

By the Committees on Fiscal Policy; Commerce and Economic Opportunities; and Senator Kirkpatrick

309-2207A-00

1 A bill to be entitled
2 An act relating to labor and employment
3 security; repealing s. 20.171, F.S., relating
4 to the authority and organizational structure
5 of the Department of Labor and Employment
6 Security; providing for a type one transfer of
7 the Division of Workers' Compensation to the
8 Department of Insurance; providing for a type
9 two transfer of certain functions of the
10 Division of Workforce and Employment
11 Opportunities relating to labor organizations
12 and child labor to the Department of Insurance;
13 providing for a type two transfer of certain
14 functions of the Division of Workforce and
15 Employment Opportunities relating to migrant
16 and farm labor registration to the Department
17 of Insurance; providing for a type two transfer
18 of other workplace regulation functions to the
19 Department of Insurance; providing for a
20 transfer of certain administrative resources of
21 the Department of Labor and Employment Security
22 to the Department of Insurance; amending s.
23 20.13, F.S.; providing for a Division of
24 Workers' Compensation in the Department of
25 Insurance; creating a Bureau of Workplace
26 Regulation and a Bureau of Workplace Safety
27 within the Division of Workers' Compensation of
28 the Department of Insurance; providing for a
29 type two transfer of the Division of
30 Unemployment Compensation to the Department of
31 Revenue; providing an exception; providing for

1 a type two transfer of unemployment appeals
2 referees to the Unemployment Appeals
3 Commission; providing for a type two transfer
4 of the Office of Information Systems from the
5 Department of Labor and Employment Security to
6 the Department of Management Services;
7 providing an exception for certain portions of
8 the office to be transferred to the Agency for
9 Workforce Innovation; providing for a type two
10 transfer of the Minority Business Advocacy and
11 Assistance Office from the Department of Labor
12 and Employment Security to the Department of
13 Management Services; creating the Florida Task
14 Force on Workplace Safety; prescribing
15 membership of the task force; providing a
16 purpose for the task force; providing for
17 staffing, administration, and information
18 sharing; requiring a report; authorizing the
19 Division of Workers' Compensation to establish
20 time-limited positions related to workplace
21 safety; authorizing the division to establish
22 permanent positions upon completion of the task
23 force report; providing for transfer of certain
24 records and property; providing for termination
25 of the task force; amending s. 39 of ch.
26 99-240, Laws of Florida; providing for the
27 transfer of the Division of Blind Services to
28 the Department of Management Services rather
29 than the Department of Education; revising the
30 effective date of such transfer; providing
31 legislative intent on the transfer of functions

1 of the Department of Labor and Employment
2 Security; providing for reemployment assistance
3 to dislocated department employees; providing
4 for hiring preferences for such employees;
5 providing for the transfer of certain records
6 and funds; creating the Labor and Employment
7 Security Transition Team; prescribing
8 membership of the transition team; providing
9 for staffing; requiring reports; providing for
10 the termination of the transition team;
11 authorizing the transition team to use
12 unexpended funds to settle certain claims;
13 requiring the transition team to approve
14 certain personnel hirings and transfers;
15 requiring the submission of a budget amendment
16 to allocate resources of the Department of
17 Labor and Employment Security; exempting
18 specified state agencies, on a temporary basis,
19 from provisions relating to procurement of
20 property and services and leasing of space;
21 authorizing specified state agencies to develop
22 temporary emergency rules relating to the
23 implementation of this act; requiring the
24 Department of Revenue to notify businesses
25 relating to the transfer of unemployment
26 compensation tax responsibilities; amending s.
27 287.012, F.S.; revising a definition to conform
28 to the transfer of the Minority Business
29 Advocacy and Assistance Office to the
30 Department of Management Services; amending s.
31 287.0947, F.S.; providing for the Florida

