 (c) The agency ~~division~~ is required to notify
15 applicants of the determination of eligibility by mail at the
16 claimant's last known address. In addition to the initial
17 approval or denial of the applicant, the agency ~~division~~ shall
18 make any further determinations pursuant to s. 443.151(3) and
19 rules 38B-3.016 and 38B-3.017, Florida Administrative Code.

20 (d) A determination or redetermination will become
21 final unless the claimant files by mail or in person at a
22 one-stop career center ~~the local jobs and benefits office~~, an
23 appeal of a determination or redetermination within 20
24 calendar days after the mailing of the Notice of Determination
25 or Redetermination to the claimant's last known address, or if
26 such notice is not mailed, within 20 calendar days after the
27 date of delivery of such notice. Appeals by mail shall be
28 considered filed when postmarked by the United States Postal
29 Service.

30 Section 72. Subsection (3) of section 447.02, Florida
31 Statutes, is amended to read:

1 447.02 Definitions.--The following terms, when used in
2 this chapter, shall have the meanings ascribed to them in this
3 section:

4 (3) The term "department" ~~"division"~~ means the
5 ~~Division of Jobs and Benefits of the Bureau of Workplace~~
6 ~~Regulation of the Division of Workers' Compensation of the~~
7 ~~Department of Insurance Labor and Employment Security.~~

8 Section 73. Subsections (2), (3), and (4) of section
9 447.04, Florida Statutes, are amended to read:

10 447.04 Business agents; licenses, permits.--

11 (2)(a) Every person desiring to act as a business
12 agent in this state shall, before doing so, obtain a license
13 or permit by filing an application under oath therefor with
14 ~~the Division of Jobs and Benefits of the department of Labor~~
15 ~~and Employment Security~~, accompanied by a fee of \$25 and a
16 full set of fingerprints of the applicant taken by a law
17 enforcement agency qualified to take fingerprints. There
18 shall accompany the application a statement signed by the
19 president and the secretary of the labor organization for
20 which he or she proposes to act as agent, showing his or her
21 authority to do so. The department ~~division~~ shall hold such
22 application on file for a period of 30 days, during which time
23 any person may file objections to the issuing of such license
24 or permit.

25 (b) The department ~~division~~ may also conduct an
26 independent investigation of the applicant; and, if objections
27 are filed, it may hold, or cause to be held, a hearing in
28 accordance with the requirements of chapter 120. The
29 objectors and the applicant shall be permitted to attend such
30 hearing and present evidence.

31 (3) After the expiration of the 30-day period,

1 regardless of whether or not any objections have been filed,
2 the department ~~division~~ shall review the application, together
3 with all information that it may have, including, but not
4 limited to, any objections that may have been filed to such
5 application, any information that may have been obtained
6 pursuant to an independent investigation, and the results of
7 any hearing on the application. If the department ~~division~~,
8 from a review of the information, finds that the applicant is
9 qualified, pursuant to the terms of this chapter, it shall
10 issue such license or permit; and such license or permit shall
11 run for the calendar year for which issued, unless sooner
12 surrendered, suspended, or revoked.

13 (4) Licenses and permits shall expire at midnight,
14 December 31, but may be renewed by the department ~~division~~ on
15 a form prescribed by it; however, if any such license or
16 permit has been surrendered, suspended, or revoked during the
17 year, then such applicant must go through the same formalities
18 as a new applicant.

19 Section 74. Section 447.041, Florida Statutes, is
20 amended to read:

21 447.041 Hearings.--

22 (1) Any person or labor organization denied a license,
23 permit, or registration shall be afforded the opportunity for
24 a hearing by the department ~~division~~ in accordance with the
25 requirements of chapter 120.

26 (2) The department ~~division~~ may, pursuant to the
27 requirements of chapter 120, suspend or revoke the license or
28 permit of any business agent or the registration of any labor
29 organization for the violation of any provision of this
30 chapter.

31 Section 75. Section 447.045, Florida Statutes, is

1 amended to read:

2 447.045 Information confidential.--Neither the
3 department division nor any investigator or employee of the
4 department division shall divulge in any manner the
5 information obtained pursuant to the processing of applicant
6 fingerprint cards, and such information is confidential and
7 exempt from the provisions of s. 119.07(1).

8 Section 76. Section 447.06, Florida Statutes, is
9 amended to read:

10 447.06 Registration of labor organizations required.--

11 (1) Every labor organization operating in the state
12 shall make a report under oath, in writing, to ~~the Division of~~
13 ~~Jobs and Benefits of the department of Labor and Employment~~
14 ~~Security~~ annually, on or before December 31. Such report shall
15 be filed by the secretary or business agent of such labor
16 organization, shall be in such form as the department
17 prescribes ~~division may prescribe~~, and shall show the
18 following facts:

- 19 (a) The name of the labor organization;
20 (b) The location of its office; and
21 (c) The name and address of the president, secretary,
22 treasurer, and business agent.

23 (2) At the time of filing such report, it shall be the
24 duty of every such labor organization to pay the department
25 ~~division~~ an annual fee therefor in the sum of \$1.

26 Section 77. Section 447.12, Florida Statutes, is
27 amended to read:

28 447.12 Fees for registration.--All fees collected by
29 ~~the Division of Jobs and Benefits of the department under this~~
30 ~~part of Labor and Employment Security hereunder~~ shall be paid
31 to the Treasurer and credited to the General Revenue Fund.

1 Section 78. Section 447.16, Florida Statutes, is
2 amended to read:

3 447.16 Applicability of chapter ~~when effective.~~--Any
4 labor business agent licensed on July 1, 1965, may renew such
5 license each year on forms provided by ~~the Division of Jobs~~
6 ~~and Benefits~~ of the department of ~~Labor and Employment~~
7 ~~Security~~ without submitting fingerprints so long as such
8 license or permit has not expired or has not been surrendered,
9 suspended, or revoked. The fingerprinting requirements of
10 this act shall become effective for a new applicant for a
11 labor business agent license immediately upon this act
12 becoming a law.

13 Section 79. Paragraph (a) of subsection (13) of
14 section 447.203, Florida Statutes, is amended to read:

15 447.203 Definitions.--As used in this part:

16 (13) "Professional employee" means:

17 (a) Any employee engaged in work requiring advanced
18 knowledge in a field of science or learning customarily
19 acquired by a prolonged course of specialized intellectual
20 instruction and study in an institution of higher learning or
21 a hospital, as distinguished from a general academic
22 education, an apprenticeship, or training in the performance
23 of routine mental or physical processes and in any two or more
24 of the following categories:

25 1. Work predominantly intellectual and varied in
26 character as opposed to routine mental, manual, mechanical, or
27 physical work;

28 2. Work involving the consistent exercise of
29 discretion and judgment in its performance; and

30 3. Work of such a character that the output produced
31 or the result accomplished cannot be standardized in relation

1 to a given period of time, ~~and~~

2 ~~4. Work requiring advanced knowledge in a field of~~
3 ~~science or learning customarily acquired by a prolonged course~~
4 ~~of specialized intellectual instruction and study in an~~
5 ~~institution of higher learning or a hospital, as distinguished~~
6 ~~from a general academic education, an apprenticeship, or~~
7 ~~training in the performance of routine mental or physical~~
8 ~~processes.~~

9 Section 80. Effective October 1, 2000, subsections
10 (1), (3), and (4) of section 447.205, Florida Statutes, are
11 amended to read:

12 447.205 Public Employees Relations Commission.--

13 (1) There is hereby created within the Department of
14 Management Services ~~labor and Employment Security~~ the Public
15 Employees Relations Commission, hereinafter referred to as the
16 "commission." The commission shall be composed of a chair and
17 two full-time members to be appointed by the Governor, subject
18 to confirmation by the Senate, from persons representative of
19 the public and known for their objective and independent
20 judgment, who shall not be employed by, or hold any commission
21 with, any governmental unit in the state or any employee
22 organization, as defined in this part, while in such office.
23 In no event shall more than one appointee be a person who, on
24 account of previous vocation, employment, or affiliation, is,
25 or has been, classified as a representative of employers; and
26 in no event shall more than one such appointee be a person
27 who, on account of previous vocation, employment, or
28 affiliation, is, or has been, classified as a representative
29 of employees or employee organizations. The commissioners
30 shall devote full time to commission duties and shall not
31 engage in any other business, vocation, or employment while in

1 such office. ~~Beginning January 1, 1980, the chair shall be~~
2 ~~appointed for a term of 4 years, one commissioner for a term~~
3 ~~of 1 year, and one commissioner for a term of 2 years.~~
4 ~~Thereafter,~~Every term of office shall be for 4 years; and
5 each term of the office of chair shall commence on January 1
6 of the second year following each regularly scheduled general
7 election at which a Governor is elected to a full term of
8 office. In the event of a vacancy prior to the expiration of
9 a term of office, an appointment shall be made for the
10 unexpired term of that office. The chair shall be responsible
11 for the administrative functions of the commission and shall
12 have the authority to employ such personnel as may be
13 necessary to carry out the provisions of this part. Once
14 appointed to the office of chair, the chair shall serve as
15 chair for the duration of the term of office of chair.
16 Nothing contained herein prohibits a chair or commissioner
17 from serving multiple terms.

18 (3) The commission, in the performance of its powers
19 and duties under this part, shall not be subject to control,
20 supervision, or direction by the Department of Management
21 Services ~~Labor and Employment Security~~.

22 (4) The property, personnel, and appropriations
23 related to the commission's specified authority, powers,
24 duties, and responsibilities shall be provided to the
25 commission by the Department of Management Services ~~Labor and~~
26 ~~Employment Security~~.

27 Section 81. Subsections (1) and (3) of section
28 447.208, Florida Statutes, are amended to read:

29 447.208 Procedure with respect to certain appeals
30 under s. 447.207.--

31 (1) Any person filing an appeal, charge, or petition

1 pursuant to subsection (6), subsection (8), or subsection (9)
2 of s. 447.207 shall be entitled to a hearing pursuant to
3 subsections (4) and (5) of s. 447.503 and in accordance with
4 chapter 120; however, the hearing shall be conducted within 30
5 days of the filing of an appeal with the commission, unless an
6 extension of time is granted by the commission for good cause
7 or unless the basis for the appeal is an allegation of abuse
8 or neglect under s. 415.1075, in which case the hearing by the
9 Public Employees Relations Commission may not be held until
10 the confirmed report of abuse or neglect has been upheld
11 pursuant to the procedures for appeal in s. 415.1075.

12 Discovery may be granted only upon a showing of extraordinary
13 circumstances. A party requesting discovery shall demonstrate
14 a substantial need for the information requested and an
15 inability to obtain relevant information by other means. To
16 the extent that chapter 120 is inconsistent with these
17 provisions, the procedures contained in this section shall
18 govern.