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

1 Division of Blind Services to issue
2 recommendations to the Legislature on a method
3 of privatizing the Business Enterprise Program;
4 providing definitions for the terms
5 "community-based rehabilitation provider,"
6 "council," "plan," and "state plan"; renaming
7 the Advisory Council for the Blind; revising
8 the membership and functions of the council to
9 be consistent with federal law; requiring the
10 council to prepare a 5-year strategic plan;
11 requiring the council to coordinate with
12 specified entities; deleting provisions
13 providing for the Governor to resolve funding
14 disagreements between the division and the
15 council; directing that meetings be held in
16 locations accessible to individuals with
17 disabilities; amending s. 413.014, F.S.;
18 requiring the Division of Blind Services to
19 report on use of community-based providers to
20 deliver services; amending s. 413.034, F.S.;
21 revising the membership of the Commission for
22 Purchase from the Blind or Other Severely
23 Handicapped to conform to transfer of the
24 Division of Blind Services and renaming of the
25 Division of Vocational Rehabilitation; amending
26 ss. 413.051, 413.064, 413.066, 413.067,
27 413.345, F.S.; conforming departmental
28 references to reflect the transfer of the
29 Division of Blind Services to the Department of
30 Management Services; expressing the intent of
31 the Legislature that the provisions of this act

1 relating to blind services not conflict with
2 federal law; providing procedures in the event
3 such conflict is asserted; amending s. 413.82,
4 F.S.; providing definitions for the terms
5 "community rehabilitation provider," "plan,"
6 and "state plan"; conforming references;
7 amending s. 413.83, F.S.; specifying that
8 appointment of members to the commission is
9 subject to Senate confirmation; revising
10 composition of and appointments to the
11 commission; eliminating a requirement that the
12 Rehabilitation Council serve the commission;
13 authorizing the commission to establish an
14 advisory council composed of representatives
15 from not-for-profit organizations under certain
16 conditions; clarifying the entitlement of
17 commission members to reimbursement for certain
18 expenses; amending s. 413.84, F.S.; designating
19 the commission as the director of the Division
20 of Occupational Access and Opportunity;
21 specifying responsibilities of the commission;
22 authorizing the commission to make
23 administrative rules; authorizing the
24 commission to hire a division director;
25 revising time for implementation of the 5-year
26 plan prepared by the commission; expanding the
27 authority of the commission to contract with
28 the corporation; removing a requirement for
29 federal approval to contract with a
30 direct-support organization; authorizing the
31 commission to appear on its own behalf before

1 the Legislature; amending s. 413.85, F.S.;
2 eliminating limitations on the tax status of
3 the Occupational Access and Opportunity
4 Corporation; specifying that the corporation is
5 not an agency for purposes of certain
6 government procurement laws; applying
7 provisions relating to waiver of sovereign
8 immunity to the corporation; providing that the
9 board of directors of the corporation be
10 composed of no fewer than seven and no more
11 than 15 members and that a majority of its
12 members be members of the commission;
13 authorizing the corporation to hire certain
14 individuals employed by the Division of
15 Vocational Rehabilitation; providing for a
16 lease agreement governing such employees;
17 prescribing terms of such lease agreement;
18 amending s. 413.86, F.S.; conforming an
19 organizational reference; creating s. 413.865,
20 F.S.; requiring coordination between vocational
21 rehabilitation and other workforce activities;
22 requiring development of performance
23 measurement methodologies; amending s. 413.87,
24 F.S.; conforming provision to changes made in
25 the act; amending s. 413.88, F.S.; conforming
26 provision to changes made in the act; amending
27 s. 413.89, F.S.; designating the department the
28 state agency effective July 1, 2000, and the
29 commission the state agency effective October
30 1, 2000, for purposes of federal law; deleting
31 an obsolete reference; authorizing the

1 department and the commission to provide for
2 continued administration during the time
3 between July 1, 2000, and October 1, 2000;
4 amending s. 413.90, F.S.; deleting provision
5 relating to designation of an administrative
6 entity; designating a state agency and state
7 unit for specified purposes; transferring
8 certain components of the Division of
9 Vocational Rehabilitation to the Department of
10 Education; requiring a reduction in positions;
11 providing for a budget amendment; providing for
12 a transfer of certain administrative resources
13 of the Department of Labor and Employment
14 Security to the Department of Education;
15 amending s. 413.91, F.S.; deleting reference to
16 designated administrative entity; requiring the
17 commission to assure that all contractors
18 maintain quality control and are fit to
19 undertake responsibilities; amending s. 413.92,
20 F.S.; specifying entities answerable to the
21 Federal Government in the event of a conflict
22 with federal law; repealing s. 413.93, F.S.,
23 relating to the designated state agency under
24 federal law; amending s. 440.02, F.S.;
25 conforming the definitions of "department" and
26 "division" to the transfer of the Division of
27 Workers' Compensation to the Department of
28 Insurance; amending s. 440.207, F.S.;
29 conforming a departmental reference; amending
30 s. 440.385, F.S.; deleting obsolete provisions;
31 conforming departmental references relating to

1 the Florida Self-Insurance Guaranty
2 Association, Inc.; amending s. 440.44, F.S.;
3 conforming provisions; amending s. 440.4416,
4 F.S.; reassigning the Workers' Compensation
5 Oversight Board to the Department of Insurance;
6 amending s. 440.45, F.S.; reassigning the
7 Office of the Judges of Compensation Claims to
8 the Department of Insurance; amending s.
9 440.49, F.S.; reassigning responsibility for a
10 report on the Special Disability Trust Fund to
11 the Department of Insurance; amending s.
12 443.012, F.S.; providing for the Unemployment
13 Appeals Commission to be created within the
14 Department of Management Services rather than
15 the Department of Labor and Employment
16 Security; conforming provisions; providing for
17 the transfer of the Unemployment Appeals
18 Commission to the Department of Management
19 Services by a type two transfer; amending s.
20 443.036, F.S.; conforming the definition of
21 "commission" to the transfer of the
22 Unemployment Appeals Commission to the
23 Department of Management Services; conforming
24 the definition of "division" to the transfer of
25 the Division of Unemployment Compensation to
26 the Department of Revenue; amending s. 443.151,
27 F.S.; providing for unemployment compensation
28 appeals referees to be appointed by the
29 Unemployment Appeals Commission; requiring the
30 Department of Management Services to provide
31 facilities to the appeals referees and the

1 commission; requiring the Division of
2 Unemployment Compensation to post certain
3 notices in one-stop career centers; amending s.
4 443.171, F.S.; conforming duties of the
5 Division of Unemployment Compensation and
6 appointment of the Unemployment Compensation
7 Advisory Council to reflect program transfer to
8 the Department of Revenue; conforming
9 cross-references; amending s. 443.211, F.S.;
10 conforming provisions; authorizing the
11 Unemployment Appeals Commission to approve
12 payments from the Employment Security
13 Administration Trust Fund; providing for use of
14 funds in the Special Employment Security
15 Administration Trust Fund by the Unemployment
16 Appeals Commission and the Agency for Workforce
17 Innovation; amending ss. 447.02, 447.04,
18 447.041, 447.045, 447.06, 447.12, 447.16, F.S.;
19 providing for part I of ch. 447, F.S., relating
20 to the regulation of labor organizations, to be
21 administered by the Department of Insurance;
22 deleting references to the Division of Jobs and
23 Benefits and the Department of Labor and
24 Employment Security; amending s. 447.203, F.S.;
25 clarifying the definition of professional
26 employee; amending s. 447.205, F.S.; conforming
27 provisions to reflect the transfer of the
28 Public Employees Relations Commission to the
29 Department of Management Services and deleting
30 obsolete provisions; amending s. 447.208, F.S.;
31 clarifying the procedure for appeals, charges,