19 (3) With respect to career service appeal hearings
20 relating to demotions, suspensions, or dismissals pursuant to
21 the provisions of this section:

22 (a) Upon a finding that just cause existed for the
23 demotion, suspension, or dismissal, the commission shall
24 affirm the demotion, suspension, or dismissal.

25 (b) Upon a finding that just cause did not exist for
26 the demotion, suspension, or dismissal, the commission may
27 order the reinstatement of the employee, with or without back
28 pay.

29 (c) Upon a finding that just cause for disciplinary
30 action existed, but did not justify the severity of the action
31 taken, the commission may, in its limited discretion, reduce

1 the penalty.

2 (d) The commission is limited in its discretionary
3 reduction of dismissals and suspensions to consider only the
4 following circumstances:

5 1. The seriousness of the conduct as it relates to the
6 employee's duties and responsibilities.

7 2. Action taken with respect to similar conduct by
8 other employees.

9 3. The previous employment record and disciplinary
10 record of the employee.

11 4. Extraordinary circumstances beyond the employee's
12 control which temporarily diminished the employee's capacity
13 to effectively perform his or her duties or which
14 substantially contributed to the violation for which
15 punishment is being considered.

16
17 The agency may present evidence to refute the existence of
18 these circumstances.

19 (e) Any order of the commission issued pursuant to
20 this subsection may include back pay, if applicable, and an
21 amount, to be determined by the commission and paid by the
22 agency, for reasonable attorney's fees, witness fees, and
23 other out-of-pocket expenses incurred during the prosecution
24 of an appeal against an agency in which the commission
25 sustains the employee. In determining the amount of an
26 attorney's fee, the commission shall consider only the number
27 of hours reasonably spent on the appeal, comparing the number
28 of hours spent on similar Career Service System appeals and
29 the reasonable hourly rate charged in the geographic area for
30 similar appeals, but not including litigation over the amount
31 of the attorney's fee. This paragraph applies to future and

1 pending cases.

2 Section 82. Subsection (4) of section 447.305, Florida
3 Statutes, is amended to read:

4 447.305 Registration of employee organization.--

5 (4) Notification of registrations and renewals of
6 registration shall be furnished at regular intervals by the
7 commission to the Bureau of Workplace Regulation of the
8 Division of Workers' Compensation ~~Division of Jobs and~~
9 ~~Benefits~~ of the Department of Insurance ~~Labor and Employment~~
10 ~~Security~~.

11 Section 83. Paragraph (b) of subsection (3) of section
12 447.307, Florida Statutes, is amended to read:

13 447.307 Certification of employee organization.--

14 (3)

15 (b) When an employee organization is selected by a
16 majority of the employees voting in an election, the
17 commission shall certify the employee organization as the
18 exclusive collective bargaining representative of all
19 employees in the unit. Certification is effective upon the
20 issuance of the final order by the commission or, if the final
21 order is appealed, at the time the appeal is exhausted or any
22 stay is vacated by the commission or the court. A party may
23 petition the commission, pursuant to its established
24 procedures, to modify an existing certification due to changed
25 circumstances, an inadvertent mistake by the commission in the
26 original bargaining unit description, or newly created or
27 deleted jobs, or to recognize a name change of the employee
28 organization.

29 Section 84. Paragraph (a) of subsection (5) of section
30 447.503, Florida Statutes, is amended to read:

31 447.503 Charges of unfair labor practices.--It is the

1 intent of the Legislature that the commission act as
2 expeditiously as possible to settle disputes regarding alleged
3 unfair labor practices. To this end, violations of the
4 provisions of s. 447.501 shall be remedied by the commission
5 in accordance with the following procedures and in accordance
6 with chapter 120; however, to the extent that chapter 120 is
7 inconsistent with the provisions of this section, the
8 procedures contained in this section shall govern:

9 (5) Whenever the proceeding involves a disputed issue
10 of material fact and an evidentiary hearing is to be
11 conducted:

12 (a) The commission shall issue and serve upon all
13 parties a notice of hearing before an assigned hearing officer
14 at a time and place specified therein. Such notice shall be
15 issued at least 14 days prior to the scheduled hearing. If a
16 party fails to appear for the hearing, the hearing officer
17 shall, after waiting a reasonable time, open the record, note
18 the nonappearance, and close the hearing. Thereafter, the
19 hearing may be reconvened only if the party establishes that
20 the failure to appear was due to circumstances beyond his or
21 her control.

22 Section 85. Subsection (4) of section 447.504, Florida
23 Statutes, is amended to read:

24 447.504 Judicial review.--

25 (4) The commencement of proceedings under this section
26 shall not, unless specifically ordered by the district court
27 of appeal, operate as a stay of the commission's order.
28 However, the commission may stay determination of the amount
29 of back pay, benefits, or attorney's fees until the court
30 decides the appeal.

31 Section 86. Effective October 1, 2000, all powers,

1 duties, functions, rules, records, personnel, property, and
2 unexpended balances of appropriations, allocations, and other
3 funds of the Public Employees Relations Commission relating to
4 the commission's specified authority, powers, duties, and
5 responsibilities are transferred by a type two transfer, as
6 defined in section 20.06, Florida Statutes, to the Department
7 of Management Services.

8 Section 87. Subsection (4) of section 450.012, Florida
9 Statutes, is amended to read:

10 450.012 Definitions.--For the purpose of this chapter,
11 the word, phrase, or term:

12 (4) "Department"~~"Division"~~ means the Bureau of
13 Workplace Regulation of the Division of Workers' Compensation
14 ~~Division of Jobs and Benefits~~ of the Department of Insurance
15 ~~Labor and Employment Security~~.

16 Section 88. Subsection (3) of section 450.061, Florida
17 Statutes, is amended to read:

18 450.061 Hazardous occupations prohibited;
19 exemptions.--

20 (3) No minor under 18 years of age, whether such
21 person's disabilities of nonage have been removed by marriage
22 or otherwise, shall be employed or permitted or suffered to
23 work in any place of employment or at any occupation hazardous
24 or injurious to the life, health, safety, or welfare of such
25 minor, as such places of employment or occupations may be
26 determined and declared by ~~the Division of Jobs and Benefits~~
27 ~~of the department of Labor and Employment Security~~ to be
28 hazardous and injurious to the life, health, safety, or
29 welfare of such minor.

30 Section 89. Paragraph (c) of subsection (5) of section
31 450.081, Florida Statutes, is amended to read:

1 450.081 Hours of work in certain occupations.--

2 (5) The provisions of subsections (1) through (4)
3 shall not apply to:

4 (c) Minors enrolled in a public educational
5 institution who qualify on a hardship basis such as economic
6 necessity or family emergency. Such determination shall be
7 made by the school superintendent or his or her designee, and
8 a waiver of hours shall be issued to the minor and the
9 employer. The form and contents thereof shall be prescribed by
10 the department division.

11 Section 90. Section 450.095, Florida Statutes, is
12 amended to read:

13 450.095 Waivers.--In extenuating circumstances when it
14 clearly appears to be in the best interest of the child, the
15 department division may grant a waiver of the restrictions
16 imposed by the Child Labor Law on the employment of a child.
17 Such waivers shall be granted upon a case-by-case basis and
18 shall be based upon such factors as the department division,
19 by rule, establishes as determinative of whether such waiver
20 is in the best interest of a child.

21 Section 91. Subsections (1), (2), and (5) of section
22 450.121, Florida Statutes, are amended to read:

23 450.121 Enforcement of Child Labor Law.--

24 (1) The department ~~Division of Jobs and Benefits~~ shall
25 administer this chapter. It shall employ such help as is
26 necessary to effectuate the purposes of this chapter. Other
27 agencies of the state may cooperate with the department
28 ~~division~~ in the administration and enforcement of this part.
29 To accomplish this joint, cooperative effort, the department
30 ~~division~~ may enter into intergovernmental agreements with
31 other agencies of the state whereby the other agencies may

1 assist the department ~~division~~ in the administration and
2 enforcement of this part. Any action taken by an agency
3 pursuant to an intergovernmental agreement entered into
4 pursuant to this section shall be considered to have been
5 taken by the department ~~division~~.

6 (2) It is the duty of the department ~~division~~ and its
7 agents and all sheriffs or other law enforcement officers of
8 the state or of any municipality of the state to enforce the
9 provisions of this law, to make complaints against persons
10 violating its provisions, and to prosecute violations of the
11 same. The department ~~division~~ and its agents have authority to
12 enter and inspect at any time any place or establishment
13 covered by this law and to have access to age certificates
14 kept on file by the employer and such other records as may aid
15 in the enforcement of this law. A designated school
16 representative acting in accordance with s. 232.17 shall
17 report to the department ~~division~~ all violations of the Child
18 Labor Law that may come to his or her knowledge.

19 (5) The department ~~division~~ may adopt rules:

20 (a) Defining words, phrases, or terms used in the
21 child labor rule or in this part, as long as the word, phrase,
22 or term is not a word, phrase, or term defined in s. 450.012.

23 (b) Prescribing additional documents that may be used
24 to prove the age of a minor and the procedure to be followed
25 before a person who claims his or her disability of nonage has
26 been removed by a court of competent jurisdiction may be
27 employed.

28 (c) Requiring certain safety equipment and a safe
29 workplace environment for employees who are minors.

30 (d) Prescribing the deadlines applicable to a response
31 to a request for records under subsection (2).

1 (e) Providing an official address from which child
2 labor forms, rules, laws, and posters may be requested and
3 prescribing the forms to be used in connection with this part.

4 Section 92. Subsections (1), (2), (3), (4), and (5) of
5 section 450.132, Florida Statutes, are amended to read:

6 450.132 Employment of children by the entertainment
7 industry; rules; procedures.--

8 (1) Children within the protection of our child labor
9 statutes may, notwithstanding such statutes, be employed by
10 the entertainment industry in the production of motion
11 pictures, legitimate plays, television shows, still
12 photography, recording, publicity, musical and live
13 performances, circuses, and rodeos, in any work not determined
14 by the department ~~Division of Jobs and Benefits~~ to be
15 hazardous, or detrimental to their health, morals, education,
16 or welfare.

17 (2) The department ~~Division of Jobs and Benefits~~
18 shall, as soon as convenient, and after such investigation as
19 to the department ~~division~~ may seem necessary or advisable,
20 determine what work in connection with the entertainment
21 industry is not hazardous or detrimental to the health,
22 morals, education, or welfare of minors within the purview and
23 protection of our child labor laws. When so adopted, such
24 rules shall have the force and effect of law in this state.

25 (3) Entertainment industry employers or agents wishing
26 to qualify for the employment of minors in work not hazardous
27 or detrimental to their health, morals, or education shall
28 make application to the department ~~division~~ for a permit
29 qualifying them to employ minors in the entertainment
30 industry. The form and contents thereof shall be prescribed by
31 the department ~~division~~.