1 and petitions; amending s. 447.305, F.S.,
2 relating to the registration of employee
3 organizations; providing for the Public
4 Employees Relations Commission to share
5 registration information with the Department of
6 Insurance; amending s. 447.307, F.S.;
7 authorizing the commission to modify existing
8 bargaining units; amending s. 447.503, F.S.;
9 specifying procedures when a party fails to
10 appear for a hearing; amending s. 447.504,
11 F.S.; authorizing the commission to stay
12 certain procedures; providing for the transfer
13 of the commission to the Department of
14 Management Services by a type two transfer;
15 amending ss. 450.012, 450.061, 450.081,
16 450.095, 450.121, 450.132, 450.141, F.S.;
17 providing for part I of ch. 450, F.S., relating
18 to child labor, to be administered by the
19 Department of Insurance; deleting references to
20 the Division of Jobs and Benefits and the
21 Department of Labor and Employment Security;
22 amending s. 450.191, F.S., relating to the
23 duties of the Executive Office of the Governor
24 with respect to migrant labor; conforming
25 provisions to changes made by the act; amending
26 ss. 450.28, 450.30, 450.31, 450.33, 450.35,
27 450.36, 450.37, 450.38, F.S., relating to farm
28 labor registration; providing for part III of
29 ch. 450, F.S., to be administered by the
30 Department of Insurance; deleting references to
31 the Division of Jobs and Benefits and the

1 Department of Labor and Employment Security;
2 requiring the Department of Revenue to report
3 on disbursement and cost-allocation of
4 unemployment compensation funds; requiring the
5 Department of Revenue to conduct a feasibility
6 study on privatization of unemployment
7 compensation activities; authorizing the
8 Department of Labor and Employment Security to
9 offer a voluntary reduction-in-force payment to
10 certain employees; requiring a plan to meet
11 specified criteria; providing for legislative
12 review; providing for the continuation of
13 contracts or agreements of the Department of
14 Labor and Employment Security; providing for a
15 successor department, agency, or entity to be
16 substituted for the Department of Labor and
17 Employment Security as a party in interest in
18 pending proceedings; providing for
19 severability; providing a conditional effective
20 date.

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

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 is transferred by a type one transfer, as defined in section 20.06(1), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance.

1 (2) Effective July 1, 2000, all powers, duties,
2 functions, rules, records, personnel, property, and unexpended
3 balances of appropriations, allocations, and other funds of
4 the Division of Workforce and Employment Opportunities related
5 to the regulation of labor organizations under chapter 447,
6 Florida Statutes; the administration of child labor laws under
7 chapter 450, Florida Statutes; and the administration of
8 migrant labor and farm labor laws under chapter 450, Florida
9 Statutes, are transferred by a type two transfer, as defined
10 in section 20.06(2), Florida Statutes, from the Department of
11 Labor and Employment Security to the Bureau of Workplace
12 Regulation in the Division of Workers' Compensation of the
13 Department of Insurance.

14 (3) Effective July 1, 2000, any other powers, duties,
15 functions, rules, records, personnel, property, and unexpended
16 balances of appropriations, allocations, and other funds of
17 the Department of Labor and Employment Security, not otherwise
18 transferred by this act, relating to workplace regulation and
19 enforcement, including, but not limited to, those under
20 chapter 448, Florida Statutes, are transferred by a type two
21 transfer, as defined in section 20.06(2), Florida Statutes,
22 from the department to the Bureau of Workplace Regulation in
23 the Division of Workers' Compensation of the Department of
24 Insurance.

25 (4) 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 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 Worker's Compensation.

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 January 1, 2001, 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 Department of Revenue, except that all powers, duties,
30 functions, rules, records, personnel, property, and unexpended
31 balances of appropriations, allocations, and other funds of

1 the division related to the resolution of disputed claims for
2 unemployment compensation benefits through the use of appeals
3 referees are transferred by a type two transfer, as defined in
4 section 20.06(2), Florida Statutes, to the Unemployment
5 Appeals Commission.

6 Section 5. Effective January 1, 2001, the Office of
7 Information Systems is transferred by a type two transfer, as
8 defined in section 20.06(2), Florida Statutes, from the
9 Department of Labor and Employment Security to the Department
10 of Management Services, except that all powers, duties,
11 functions, rules, records, personnel, property, and unexpended
12 balances of appropriations, allocations, and other funds of
13 the office related to workforce information systems planning
14 are transferred effective October 1, 2000, by a type two
15 transfer as defined in section 20.06(2), Florida Statutes, to
16 the Agency for Workforce Innovation.

17 Section 6. Effective October 1, 2000, the Minority
18 Business Advocacy and Assistance Office is transferred by a
19 type two transfer as defined in section 20.06(2), Florida
20 Statutes, from the Department of Labor and Employment Security
21 to the Department of Management Services.

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

28 (a) Five members appointed by the Governor, one of
29 whom must be a representative of a statewide business
30 organization, one of whom must be a representative of
31 organized labor, and three of whom must be from private-sector

1 businesses. The Governor shall name one of the appointees
2 under this paragraph as chair of the task force;

3 (b) Four members appointed by the President of the
4 Senate, one of whom must be a representative of a statewide
5 business organization, one of whom must be a representative of
6 organized labor, and two of whom must be from private-sector
7 businesses;

8 (c) Four members appointed by the Speaker of the House
9 of Representatives, one of whom must be a representative of a
10 statewide business organization, one of whom must be a
11 representative of organized labor, and two of whom must be
12 from private-sector businesses;

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

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

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18 The Insurance Commissioner or the commissioner's designee from
19 the Department of Insurance shall serve as an ex officio
20 nonvoting member of the task force.

21 (2) The purpose of the task force is to develop
22 findings and issue recommendations on innovative ways in which
23 the state may employ state or federal resources to reduce the
24 incidence of employee accidents, occupational diseases, and
25 fatalities compensable under the workers' compensation law.
26 The task force shall address issues including, but not limited
27 to:

28 (a) Alternative organizational structures for the
29 delivery of workplace safety assistance services to businesses
30 following the repeal of the Division of Safety of the
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1 Department of Labor and Employment Security under chapter
2 99-240, Laws of Florida;

3 (b) The extent to which workplace safety assistance
4 services are or may be provided through private-sector
5 sources;

6 (c) The potential contribution of workplace safety
7 assistance services to a reduction in workers' compensation
8 rates for employers;

9 (d) Differences in the workplace safety needs of
10 businesses based upon the size of the businesses and the
11 nature of the businesses;

12 (e) Differences in the workplace safety needs of
13 private-sector employers and public-sector employers;

14 (f) The relationship between federal and state
15 workplace safety activities; and

16 (g) The impact of workplace safety and workers'
17 compensation on the economic development efforts of the state.

18 (3) The task force shall be located in the Department
19 of Insurance, and staff of the department shall serve as staff
20 for the task force.

21 (4) Members of the task force shall serve without
22 compensation but will be entitled to per diem and travel
23 expenses pursuant to section 112.061, Florida Statutes, while
24 in the performance of their duties.

25 (5) The task force may procure information and
26 assistance from any officer or agency of the state or any
27 subdivision thereof. All such officials and agencies shall
28 give the task force all relevant information and assistance on
29 any matter within their knowledge or control.

30 (6) The task force shall submit a report and
31 recommendations to the Governor, the Insurance Commissioner,

1 the President of the Senate, and the Speaker of the House of
2 Representatives no later than January 1, 2001. The report
3 shall include recommendations on the organizational structure,
4 mission, staffing structure and qualifications, and funding
5 level for the Bureau of Workplace Safety within the Division
6 of Workers' Compensation of the Department of Insurance. The
7 report also shall include any specific recommendations for
8 legislative action during the 2001 Regular Session of the
9 Legislature.

10 (7)(a) During Fiscal Year 2000-2001, the Division of
11 Workers' Compensation of the Department of Insurance is
12 authorized to establish 40 time-limited positions on July 1,
13 2000, responsible for the 21(d) federal grant from the
14 Occupational Safety and Health Administration and for the core
15 responsibilities under a program for enforcement of safety and
16 health regulations in the public sector.