1 (4) Any duly qualified entertainment industry employer
2 may employ any minor. However, if any entertainment industry
3 employer employing a minor causes, permits, or suffers such
4 minor to be placed under conditions which are dangerous to the
5 life or limb or injurious or detrimental to the health or
6 morals or education of the minor, the right of that
7 entertainment industry employer and its representatives and
8 agents to employ minors as provided herein shall stand
9 revoked, unless otherwise ordered by the department division,
10 and the person responsible for such unlawful employment is
11 guilty of a misdemeanor of the second degree, punishable as
12 provided in s. 775.082 or s. 775.083.

13 (5) Any entertainment industry employer and its agents
14 employing minors hereunder are required to notify the
15 department division, showing the date of the commencement of
16 work, the number of days worked, the location of the work, and
17 the date of termination.

18 Section 93. Subsections (2) and (3) of section
19 450.141, Florida Statutes, are amended to read:

20 450.141 Employing minor children in violation of law;
21 penalties.--

22 (2) Any person, firm, corporation, or governmental
23 agency, or agent thereof, that has employed minors in
24 violation of this part, or any rule adopted pursuant thereto,
25 may be subject by the department division to fines not to
26 exceed \$2,500 per offense. The department division shall
27 adopt, by rule, disciplinary guidelines specifying a
28 meaningful range of designated penalties based upon the
29 severity and repetition of the offenses, and which distinguish
30 minor violations from those which endanger a minor's health
31 and safety.

1 (3) If the department ~~division~~ has reasonable grounds
2 for believing there has been a violation of this part or any
3 rule adopted pursuant thereto, it shall give written notice to
4 the person alleged to be in violation. Such notice shall
5 include the provision or rule alleged to be violated, the
6 facts alleged to constitute such violation, and requirements
7 for remedial action within a time specified in the notice. No
8 fine may be levied unless the person alleged to be in
9 violation fails to take remedial action within the time
10 specified in the notice.

11 Section 94. Paragraph (j) of subsection (1) of section
12 450.191, Florida Statutes, is amended to read:

13 450.191 Executive Office of the Governor; powers and
14 duties.--

15 (1) The Executive Office of the Governor is authorized
16 and directed to:

17 (j) Cooperate with the regional workforce boards and
18 one-stop career centers ~~farm labor office of the Florida State~~
19 ~~Employment Service~~ in the recruitment and referral of migrant
20 laborers and other persons for the planting, cultivation, and
21 harvesting of agricultural crops in Florida.

22 Section 95. Subsection (2) of section 450.28, Florida
23 Statutes, is amended to read:

24 450.28 Definitions.--

25 (2) "Department" ~~"Division"~~ means the Bureau of
26 Workplace Regulation of the Division of Workers' Compensation
27 ~~Jobs and Benefits~~ of the Department of Insurance ~~Labor and~~
28 ~~Employment Security~~.

29 Section 96. Section 450.30, Florida Statutes, is
30 amended to read:

31 450.30 Requirement of certificate of registration;

1 education and examination program.--

2 (1) No person may act as a farm labor contractor until
3 a certificate of registration has been issued to him or her by
4 the department ~~division~~ and unless such certificate is in full
5 force and effect and is in his or her possession.

6 (2) No certificate of registration may be transferred
7 or assigned.

8 (3) Unless sooner revoked, each certificate of
9 registration, regardless of the date of issuance, shall be
10 renewed on the last day of the birth month following the date
11 of issuance and, thereafter, each year on the last day of the
12 birth month of the registrant. The date of incorporation shall
13 be used in lieu of birthdate for registrants that are
14 corporations. Applications for certificates of registration
15 and renewal thereof shall be on a form prescribed by the
16 department ~~division~~.

17 (4) The department ~~division~~ shall provide a program of
18 education and examination for applicants under this part. The
19 program may be provided by the department ~~division~~ or through
20 a contracted agent. The program shall be designed to ensure
21 the competency of those persons to whom the department
22 ~~division~~ issues certificates of registration.

23 (5) The department ~~division~~ shall require each
24 applicant to demonstrate competence by a written or oral
25 examination in the language of the applicant, evidencing that
26 he or she is knowledgeable concerning the duties and
27 responsibilities of a farm labor contractor. The examination
28 shall be prepared, administered, and evaluated by the
29 department ~~division~~ or through a contracted agent.

30 (6) The department ~~division~~ shall require an applicant
31 for renewal of a certificate of registration to retake the

1 examination only if:

2 (a) During the prior certification period, the
3 division issued a final order assessing a civil monetary
4 penalty or revoked or refused to renew or issue a certificate
5 of registration; or

6 (b) The department ~~division~~ determines that new
7 requirements related to the duties and responsibilities of a
8 farm labor contractor necessitate a new examination.

9 (7) The department ~~division~~ shall charge each
10 applicant a \$35 fee for the education and examination program.
11 Such fees shall be deposited in the Crew Chief Registration
12 Trust Fund.

13 (8) The department ~~division~~ may adopt rules
14 prescribing the procedures to be followed to register as a
15 farm labor contractor.

16 Section 97. Subsections (1), (2), and (4) of section
17 450.31, Florida Statutes, are amended to read:

18 450.31 Issuance, revocation, and suspension of, and
19 refusal to issue or renew, certificate of registration.--

20 (1) The department ~~division~~ shall not issue to any
21 person a certificate of registration as a farm labor
22 contractor, nor shall it renew such certificate, until:

23 (a) Such person has executed a written application
24 therefor in a form and pursuant to regulations prescribed by
25 the department ~~division~~ and has submitted such information as
26 the department ~~division~~ may prescribe.

27 (b) Such person has obtained and holds a valid federal
28 certificate of registration as a farm labor contractor, or a
29 farm labor contractor employee, unless exempt by federal law.

30 (c) Such person pays to the department ~~division~~, in
31 cash, certified check, or money order, a nonrefundable

1 application fee of \$75. Fees collected by the department
2 ~~division~~ under this subsection shall be deposited in the State
3 Treasury into the Crew Chief Registration Trust Fund, which is
4 hereby created, and shall be utilized for administration of
5 this part.

6 (d) Such person has successfully taken and passed the
7 farm labor contractor examination.

8 (2) The department ~~division~~ may revoke, suspend, or
9 refuse to renew any certificate of registration when it is
10 shown that the farm labor contractor has:

11 (a) Violated or failed to comply with any provision of
12 this part or the rules adopted pursuant to s. 450.36.

13 (b) Made any misrepresentation or false statement in
14 his or her application for a certificate of registration.

15 (c) Given false or misleading information concerning
16 terms, conditions, or existence of employment to persons who
17 are recruited or hired to work on a farm.

18 (4) The department ~~division~~ may refuse to issue or
19 renew, or may suspend or revoke, a certificate of registration
20 if the applicant or holder is not the real party in interest
21 in the application or certificate of registration and the real
22 party in interest is a person who has been refused issuance or
23 renewal of a certificate, has had a certificate suspended or
24 revoked, or does not qualify under this section for a
25 certificate.

26 Section 98. Subsections (1), (4), (5), (6), (8), (9),
27 and (10) of section 450.33, Florida Statutes, are amended to
28 read:

29 450.33 Duties of farm labor contractor.--Every farm
30 labor contractor must:

31 (1) Carry his or her certificate of registration with

1 him or her at all times and exhibit it to all persons with
2 whom the farm labor contractor intends to deal in his or her
3 capacity as a farm labor contractor prior to so dealing and,
4 upon request, to persons designated by the department
5 division.

6 (4) Display prominently, at the site where the work is
7 to be performed and on all vehicles used by the registrant for
8 the transportation of employees, a single posting containing a
9 written statement in English and in the language of the
10 majority of the non-English-speaking employees disclosing the
11 terms and conditions of employment in a form prescribed by the
12 department ~~division~~ or by the United States Department of
13 Labor for this purpose.

14 (5) Take out a policy of insurance with any insurance
15 carrier which policy insures such registrant against liability
16 for damage to persons or property arising out of the operation
17 or ownership of any vehicle or vehicles for the transportation
18 of individuals in connection with his or her business,
19 activities, or operations as a farm labor contractor. In no
20 event may the amount of such liability insurance be less than
21 that required by the provisions of the financial
22 responsibility law of this state. Any insurance carrier that
23 is licensed to operate in this state and that has issued a
24 policy of liability insurance to operate a vehicle used to
25 transport farm workers shall notify the department ~~division~~
26 when it intends to cancel such policy.

27 (6) Maintain such records as may be designated by the
28 department ~~division~~.

29 (8) File, within such time as the department ~~division~~
30 may prescribe, a set of his or her fingerprints.

31 (9) Produce evidence to the department ~~division~~ that

1 each vehicle he or she uses for the transportation of
2 employees complies with the requirements and specifications
3 established in chapter 316, s. 316.620, or Pub. L. No. 93-518
4 as amended by Pub. L. No. 97-470 meeting Department of
5 Transportation requirements or, in lieu thereof, bears a valid
6 inspection sticker showing that the vehicle has passed the
7 inspection in the state in which the vehicle is registered.

8 (10) Comply with all applicable statutes, rules, and
9 regulations of the United States and of the State of Florida
10 for the protection or benefit of labor, including, but not
11 limited to, those providing for wages, hours, fair labor
12 standards, social security, workers' compensation,
13 unemployment compensation, child labor, and transportation.
14 The department ~~division~~ shall not suspend or revoke a
15 certificate of registration pursuant to this subsection
16 unless:

17 (a) A court or agency of competent jurisdiction
18 renders a judgment or other final decision that a violation of
19 one of the laws, rules, or regulations has occurred and, if
20 invoked, the appellate process is exhausted;

21 (b) An administrative hearing pursuant to ss. 120.569
22 and 120.57 is held on the suspension or revocation and the
23 administrative law judge finds that a violation of one of the
24 laws, rules, or regulations has occurred and, if invoked, the
25 appellate process is exhausted; or

26 (c) The holder of a certificate of registration
27 stipulates that a violation has occurred or defaults in the
28 administrative proceedings brought to suspend or revoke his or
29 her registration.

30 Section 99. Section 450.35, Florida Statutes, is
31 amended to read:

1 450.35 Certain contracts prohibited.--It is unlawful
2 for any person to contract for the employment of farm workers
3 with any farm labor contractor as defined in this act until
4 the labor contractor displays to him or her a current
5 certificate of registration issued by the department ~~division~~
6 pursuant to the requirements of this part.

7 Section 100. Section 450.36, Florida Statutes, is
8 amended to read:

9 450.36 Rules and regulations.--The department ~~division~~
10 may adopt rules necessary to enforce and administer this part.