17 (b) After the Task Force on Workplace Safety has
18 issued its report and recommendations, the Division of
19 Workers' Compensation may eliminate the 40 time-limited
20 positions and establish and classify permanent positions as
21 authorized in the Fiscal Year 2000-2001 General Appropriations
22 Act or seek a budget amendment as provided in chapter 216,
23 Florida Statutes, to implement the recommendations of the task
24 force.

25 (c) All records, property, and equipment of the
26 Division of Safety of the Department of Labor and Employment
27 Security, repealed under chapter 99-240, Laws of Florida,
28 shall be transferred to the Bureau of Workplace Safety of the
29 Division of Workers' Compensation of the Department of
30 Insurance for the bureau to retain, use, and maintain during
31 the deliberations of the task force.

1 (8) The task force shall terminate upon submission of
2 its report.

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

6 Section 39. Effective October 1, 2000 ~~January 1, 2001~~,
7 the Division of Blind Services is transferred by a type two
8 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida
9 Statutes, from the Department of Labor and Employment Security
10 to the Department of Management Services ~~Education~~.

11 Section 9. (1) It is the intent of the Legislature
12 that the transfer of responsibilities from the Department of
13 Labor and Employment Security to other units of state
14 government as prescribed by this act be accomplished with
15 minimal disruption of services provided to the public and with
16 minimal disruption to the employees of the department. To that
17 end, the Legislature believes that a transition period during
18 which the activities of the department can be systematically
19 reduced and the activities of the other applicable units of
20 state government can be strategically increased is appropriate
21 and warranted.

22 (2) The Department of Labor and Employment Security
23 and the Department of Management Services shall provide
24 coordinated reemployment assistance to employees of the
25 Department of Labor and Employment Security who are dislocated
26 as a result of this act. The state Workforce Development
27 Board, the regional workforce boards, and staff of the
28 one-stop career centers shall provide assistance to the
29 departments in carrying out the provisions of this section.

30 (3) The state and its political subdivisions shall
31 give preference in the appointment and the retention of

1 employment to employees of the Department of Labor and
2 Employment Security who are dislocated as a result of this
3 act. Furthermore, for those positions for which an examination
4 is used to determine the qualifications for entrance into
5 employment with the state or its political subdivisions, 10
6 points shall be added to the earned ratings of any employee of
7 the Department of Labor and Employment Security who is
8 dislocated as a result of this act if such person has obtained
9 a qualifying score on the examination for the position.
10 Preference is considered to have expired once such person has
11 been employed by any state agency or any agency of a political
12 subdivision of the state.

13 (4)(a) There is created the Labor and Employment
14 Security Transition Team, which will be responsible for
15 coordinating and overseeing actions necessary to ensure the
16 timely, comprehensive, efficient, and effective implementation
17 of the provisions of this act.

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

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

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

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

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

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

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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 (e) The transition team shall terminate on February 1,
23 2001. Prior to such date, the transition team shall submit to
24 the President of the Senate and the Speaker of the House of
25 Representatives a final report on the activities of the
26 transition team and on the implementation of this act. The
27 final report shall include any recommendations on legislative
28 action necessary during the 2001 Regular Session of the
29 Legislature to address substantive or technical issues related
30 to the implementation of this act.

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1 (5) The transfer of any programs, activities, and
2 functions under this act shall include the transfer of any
3 records and unexpended balances of appropriations,
4 allocations, or other funds related to such programs,
5 activities, and functions. Any surplus records and unexpended
6 balances of appropriations, allocations, or other funds not so
7 transferred shall be transferred to the Department of
8 Management Services for proper disposition. The Department of
9 Management Services shall become the custodian of any property
10 of the Department of Labor and Employment Security which is
11 not otherwise transferred for the purposes of chapter 273,
12 Florida Statutes. The Department of Management Services is
13 authorized to permit the use of such property by organizations
14 as necessary to implement the provisions of this act.