11 Section 101. Section 450.37, Florida Statutes, is
12 amended to read:

13 450.37 Cooperation with federal agencies.--The
14 department ~~division~~ shall, whenever appropriate, cooperate
15 with any federal agency.

16 Section 102. Subsections (2), (3), and (4) of section
17 450.38, Florida Statutes, are amended to read:

18 450.38 Enforcement of farm labor contractor laws.--

19 (2) Any person who, on or after June 19, 1985, commits
20 a violation of this part or of any rule adopted thereunder may
21 be assessed a civil penalty of not more than \$1,000 for each
22 such violation. Such assessed penalties shall be paid in cash,
23 certified check, or money order and shall be deposited into
24 the General Revenue Fund. The department ~~division~~ shall not
25 institute or maintain any administrative proceeding to assess
26 a civil penalty under this subsection when the violation is
27 the subject of a criminal indictment or information under this
28 section which results in a criminal penalty being imposed, or
29 of a criminal, civil, or administrative proceeding by the
30 United States government or an agency thereof which results in
31 a criminal or civil penalty being imposed. The department

1 ~~division~~ may adopt rules prescribing the criteria to be used
2 to determine the amount of the civil penalty and to provide
3 notification to persons assessed a civil penalty under this
4 section.

5 (3) Upon a complaint of the department ~~division~~ being
6 filed in the circuit court of the county in which the farm
7 labor contractor may be doing business, any farm labor
8 contractor who fails to obtain a certificate of registration
9 as required by this part may, in addition to such penalties,
10 be enjoined from engaging in any activity which requires the
11 farm labor contractor to possess a certificate of
12 registration.

13 (4) For the purpose of any investigation or proceeding
14 conducted by the department ~~division~~, the secretary of the
15 department or the secretary's designee shall have the power to
16 administer oaths, take depositions, make inspections when
17 authorized by statute, issue subpoenas which shall be
18 supported by affidavit, serve subpoenas and other process, and
19 compel the attendance of witnesses and the production of
20 books, papers, documents, and other evidence. The secretary of
21 the department or the secretary's designee shall exercise this
22 power on the secretary's own initiative.

23 Section 103. (1) In anticipation of its assumption of
24 responsibilities from the Department of Labor and Employment
25 Security relating to unemployment compensation, as provided in
26 this act, the Agency for Workforce Innovation shall prepare a
27 report with recommendations on the fiscal management of funds
28 under the Unemployment Compensation Trust Fund and any other
29 funds related to unemployment compensation activities
30 conducted under state or federal law. The report shall
31 include, but not be limited to, an analysis of options and

1 recommendations for distributing unemployment compensation
2 funds to units of state government with responsibilities under
3 the unemployment compensation program and for allocating costs
4 associated with such program and funds. The report and
5 recommendations shall be submitted to the Governor, the
6 President of the Senate, the Speaker of the House of
7 Representatives, and members of the Labor and Employment
8 Security Transition Team by January 1, 2001.

9 (2) This section shall take effect upon this act
10 becoming a law.

11 Section 104. Notwithstanding any other provision of
12 law, any binding contract or interagency agreement existing on
13 or before January 1, 2001, between the Department of Labor and
14 Employment Security, or an entity or agent of the department,
15 and any other agency, entity, or person shall continue as a
16 binding contract or agreement for the remainder of the term of
17 such contract or agreement with the successor department,
18 agency, or entity responsible for the program, activity, or
19 functions relative to the contract or agreement.

20 Section 105. Present subsection (3) of section 440.02,
21 Florida Statutes, is redesignated as subsection (4), a new
22 subsection (3) is added to that section and subsequent
23 subsections are redesignated, and subsections (11) and (13)
24 are amended to read:

25 440.02 Definitions.--When used in this chapter, unless
26 the context clearly requires otherwise, the following terms
27 shall have the following meanings:

28 (3) "Agency" means the Agency for Health Care
29 Administration.

30 (11) "Department" means the Department of Insurance
31 Labor and Employment Security.

1 (13) "Division" means the Division of Workers'
2 Compensation of the Department of Insurance ~~Labor and~~
3 ~~Employment Security~~.

4 Section 106. Subsections (3), (4), (5), (6), (7), (8),
5 (9), (11), (12), and (13) of section 440.13, Florida Statutes,
6 are amended to read:

7 440.13 Medical services and supplies; penalty for
8 violations; limitations.--

9 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.--

10 (a) As a condition to eligibility for payment under
11 this chapter, a health care provider who renders services must
12 be a certified health care provider and must receive
13 authorization from the carrier before providing treatment.
14 This paragraph does not apply to emergency care. The agency
15 ~~division~~ shall adopt rules to implement the certification of
16 health care providers. As a one-time prerequisite to obtaining
17 certification, the agency ~~division~~ shall require each
18 physician to demonstrate proof of completion of a minimum
19 5-hour course that covers the subject areas of cost
20 containment, utilization control, ergonomics, and the practice
21 parameters adopted by the agency ~~division~~ governing the
22 physician's field of practice. The agency ~~division~~ shall
23 coordinate with ~~the Agency for Health Care Administration,~~ the
24 Florida Medical Association, the Florida Osteopathic Medical
25 Association, the Florida Chiropractic Association, the Florida
26 Podiatric Medical Association, the Florida Optometric
27 Association, the Florida Dental Association, and other health
28 professional organizations and their respective boards as
29 deemed necessary by the agency ~~Agency for Health Care~~
30 ~~Administration~~ in complying with this subsection. No later
31 than October 1, 1994, the agency ~~division~~ shall adopt rules

1 regarding the criteria and procedures for approval of courses
2 and the filing of proof of completion by the physicians.

3 (b) A health care provider who renders emergency care
4 must notify the carrier by the close of the third business day
5 after it has rendered such care. If the emergency care results
6 in admission of the employee to a health care facility, the
7 health care provider must notify the carrier by telephone
8 within 24 hours after initial treatment. Emergency care is not
9 compensable under this chapter unless the injury requiring
10 emergency care arose as a result of a work-related accident.

11 Pursuant to chapter 395, all licensed physicians and health
12 care providers in this state shall be required to make their
13 services available for emergency treatment of any employee
14 eligible for workers' compensation benefits. To refuse to make
15 such treatment available is cause for revocation of a license.

16 (c) A health care provider may not refer the employee
17 to another health care provider, diagnostic facility, therapy
18 center, or other facility without prior authorization from the
19 carrier, except when emergency care is rendered. Any referral
20 must be to a health care provider that has been certified by
21 the agency division, unless the referral is for emergency
22 treatment.

23 (d) A carrier must respond, by telephone or in
24 writing, to a request for authorization by the close of the
25 third business day after receipt of the request. A carrier who
26 fails to respond to a written request for authorization for
27 referral for medical treatment by the close of the third
28 business day after receipt of the request consents to the
29 medical necessity for such treatment. All such requests must
30 be made to the carrier. Notice to the carrier does not include
31 notice to the employer.

1 (e) Carriers shall adopt procedures for receiving,
2 reviewing, documenting, and responding to requests for
3 authorization. Such procedures shall be for a health care
4 provider certified under this section.

5 (f) By accepting payment under this chapter for
6 treatment rendered to an injured employee, a health care
7 provider consents to the jurisdiction of the agency division
8 as set forth in subsection (11) and to the submission of all
9 records and other information concerning such treatment to the
10 agency division in connection with a reimbursement dispute,
11 audit, or review as provided by this section. The health care
12 provider must further agree to comply with any decision of the
13 agency division rendered under this section.

14 (g) The employee is not liable for payment for medical
15 treatment or services provided pursuant to this section except
16 as otherwise provided in this section.

17 (h) The provisions of s. 455.654 are applicable to
18 referrals among health care providers, as defined in
19 subsection (1), treating injured workers.

20 (i) Notwithstanding paragraph (d), a claim for
21 specialist consultations, surgical operations,
22 physiotherapeutic or occupational therapy procedures, X-ray
23 examinations, or special diagnostic laboratory tests that cost
24 more than \$1,000 and other specialty services that the agency
25 division identifies by rule is not valid and reimbursable
26 unless the services have been expressly authorized by the
27 carrier, or unless the carrier has failed to respond within 10
28 days to a written request for authorization, or unless
29 emergency care is required. The insurer shall not refuse to
30 authorize such consultation or procedure unless the health
31 care provider or facility is not authorized or certified or

1 unless an expert medical advisor has determined that the
2 consultation or procedure is not medically necessary or
3 otherwise compensable under this chapter. Authorization of a
4 treatment plan does not constitute express authorization for
5 purposes of this section, except to the extent the carrier
6 provides otherwise in its authorization procedures. This
7 paragraph does not limit the carrier's obligation to identify
8 and disallow overutilization or billing errors.

9 (j) Notwithstanding anything in this chapter to the
10 contrary, a sick or injured employee shall be entitled, at all
11 times, to free, full, and absolute choice in the selection of
12 the pharmacy or pharmacist dispensing and filling
13 prescriptions for medicines required under this chapter. It is
14 expressly forbidden for the agency division, an employer, or a
15 carrier, or any agent or representative of the agency
16 division, an employer, or a carrier to select the pharmacy or
17 pharmacist which the sick or injured employee must use;
18 condition coverage or payment on the basis of the pharmacy or
19 pharmacist utilized; or to otherwise interfere in the
20 selection by the sick or injured employee of a pharmacy or
21 pharmacist.

22 (4) NOTICE OF TREATMENT TO CARRIER; FILING WITH AGENCY
23 DIVISION.--

24 (a) Any health care provider providing necessary
25 remedial treatment, care, or attendance to any injured worker
26 shall submit treatment reports to the carrier in a format
27 prescribed by the agency division. A claim for medical or
28 surgical treatment is not valid or enforceable against such
29 employer or employee, unless, by the close of the third
30 business day following the first treatment, the physician
31 providing the treatment furnishes to the employer or carrier a

1 preliminary notice of the injury and treatment on forms
2 prescribed by the agency division and, within 15 days
3 thereafter, furnishes to the employer or carrier a complete
4 report, and subsequent thereto furnishes progress reports, if
5 requested by the employer or insurance carrier, at intervals
6 of not less than 3 weeks apart or at less frequent intervals
7 if requested on forms prescribed by the agency division.

8 (b) Each medical report or bill obtained or received
9 by the employer, the carrier, or the injured employee, or the
10 attorney for the employer, carrier, or injured employee, with
11 respect to the remedial treatment or care of the injured
12 employee, including any report of an examination, diagnosis,
13 or disability evaluation, must be filed with the Agency for
14 Health Care Administration Division of Workers' Compensation
15 pursuant to rules adopted by the agency division. The health
16 care provider shall also furnish to the injured employee or to
17 his or her attorney, on demand, a copy of his or her office
18 chart, records, and reports, and may charge the injured
19 employee an amount authorized by the agency division for the
20 copies. Each such health care provider shall provide to the
21 agency division any additional information about the remedial
22 treatment, care, and attendance that the agency division
23 reasonably requests.

24 (c) It is the policy for the administration of the
25 workers' compensation system that there be reasonable access
26 to medical information by all parties to facilitate the
27 self-executing features of the law. Notwithstanding the
28 limitations in s. 455.667 and subject to the limitations in s.
29 381.004, upon the request of the employer, the carrier, or the
30 attorney for either of them, the medical records of an injured
31 employee must be furnished to those persons and the medical

1 condition of the injured employee must be discussed with those
2 persons, if the records and the discussions are restricted to
3 conditions relating to the workplace injury. Any such
4 discussions may be held before or after the filing of a claim
5 without the knowledge, consent, or presence of any other party
6 or his or her agent or representative. A health care provider
7 who willfully refuses to provide medical records or to discuss
8 the medical condition of the injured employee, after a
9 reasonable request is made for such information pursuant to
10 this subsection, shall be subject by the agency division to
11 one or more of the penalties set forth in paragraph (8)(b).

12 (5) INDEPENDENT MEDICAL EXAMINATIONS.--

13 (a) In any dispute concerning overutilization, medical
14 benefits, compensability, or disability under this chapter,
15 the carrier or the employee may select an independent medical
16 examiner. The examiner may be a health care provider treating
17 or providing other care to the employee. An independent
18 medical examiner may not render an opinion outside his or her
19 area of expertise, as demonstrated by licensure and applicable
20 practice parameters.

21 (b) Each party is bound by his or her selection of an
22 independent medical examiner and is entitled to an alternate
23 examiner only if:

24 1. The examiner is not qualified to render an opinion
25 upon an aspect of the employee's illness or injury which is
26 material to the claim or petition for benefits;

27 2. The examiner ceases to practice in the specialty
28 relevant to the employee's condition;

29 3. The examiner is unavailable due to injury, death,
30 or relocation outside a reasonably accessible geographic area;

31 or

1 4. The parties agree to an alternate examiner.

2

3 Any party may request, or a judge of compensation claims may
4 require, designation of an agency ~~a division~~ medical advisor
5 as an independent medical examiner. The opinion of the
6 advisors acting as examiners shall not be afforded the
7 presumption set forth in paragraph (9)(c).

8 (c) The carrier may, at its election, contact the
9 claimant directly to schedule a reasonable time for an
10 independent medical examination. The carrier must confirm the
11 scheduling agreement in writing within 5 days and notify
12 claimant's counsel, if any, at least 7 days before the date
13 upon which the independent medical examination is scheduled to
14 occur. An attorney representing a claimant is not authorized
15 to schedule independent medical evaluations under this
16 subsection.

17 (d) If the employee fails to appear for the
18 independent medical examination without good cause and fails
19 to advise the physician at least 24 hours before the scheduled
20 date for the examination that he or she cannot appear, the
21 employee is barred from recovering compensation for any period
22 during which he or she has refused to submit to such
23 examination. Further, the employee shall reimburse the carrier
24 50 percent of the physician's cancellation or no-show fee
25 unless the carrier that schedules the examination fails to
26 timely provide to the employee a written confirmation of the
27 date of the examination pursuant to paragraph (c) which
28 includes an explanation of why he or she failed to appear. The
29 employee may appeal to a judge of compensation claims for
30 reimbursement when the carrier withholds payment in excess of
31 the authority granted by this section.

1 (e) No medical opinion other than the opinion of a
2 medical advisor appointed by the judge of compensation claims
3 or agency division, an independent medical examiner, or an
4 authorized treating provider is admissible in proceedings
5 before the judges of compensation claims.

6 (f) Attorney's fees incurred by an injured employee in
7 connection with delay of or opposition to an independent
8 medical examination, including, but not limited to, motions
9 for protective orders, are not recoverable under this chapter.

10 (6) UTILIZATION REVIEW.--Carriers shall review all
11 bills, invoices, and other claims for payment submitted by
12 health care providers in order to identify overutilization and
13 billing errors, and may hire peer review consultants or
14 conduct independent medical evaluations. Such consultants,
15 including peer review organizations, are immune from liability
16 in the execution of their functions under this subsection to
17 the extent provided in s. 766.101. If a carrier finds that
18 overutilization of medical services or a billing error has
19 occurred, it must disallow or adjust payment for such services
20 or error without order of a judge of compensation claims or
21 the agency division, if the carrier, in making its
22 determination, has complied with this section and rules
23 adopted by the agency division.

24 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.--

25 (a) Any health care provider, carrier, or employer who
26 elects to contest the disallowance or adjustment of payment by
27 a carrier under subsection (6) must, within 30 days after
28 receipt of notice of disallowance or adjustment of payment,
29 petition the agency division to resolve the dispute. The
30 petitioner must serve a copy of the petition on the carrier
31 and on all affected parties by certified mail. The petition

1 must be accompanied by all documents and records that support
2 the allegations contained in the petition. Failure of a
3 petitioner to submit such documentation to the agency division
4 results in dismissal of the petition.

5 (b) The carrier must submit to the agency division
6 within 10 days after receipt of the petition all documentation
7 substantiating the carrier's disallowance or adjustment.
8 Failure of the carrier to submit the requested documentation
9 to the agency division within 10 days constitutes a waiver of
10 all objections to the petition.

11 (c) Within 60 days after receipt of all documentation,
12 the agency division must provide to the petitioner, the
13 carrier, and the affected parties a written determination of
14 whether the carrier properly adjusted or disallowed payment.
15 The agency division must be guided by standards and policies
16 set forth in this chapter, including all applicable
17 reimbursement schedules, in rendering its determination.

18 (d) If the agency division finds an improper
19 disallowance or improper adjustment of payment by an insurer,
20 the insurer shall reimburse the health care provider,
21 facility, insurer, or employer within 30 days, subject to the
22 penalties provided in this subsection.

23 (e) The agency division shall adopt rules to carry out
24 this subsection. The rules may include provisions for
25 consolidating petitions filed by a petitioner and expanding
26 the timetable for rendering a determination upon a
27 consolidated petition.

28 (f) Any carrier that engages in a pattern or practice
29 of arbitrarily or unreasonably disallowing or reducing
30 payments to health care providers may be subject to one or
31 more of the following penalties imposed by the agency

1 ~~division:~~

2 1. Repayment of the appropriate amount to the health
3 care provider.

4 2. An administrative fine assessed by the agency
5 ~~division~~ in an amount not to exceed \$5,000 per instance of
6 improperly disallowing or reducing payments.

7 3. Award of the health care provider's costs,
8 including a reasonable attorney's fee, for prosecuting the
9 petition.

10 (8) PATTERN OR PRACTICE OF OVERUTILIZATION.--

11 (a) Carriers must report to the agency ~~division~~ all
12 instances of overutilization including, but not limited to,
13 all instances in which the carrier disallows or adjusts
14 payment. The agency ~~division~~ shall determine whether a pattern
15 or practice of overutilization exists.

16 (b) If the agency ~~division~~ determines that a health
17 care provider has engaged in a pattern or practice of
18 overutilization or a violation of this chapter or rules
19 adopted by the agency ~~division~~, it may impose one or more of
20 the following penalties:

21 1. An order of the agency ~~division~~ barring the
22 provider from payment under this chapter;

23 2. Deauthorization of care under review;

24 3. Denial of payment for care rendered in the future;

25 4. Decertification of a health care provider certified
26 as an expert medical advisor under subsection (9) or of a
27 rehabilitation provider certified under s. 440.49;

28 5. An administrative fine assessed by the agency
29 ~~division~~ in an amount not to exceed \$5,000 per instance of
30 overutilization or violation; and

31 6. Notification of and review by the appropriate

1 licensing authority pursuant to s. 440.106(3).

2 (9) EXPERT MEDICAL ADVISORS.--

3 (a) The agency division shall certify expert medical
4 advisors in each specialty to assist the agency division and
5 the judges of compensation claims within the advisor's area of
6 expertise as provided in this section. The agency division
7 shall, in a manner prescribed by rule, in certifying,
8 recertifying, or decertifying an expert medical advisor,
9 consider the qualifications, training, impartiality, and
10 commitment of the health care provider to the provision of
11 quality medical care at a reasonable cost. As a prerequisite
12 for certification or recertification, the agency division
13 shall require, at a minimum, that an expert medical advisor
14 have specialized workers' compensation training or experience
15 under the workers' compensation system of this state and board
16 certification or board eligibility.

17 (b) The agency division shall contract with or employ
18 expert medical advisors to provide peer review or medical
19 consultation to the agency division or to a judge of
20 compensation claims in connection with resolving disputes
21 relating to reimbursement, differing opinions of health care
22 providers, and health care and physician services rendered
23 under this chapter. Expert medical advisors contracting with
24 the agency division shall, as a term of such contract, agree
25 to provide consultation or services in accordance with the
26 timetables set forth in this chapter and to abide by rules
27 adopted by the agency division, including, but not limited to,
28 rules pertaining to procedures for review of the services
29 rendered by health care providers and preparation of reports
30 and recommendations for submission to the agency division.

31 (c) If there is disagreement in the opinions of the

1 health care providers, if two health care providers disagree
2 on medical evidence supporting the employee's complaints or
3 the need for additional medical treatment, or if two health
4 care providers disagree that the employee is able to return to
5 work, the agency ~~division~~ may, and the judge of compensation
6 claims shall, upon his or her own motion or within 15 days
7 after receipt of a written request by either the injured
8 employee, the employer, or the carrier, order the injured
9 employee to be evaluated by an expert medical advisor. The
10 opinion of the expert medical advisor is presumed to be
11 correct unless there is clear and convincing evidence to the
12 contrary as determined by the judge of compensation claims.
13 The expert medical advisor appointed to conduct the evaluation
14 shall have free and complete access to the medical records of
15 the employee. An employee who fails to report to and cooperate
16 with such evaluation forfeits entitlement to compensation
17 during the period of failure to report or cooperate.

18 (d) The expert medical advisor must complete his or
19 her evaluation and issue his or her report to the agency
20 ~~division~~ or to the judge of compensation claims within 45 days
21 after receipt of all medical records. The expert medical
22 advisor must furnish a copy of the report to the carrier and
23 to the employee.

24 (e) An expert medical advisor is not liable under any
25 theory of recovery for evaluations performed under this
26 section without a showing of fraud or malice. The protections
27 of s. 766.101 apply to any officer, employee, or agent of the
28 agency ~~division~~ and to any officer, employee, or agent of any
29 entity with which the agency ~~division~~ has contracted under
30 this subsection.

31 (f) If the agency ~~division~~ or a judge of compensation

1 claims determines that the services of a certified expert
2 medical advisor are required to resolve a dispute under this
3 section, the carrier must compensate the advisor for his or
4 her time in accordance with a schedule adopted by the agency
5 division. The agency division may assess a penalty not to
6 exceed \$500 against any carrier that fails to timely
7 compensate an advisor in accordance with this section.

8 (11) AUDITS BY AGENCY DIVISION; JURISDICTION.--

9 (a) The Agency for Health Care Administration Division
10 ~~of Workers' Compensation of the Department of Labor and~~
11 ~~Employment Security~~ may investigate health care providers to
12 determine whether providers are complying with this chapter
13 and with rules adopted by the agency division, whether the
14 providers are engaging in overutilization, and whether
15 providers are engaging in improper billing practices. If the
16 agency division finds that a health care provider has
17 improperly billed, overutilized, or failed to comply with
18 agency division rules or the requirements of this chapter it
19 must notify the provider of its findings and may determine
20 that the health care provider may not receive payment from the
21 carrier or may impose penalties as set forth in subsection (8)
22 or other sections of this chapter. If the health care provider
23 has received payment from a carrier for services that were
24 improperly billed or for overutilization, it must return those
25 payments to the carrier. The agency division may assess a
26 penalty not to exceed \$500 for each overpayment that is not
27 refunded within 30 days after notification of overpayment by
28 the agency division or carrier.

29 (b) The agency division shall monitor and audit
30 carriers to determine if medical bills are paid in accordance
31 with this section and agency division rules. Any employer, if

1 self-insured, or carrier found by the agency ~~division~~ not to
2 be within 90 percent compliance as to the payment of medical
3 bills after July 1, 1994, must be assessed a fine not to
4 exceed 1 percent of the prior year's assessment levied against
5 such entity under s. 440.51 for every quarter in which the
6 entity fails to attain 90-percent compliance. The agency
7 ~~division~~ shall fine an employer or carrier, pursuant to rules
8 adopted by the agency ~~division~~, for each late payment of
9 compensation that is below the minimum 90-percent performance
10 standard. Any carrier that is found to be not in compliance in
11 subsequent consecutive quarters must implement a medical-bill
12 review program approved by the agency ~~division~~, and the
13 carrier is subject to disciplinary action by the Department of
14 Insurance.

15 (c) The agency ~~division~~ has exclusive jurisdiction to
16 decide any matters concerning reimbursement, to resolve any
17 overutilization dispute under subsection (7), and to decide
18 any question concerning overutilization under subsection (8),
19 which question or dispute arises after January 1, 1994.

20 (d) The following ~~division~~ actions do not constitute
21 agency action subject to review under ss. 120.569 and 120.57
22 and do not constitute actions subject to s. 120.56: referral
23 by the entity responsible for utilization review; a decision
24 by the agency ~~division~~ to refer a matter to a peer review
25 committee; establishment by a health care provider or entity
26 of procedures by which a peer review committee reviews the
27 rendering of health care services; and the review proceedings,
28 report, and recommendation of the peer review committee.

29 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
30 REIMBURSEMENT ALLOWANCES.--

31 (a) A three-member panel is created, consisting of the

1 Insurance Commissioner, or the Insurance Commissioner's
2 designee, and two members to be appointed by the Governor,
3 subject to confirmation by the Senate, one member who, on
4 account of present or previous vocation, employment, or
5 affiliation, shall be classified as a representative of
6 employers, the other member who, on account of previous
7 vocation, employment, or affiliation, shall be classified as a
8 representative of employees. The panel shall determine
9 statewide schedules of maximum reimbursement allowances for
10 medically necessary treatment, care, and attendance provided
11 by physicians, hospitals, ambulatory surgical centers,
12 work-hardening programs, pain programs, and durable medical
13 equipment. The maximum reimbursement allowances for inpatient
14 hospital care shall be based on a schedule of per diem rates,
15 to be approved by the three-member panel no later than March
16 1, 1994, to be used in conjunction with a precertification
17 manual as determined by the agency division. All compensable
18 charges for hospital outpatient care shall be reimbursed at 75
19 percent of usual and customary charges. Until the three-member
20 panel approves a schedule of per diem rates for inpatient
21 hospital care and it becomes effective, all compensable
22 charges for hospital inpatient care must be reimbursed at 75
23 percent of their usual and customary charges. Annually, the
24 three-member panel shall adopt schedules of maximum
25 reimbursement allowances for physicians, hospital inpatient
26 care, hospital outpatient care, ambulatory surgical centers,
27 work-hardening programs, and pain programs. However, the
28 maximum percentage of increase in the individual reimbursement
29 allowance may not exceed the percentage of increase in the
30 Consumer Price Index for the previous year. An individual
31 physician, hospital, ambulatory surgical center, pain program,

1 or work-hardening program shall be reimbursed either the usual
2 and customary charge for treatment, care, and attendance, the
3 agreed-upon contract price, or the maximum reimbursement
4 allowance in the appropriate schedule, whichever is less.

5 (b) As to reimbursement for a prescription medication,
6 the reimbursement amount for a prescription shall be the
7 average wholesale price times 1.2 plus \$4.18 for the
8 dispensing fee, except where the carrier has contracted for a
9 lower amount. Fees for pharmaceuticals and pharmaceutical
10 services shall be reimbursable at the applicable fee schedule
11 amount. Where the employer or carrier has contracted for such
12 services and the employee elects to obtain them through a
13 provider not a party to the contract, the carrier shall
14 reimburse at the schedule, negotiated, or contract price,
15 whichever is lower.

16 (c) Reimbursement for all fees and other charges for
17 such treatment, care, and attendance, including treatment,
18 care, and attendance provided by any hospital or other health
19 care provider, ambulatory surgical center, work-hardening
20 program, or pain program, must not exceed the amounts provided
21 by the uniform schedule of maximum reimbursement allowances as
22 determined by the panel or as otherwise provided in this
23 section. This subsection also applies to independent medical
24 examinations performed by health care providers under this
25 chapter. Until the three-member panel approves a uniform
26 schedule of maximum reimbursement allowances and it becomes
27 effective, all compensable charges for treatment, care, and
28 attendance provided by physicians, ambulatory surgical
29 centers, work-hardening programs, or pain programs shall be
30 reimbursed at the lowest maximum reimbursement allowance
31 across all 1992 schedules of maximum reimbursement allowances

1 for the services provided regardless of the place of service.
2 In determining the uniform schedule, the panel shall first
3 approve the data which it finds representative of prevailing
4 charges in the state for similar treatment, care, and
5 attendance of injured persons. Each health care provider,
6 health care facility, ambulatory surgical center,
7 work-hardening program, or pain program receiving workers'
8 compensation payments shall maintain records verifying their
9 usual charges. In establishing the uniform schedule of maximum
10 reimbursement allowances, the panel must consider:

11 1. The levels of reimbursement for similar treatment,
12 care, and attendance made by other health care programs or
13 third-party providers;

14 2. The impact upon cost to employers for providing a
15 level of reimbursement for treatment, care, and attendance
16 which will ensure the availability of treatment, care, and
17 attendance required by injured workers;

18 3. The financial impact of the reimbursement
19 allowances upon health care providers and health care
20 facilities, including trauma centers as defined in s. 395.401,
21 and its effect upon their ability to make available to injured
22 workers such medically necessary remedial treatment, care, and
23 attendance. The uniform schedule of maximum reimbursement
24 allowances must be reasonable, must promote health care cost
25 containment and efficiency with respect to the workers'
26 compensation health care delivery system, and must be
27 sufficient to ensure availability of such medically necessary
28 remedial treatment, care, and attendance to injured workers;
29 and

30 4. The most recent average maximum allowable rate of
31 increase for hospitals determined by the Health Care Board

1 under chapter 408.

2 (13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE
3 AUTHORIZED TO RENDER MEDICAL CARE.--The agency ~~division~~ shall
4 remove from the list of physicians or facilities authorized to
5 provide remedial treatment, care, and attendance under this
6 chapter the name of any physician or facility found after
7 reasonable investigation to have:

8 (a) Engaged in professional or other misconduct or
9 incompetency in connection with medical services rendered
10 under this chapter;

11 (b) Exceeded the limits of his or her or its
12 professional competence in rendering medical care under this
13 chapter, or to have made materially false statements regarding
14 his or her or its qualifications in his or her application;

15 (c) Failed to transmit copies of medical reports to
16 the employer or carrier, or failed to submit full and truthful
17 medical reports of all his or her or its findings to the
18 employer or carrier as required under this chapter;

19 (d) Solicited, or employed another to solicit for
20 himself or herself or itself or for another, professional
21 treatment, examination, or care of an injured employee in
22 connection with any claim under this chapter;

23 (e) Refused to appear before, or to answer upon
24 request of, the agency ~~division~~ or any duly authorized officer
25 of the state, any legal question, or to produce any relevant
26 book or paper concerning his or her conduct under any
27 authorization granted to him or her under this chapter;

28 (f) Self-referred in violation of this chapter or
29 other laws of this state; or

30 (g) Engaged in a pattern of practice of
31 overutilization or a violation of this chapter or rules

1 adopted by the agency division.

2 Section 107. Paragraph (a) of subsection (3) of
3 section 440.15, Florida Statutes, is amended to read:

4 440.15 Compensation for disability.--Compensation for
5 disability shall be paid to the employee, subject to the
6 limits provided in s. 440.12(2), as follows:

7 (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

8 (a) Impairment benefits.--

9 1. Once the employee has reached the date of maximum
10 medical improvement, impairment benefits are due and payable
11 within 20 days after the carrier has knowledge of the
12 impairment.

13 2. The three-member panel, in cooperation with the
14 agency division, shall establish and use a uniform permanent
15 impairment rating schedule. This schedule must be based on
16 medically or scientifically demonstrable findings as well as
17 the systems and criteria set forth in the American Medical
18 Association's Guides to the Evaluation of Permanent
19 Impairment; the Snellen Charts, published by American Medical
20 Association Committee for Eye Injuries; and the Minnesota
21 Department of Labor and Industry Disability Schedules. The
22 schedule should be based upon objective findings. The schedule
23 shall be more comprehensive than the AMA Guides to the
24 Evaluation of Permanent Impairment and shall expand the areas
25 already addressed and address additional areas not currently
26 contained in the guides. On August 1, 1979, and pending the
27 adoption, by rule, of a permanent schedule, Guides to the
28 Evaluation of Permanent Impairment, copyright 1977, 1971,
29 1988, by the American Medical Association, shall be the
30 temporary schedule and shall be used for the purposes hereof.
31 For injuries after July 1, 1990, pending the adoption by

1 division rule of a uniform disability rating schedule, the
2 Minnesota Department of Labor and Industry Disability Schedule
3 shall be used unless that schedule does not address an injury.
4 In such case, the Guides to the Evaluation of Permanent
5 Impairment by the American Medical Association shall be used.
6 Determination of permanent impairment under this schedule must
7 be made by a physician licensed under chapter 458, a doctor of
8 osteopathic medicine licensed under chapters 458 and 459, a
9 chiropractic physician licensed under chapter 460, a podiatric
10 physician licensed under chapter 461, an optometrist licensed
11 under chapter 463, or a dentist licensed under chapter 466, as
12 appropriate considering the nature of the injury. No other
13 persons are authorized to render opinions regarding the
14 existence of or the extent of permanent impairment.

15 3. All impairment income benefits shall be based on an
16 impairment rating using the impairment schedule referred to in
17 subparagraph 2. Impairment income benefits are paid weekly at
18 the rate of 50 percent of the employee's average weekly
19 temporary total disability benefit not to exceed the maximum
20 weekly benefit under s. 440.12. An employee's entitlement to
21 impairment income benefits begins the day after the employee
22 reaches maximum medical improvement or the expiration of
23 temporary benefits, whichever occurs earlier, and continues
24 until the earlier of:

25 a. The expiration of a period computed at the rate of
26 3 weeks for each percentage point of impairment; or

27 b. The death of the employee.

28 4. After the employee has been certified by a doctor
29 as having reached maximum medical improvement or 6 weeks
30 before the expiration of temporary benefits, whichever occurs
31 earlier, the certifying doctor shall evaluate the condition of

1 the employee and assign an impairment rating, using the
2 impairment schedule referred to in subparagraph 2.
3 Compensation is not payable for the mental, psychological, or
4 emotional injury arising out of depression from being out of
5 work. If the certification and evaluation are performed by a
6 doctor other than the employee's treating doctor, the
7 certification and evaluation must be submitted to the treating
8 doctor, and the treating doctor must indicate agreement or
9 disagreement with the certification and evaluation. The
10 certifying doctor shall issue a written report to the
11 division, the employee, and the carrier certifying that
12 maximum medical improvement has been reached, stating the
13 impairment rating, and providing any other information
14 required by the division. If the employee has not been
15 certified as having reached maximum medical improvement before
16 the expiration of 102 weeks after the date temporary total
17 disability benefits begin to accrue, the carrier shall notify
18 the treating doctor of the requirements of this section.

19 5. The carrier shall pay the employee impairment
20 income benefits for a period based on the impairment rating.

21 6. The division may by rule specify forms and
22 procedures governing the method of payment of wage loss and
23 impairment benefits for dates of accidents before January 1,
24 1994, and for dates of accidents on or after January 1, 1994.

25 Section 108. Subsection (7) of section 440.491,
26 Florida Statutes, is amended to read:

27 440.491 Reemployment of injured workers;
28 rehabilitation.--

29 (7) PROVIDER QUALIFICATIONS.--

30 (a) The Agency for Health Care Administration ~~division~~
31 shall investigate and maintain a directory of each qualified

1 public and private rehabilitation provider, facility, and
2 agency, and shall establish by rule the minimum
3 qualifications, credentials, and requirements that each
4 rehabilitation service provider, facility, and agency must
5 satisfy to be eligible for listing in the directory. These
6 minimum qualifications and credentials must be based on those
7 generally accepted within the service specialty for which the
8 provider, facility, or agency is approved.

9 (b) The agency division shall impose a biennial
10 application fee of \$25 for each listing in the directory, and
11 all such fees must be deposited in the Workers' Compensation
12 Administration Trust Fund.

13 (c) The agency division shall monitor and evaluate
14 each rehabilitation service provider, facility, and agency
15 qualified under this subsection to ensure its compliance with
16 the minimum qualifications and credentials established by the
17 division. The failure of a qualified rehabilitation service
18 provider, facility, or agency to provide the agency division
19 with information requested or access necessary for the agency
20 division to satisfy its responsibilities under this subsection
21 is grounds for disqualifying the provider, facility, or agency
22 from further referrals.

23 (d) A qualified rehabilitation service provider,
24 facility, or agency may not be authorized by an employer, a
25 carrier, or the agency division to provide any services,
26 including expert testimony, under this section in this state
27 unless the provider, facility, or agency is listed or has been
28 approved for listing in the directory. This restriction does
29 not apply to services provided outside this state under this
30 section.

31 (e) The agency division, after consultation with

1 representatives of employees, employers, carriers,
2 rehabilitation providers, and qualified training and education
3 providers, shall adopt rules governing professional practices
4 and standards.

5 Section 109. This act does not affect the validity of
6 any judicial or administrative proceeding involving the
7 Department of Labor and Employment Security which is pending
8 as of the effective date of any transfer under this act. The
9 successor department, agency, or entity responsible for the
10 program, activity, or function relative to the proceeding
11 shall be substituted, as of the effective date of the
12 applicable transfer under this act, for the Department of
13 Labor and Employment Security as a party in interest in any
14 such proceedings.

15 Section 110. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 invalidity does not affect other provisions or applications of
18 the act which can be given effect without the invalid
19 provision or application, and to this end the provisions of
20 this act are severable.

21 Section 111. Except as otherwise expressly provided in
22 this act, this act shall take effect July 1, 2000, except that
23 this act shall not take effect unless Committee Substitute for
24 Senate Bill 2050, or similar legislation reassigning
25 responsibilities of the Division of Workforce and Employment
26 Opportunities of the Department of Labor and Employment
27 Security to another agency or entity, becomes a law.

28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

1 On page 1, line 2,
2 Through page 10, line 29,
3 remove from the title of the bill: all of said lines
4
5 and insert in lieu thereof:
6 An act relating to labor and employment
7 security; repealing s. 20.171, F.S., relating
8 to the authority and organizational structure
9 of the Department of Labor and Employment
10 Security; providing for a type one transfer of
11 the Division of Workers' Compensation and the
12 Office of the Judges of Compensation Claims to
13 the Department of Insurance; providing for a
14 type two transfer of certain functions of the
15 Division of Workforce and Employment
16 Opportunities relating to labor organizations
17 and child labor to the Department of Insurance;
18 providing for a type two transfer of certain
19 functions of the Division of Workforce and
20 Employment Opportunities relating to migrant
21 and farm labor registration to the Department
22 of Insurance; providing for a type two transfer
23 of other workplace regulation functions to the
24 Department of Insurance; providing for a
25 transfer of certain administrative resources of
26 the Department of Labor and Employment Security
27 to the Department of Insurance; amending s.
28 20.13, F.S.; providing for a Division of
29 Workers' Compensation in the Department of
30 Insurance; creating a Bureau of Workplace
31 Regulation and a Bureau of Workplace Safety

1 within the Division of Workers' Compensation of
2 the Department of Insurance; providing for a
3 type two transfer of the Division of
4 Unemployment Compensation to the Agency for
5 Workforce Innovation; providing an exception;
6 providing for transfer of unemployment appeals
7 referees to the Unemployment Appeals
8 Commission; requiring a contract for the
9 Department of Revenue to provide unemployment
10 tax collection services; providing for transfer
11 of the Office of Information Systems from the
12 Department of Labor and Employment Security to
13 the Department of Management Services;
14 providing an exception for certain portions of
15 the office to be transferred to the Agency for
16 Workforce Innovation; providing for a type two
17 transfer of the Minority Business Advocacy and
18 Assistance Office from the Department of Labor
19 and Employment Security to the Department of
20 Management Services; creating the Florida Task
21 Force on Workplace Safety; prescribing
22 membership of the task force; providing a
23 purpose for the task force; providing for
24 staffing, administration, and information
25 sharing; requiring a report; authorizing the
26 Division of Workers' Compensation to establish
27 time-limited positions related to workplace
28 safety; authorizing the division to establish
29 permanent positions upon completion of the task
30 force report; providing for transfer of certain
31 records and property; providing for termination

1 of the task force; amending s. 39 of ch.
2 99-240, Laws of Florida; providing for the
3 transfer of the Division of Blind Services to
4 the Department of Management Services rather
5 than the Department of Education; revising the
6 effective date of such transfer; providing
7 legislative intent on the transfer of functions
8 of the Department of Labor and Employment
9 Security; providing for reemployment assistance
10 to dislocated department employees; providing
11 for hiring preferences for such employees;
12 providing for the transfer of certain records
13 and funds; creating the Labor and Employment
14 Security Transition Team; prescribing
15 membership of the transition team; providing
16 for staffing; requiring reports; providing for
17 the termination of the transition team;
18 authorizing the transition team to use
19 unexpended funds to settle certain claims;
20 requiring the transition team to approve
21 certain personnel hirings and transfers;
22 requiring the submission of a budget amendment
23 to allocate resources of the Department of
24 Labor and Employment Security; exempting
25 specified state agencies, on a temporary basis,
26 from provisions relating to procurement of
27 property and services and leasing of space;
28 authorizing specified state agencies to develop
29 temporary emergency rules relating to the
30 implementation of this act; requiring the
31 Department of Revenue to notify businesses

1 relating to the transfer of unemployment
2 compensation tax responsibilities; amending s.
3 287.012, F.S.; revising a definition to conform
4 to the transfer of the Minority Business
5 Advocacy and Assistance Office to the
6 Department of Management Services; amending s.
7 287.0947, F.S.; providing for the Florida
8 Advisory Council on Small and Minority Business
9 Development to be created within the Department
10 of Management Services; amending s. 287.09451,
11 F.S.; reassigning the Minority Business
12 Advocacy and Assistance Office to the
13 Department of Management Services; conforming
14 provisions; amending s. 20.15, F.S.;
15 establishing the Division of Occupational
16 Access and Opportunity within the Department of
17 Education; providing that the Occupational
18 Access and Opportunity Commission is the
19 director of the division; requiring the
20 department to assign certain powers, duties,
21 responsibilities, and functions to the
22 division; excepting from appointment by the
23 Commissioner of Education members of the
24 commission, the Florida Rehabilitation Council,
25 and the Florida Independent Living Council;
26 amending s. 120.80, F.S.; providing that
27 hearings on certain vocational rehabilitation
28 determinations by the Occupational Access and
29 Opportunity Commission need not be conducted by
30 an administrative law judge; amending s.
31 413.011, F.S.; revising the internal

1 organizational structure of the Division of
2 Blind Services; requiring the division to
3 implement the provisions of a 5-year plan;
4 requiring the division to contract with
5 community-based rehabilitation providers for
6 the delivery of certain services; revising
7 references to blind persons; requiring the
8 Division of Blind Services to issue
9 recommendations to the Legislature on a method
10 of privatizing the Business Enterprise Program;
11 providing definitions for the terms
12 "community-based rehabilitation provider,"
13 "council," "plan," and "state plan"; renaming
14 the Advisory Council for the Blind; revising
15 the membership and functions of the council to
16 be consistent with federal law; requiring the
17 council to prepare a 5-year strategic plan;
18 requiring the council to coordinate with
19 specified entities; deleting provisions
20 providing for the Governor to resolve funding
21 disagreements between the division and the
22 council; directing that meetings be held in
23 locations accessible to individuals with
24 disabilities; amending s. 413.014, F.S.;
25 requiring the Division of Blind Services to
26 report on use of community-based providers to
27 deliver services; amending s. 413.034, F.S.;
28 revising the membership of the Commission for
29 Purchase from the Blind or Other Severely
30 Handicapped to conform to transfer of the
31 Division of Blind Services and renaming of the

1 Division of Vocational Rehabilitation; amending
2 ss. 413.051, 413.064, 413.066, 413.067,
3 413.345, F.S.; conforming departmental
4 references to reflect the transfer of the
5 Division of Blind Services to the Department of
6 Management Services; expressing the intent of
7 the Legislature that the provisions of this act
8 relating to blind services not conflict with
9 federal law; providing procedures in the event
10 such conflict is asserted; amending s. 413.82,
11 F.S.; providing definitions for the terms
12 "community rehabilitation provider," "plan,"
13 and "state plan"; conforming references;
14 amending s. 413.83, F.S.; specifying that
15 appointment of members to the commission is
16 subject to Senate confirmation; revising
17 composition of and appointments to the
18 commission; eliminating a requirement that the
19 Rehabilitation Council serve the commission;
20 authorizing the commission to establish an
21 advisory council composed of representatives
22 from not-for-profit organizations under certain
23 conditions; clarifying the entitlement of
24 commission members to reimbursement for certain
25 expenses; amending s. 413.84, F.S.; designating
26 the commission as the director of the Division
27 of Occupational Access and Opportunity;
28 specifying responsibilities of the commission;
29 authorizing the commission to make
30 administrative rules; authorizing the
31 commission to hire a division director;

1 revising time for implementation of the 5-year
2 plan prepared by the commission; expanding the
3 authority of the commission to contract with
4 the corporation; removing a requirement for
5 federal approval to contract with a
6 direct-support organization; authorizing the
7 commission to appear on its own behalf before
8 the Legislature; amending s. 413.85, F.S.;
9 eliminating limitations on the tax status of
10 the Occupational Access and Opportunity
11 Corporation; specifying that the corporation is
12 not an agency for purposes of certain
13 government procurement laws; applying
14 provisions relating to waiver of sovereign
15 immunity to the corporation; providing that the
16 board of directors of the corporation be
17 composed of no fewer than seven and no more
18 than 15 members and that a majority of its
19 members be members of the commission;
20 authorizing the corporation to hire certain
21 individuals employed by the Division of
22 Vocational Rehabilitation; amending s. 413.86,
23 F.S.; conforming an organizational reference;
24 creating s. 413.865, F.S.; requiring
25 coordination between vocational rehabilitation
26 and other workforce activities; requiring
27 development of performance measurement
28 methodologies; amending s. 413.87, F.S.;
29 conforming provision to changes made in the
30 act; amending s. 413.88, F.S.; conforming
31 provision to changes made in the act; amending

1 s. 413.89, F.S.; designating the department the
2 state agency effective July 1, 2000, and the
3 commission the state agency effective October
4 1, 2000, for purposes of federal law; deleting
5 an obsolete reference; authorizing the
6 department and the commission to provide for
7 continued administration during the time
8 between July 1, 2000, and October 1, 2000;
9 amending s. 413.90, F.S.; deleting provision
10 relating to designation of an administrative
11 entity; designating a state agency and state
12 unit for specified purposes; transferring
13 certain components of the Division of
14 Vocational Rehabilitation to the Department of
15 Education; requiring a reduction in positions;
16 providing for a budget amendment; providing for
17 a transfer of certain administrative resources
18 of the Department of Labor and Employment
19 Security to the Department of Education;
20 amending s. 413.91, F.S.; deleting reference to
21 designated administrative entity; requiring the
22 commission to assure that all contractors
23 maintain quality control and are fit to
24 undertake responsibilities; amending s. 413.92,
25 F.S.; specifying entities answerable to the
26 Federal Government in the event of a conflict
27 with federal law; repealing s. 413.93, F.S.,
28 relating to the designated state agency under
29 federal law; amending s. 440.02, F.S.;
30 conforming the definitions of "department" and
31 "division" to the transfer of the Division of

1 Workers' Compensation to the Department of
2 Insurance; amending s. 440.207, F.S.;
3 conforming a departmental reference; amending
4 s. 440.385, F.S.; deleting obsolete provisions;
5 conforming departmental references relating to
6 the Florida Self-Insurance Guaranty
7 Association, Inc.; amending s. 440.44, F.S.;
8 conforming provisions; amending s. 440.4416,
9 F.S.; reassigning the Workers' Compensation
10 Oversight Board to the Department of Insurance;
11 amending s. 440.45, F.S.; reassigning the
12 Office of the Judges of Compensation Claims to
13 the Department of Insurance; amending s.
14 440.49, F.S.; reassigning responsibility for a
15 report on the Special Disability Trust Fund to
16 the Department of Insurance; amending ss.
17 215.311, 413.091, 440.102, 440.125, 440.13,
18 440.25, 440.525, and 440.59, F.S.; conforming
19 agency references to reflect the transfer of
20 programs from the Department of Labor and
21 Employment Security to the Department of
22 Management Services and the Department of
23 Insurance; amending s. 443.012, F.S.; providing
24 for the Unemployment Appeals Commission to be
25 created within the Department of Management
26 Services rather than the Department of Labor
27 and Employment Security; conforming provisions;
28 providing for the transfer of the Unemployment
29 Appeals Commission to the Department of
30 Management Services by a type two transfer;
31 amending s. 443.036, F.S.; conforming the

1 definition of "commission" to the transfer of
2 the Unemployment Appeals Commission to the
3 Department of Management Services; conforming
4 the definition of "division" to the transfer of
5 the Division of Unemployment Compensation to
6 the Agency for Workforce Innovation; amending
7 s. 443.131, F.S.; conforming provisions to
8 changes made in the act; amending s. 443.151,
9 F.S.; providing for unemployment compensation
10 appeals referees to be appointed by the
11 Unemployment Appeals Commission; requiring the
12 Department of Management Services to provide
13 facilities to the appeals referees and the
14 commission; requiring the Division of
15 Unemployment Compensation to post certain
16 notices in one-stop career centers; amending s.
17 443.171, F.S.; conforming duties of the
18 Division of Unemployment Compensation and
19 appointment of the Unemployment Compensation
20 Advisory Council to reflect program transfer to
21 the Agency for Workforce Innovation; conforming
22 cross-references; amending ss. 443.1715 and
23 443.1716, F.S.; conforming provisions to
24 changes made in the act; amending s. 443.211,
25 F.S.; conforming provisions; authorizing the
26 Unemployment Appeals Commission to approve
27 payments from the Employment Security
28 Administration Trust Fund; providing for use of
29 funds in the Special Employment Security
30 Administration Trust Fund by the Unemployment
31 Appeals Commission and the Agency for Workforce

1 Innovation; amending ss. 443.221 and 443.231,
2 F.S.; conforming provisions to changed made in
3 the act; amending ss. 447.02, 447.04, 447.041,
4 447.045, 447.06, 447.12, 447.16, F.S.;
5 providing for part I of ch. 447, F.S., relating
6 to the regulation of labor organizations, to be
7 administered by the Department of Insurance;
8 deleting references to the Division of Jobs and
9 Benefits and the Department of Labor and
10 Employment Security; amending s. 447.203, F.S.;
11 clarifying the definition of professional
12 employee; amending s. 447.205, F.S.; conforming
13 provisions to reflect the transfer of the
14 Public Employees Relations Commission to the
15 Department of Management Services and deleting
16 obsolete provisions; amending s. 447.208, F.S.;
17 clarifying the procedure for appeals, charges,
18 and petitions; amending s. 447.305, F.S.,
19 relating to the registration of employee
20 organizations; providing for the Public
21 Employees Relations Commission to share
22 registration information with the Department of
23 Insurance; amending s. 447.307, F.S.;
24 authorizing the commission to modify existing
25 bargaining units; amending s. 447.503, F.S.;
26 specifying procedures when a party fails to
27 appear for a hearing; amending s. 447.504,
28 F.S.; authorizing the commission to stay
29 certain procedures; providing for the transfer
30 of the commission to the Department of
31 Management Services by a type two transfer;

1 amending ss. 450.012, 450.061, 450.081,
2 450.095, 450.121, 450.132, 450.141, F.S.;
3 providing for part I of ch. 450, F.S., relating
4 to child labor, to be administered by the
5 Department of Insurance; deleting references to
6 the Division of Jobs and Benefits and the
7 Department of Labor and Employment Security;
8 amending s. 450.191, F.S., relating to the
9 duties of the Executive Office of the Governor
10 with respect to migrant labor; conforming
11 provisions to changes made by the act; amending
12 ss. 450.28, 450.30, 450.31, 450.33, 450.35,
13 450.36, 450.37, 450.38, F.S., relating to farm
14 labor registration; providing for part III of
15 ch. 450, F.S., to be administered by the
16 Department of Insurance; deleting references to
17 the Division of Jobs and Benefits and the
18 Department of Labor and Employment Security;
19 requiring the Department of Revenue to report
20 on disbursement and cost-allocation of
21 unemployment compensation funds; requiring the
22 Department of Revenue to conduct a feasibility
23 study on privatization of unemployment
24 compensation activities; authorizing the
25 Department of Labor and Employment Security to
26 offer a voluntary reduction-in-force payment to
27 certain employees; requiring a plan to meet
28 specified criteria; providing for legislative
29 review; providing for the continuation of
30 contracts or agreements of the Department of
31 Labor and Employment Security; providing for a

1 successor department, agency, or entity to be
2 substituted for the Department of Labor and
3 Employment Security as a party in interest in
4 pending proceedings; providing for
5 severability; amending s. 440.02, F.S.;
6 providing a definition for the term "agency";
7 conforming definitions of "department" and
8 "division" to the transfer of the Division of
9 Workers' Compensation to the Department of
10 Insurance; amending s. 440.13, F.S., relating
11 to medical services and supplies under the
12 workers' compensation law; reassigning certain
13 functions from the Division of Workers'
14 Compensation to the Agency for Health Care
15 Administration; amending s. 440.15, F.S.;
16 providing for the agency to participate in the
17 establishment and use of a uniform permanent
18 impairment rating schedule; amending s.
19 440.491, F.S.; providing for agency oversight
20 of workers' compensation rehabilitation
21 providers; amending s. 440.207, F.S.; providing
22 a conditional effective date.

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