15 (6) The transition team, in conjunction with the
16 Office of the Attorney General, may use any unexpended
17 balances of the Department of Labor and Employment Security to
18 settle any claims or leases, pay out personnel annual leave or
19 sick leave, or close out other costs owed by the department,
20 regardless of whether such costs relate to federal, state, or
21 local governments; department employees; or the private
22 sector. Any remaining balances of the department shall be
23 transferred as directed by this act or by budget amendment.

24 (7) The transition team shall monitor any personnel
25 plans of the Department of Labor and Employment Security and
26 any implementation activities of the department required by
27 this act. The department shall not fill a vacant position or
28 transfer an employee laterally between any divisions or other
29 units of the department without the approval of the transition
30 team.

31

1 (8) The transition team may submit proposals to the
2 Governor and recommend budget amendments to ensure the
3 effective implementation of this act, maintenance of federal
4 funding, and continuation of services to customers without
5 interruption. Prior to October 1, 2000, the transition team,
6 through the Office of Policy and Budget, shall prepare a
7 budget amendment to allocate the resources of the Office of
8 the Secretary, Office of Administrative Services, Division of
9 Unemployment Compensation, and other resources of the
10 Department of Labor and Employment Security not otherwise
11 transferred by this act. The allocation of resources under
12 this budget amendment must provide for the maintenance of the
13 department until January 1, 2001, in order to complete
14 activities related to the dissolution of the department and
15 must reserve any remaining funds or positions.

16 (9) This section shall take effect upon this act
17 becoming a law.

18 Section 10. To expedite the acquisition of goods and
19 services for implementing the provisions of this act, the
20 Department of Revenue, the Department of Insurance, the
21 Department of Management Services, and the Agency for
22 Workforce Innovation are exempt from the provisions of chapter
23 287, Florida Statutes, when contracting for the purchase or
24 lease of goods or services under this act. This section shall
25 take effect upon this act becoming a law and shall expire
26 January 1, 2001.

27 Section 11. To expedite the leasing of facilities for
28 implementing the provisions of this act, the Department of
29 Revenue, the Department of Insurance, the Department of
30 Management Services, and the Agency for Workforce Innovation
31 are exempt from the requirements of any state laws relating to

1 the leasing of space, including, but not limited to, the
2 requirements imposed by section 255.25, Florida Statutes, and
3 any rules adopted under such laws, provided, however, that all
4 leases entered into under this act through January 1, 2001,
5 must be submitted for approval to the Department of Management
6 Services at the earliest practicable time. This section shall
7 take effect upon this act becoming a law and shall expire
8 January 1, 2001.

9 Section 12. Notwithstanding the provisions of chapter
10 120, Florida Statutes, to the contrary, the Department of
11 Revenue, the Department of Insurance, the Department of
12 Management Services, and the Agency for Workforce Innovation
13 are authorized to develop emergency rules relating to and in
14 furtherance of the orderly implementation of the provisions of
15 this act. These emergency rules shall be valid for a period of
16 270 days after the effective date of this act.

17 Section 13. (1) The Department of Revenue shall
18 develop and issue notification to all businesses registered
19 with the Department of Labor and Employment Security for the
20 purpose of paying unemployment compensation tax imposed
21 pursuant to chapter 443, Florida Statutes. Such notification
22 shall include, but not be limited to, information on the
23 transfer of responsibilities from the Department of Labor and
24 Employment Security to the Department of Revenue and other
25 agencies relating to unemployment compensation activities.

26 (2) The Department of Revenue is authorized to issue
27 any notices, forms, documents, or publications relating to the
28 unemployment compensation tax which the Division of
29 Unemployment Compensation of the Department of Labor and
30 Employment Security was authorized to issue or publish under
31

1 chapter 443, Florida Statutes, prior to the transfer of any
2 responsibilities under this act.

3 (3) The Department of Revenue is authorized to
4 determine the most efficient and effective method for
5 administering, collecting, enforcing, and auditing the
6 unemployment compensation tax in consultation with the
7 businesses that pay such tax and consistent with the
8 provisions of chapter 443, Florida Statutes.

9 Section 14. Effective October 1, 2000, subsection (19)
10 of section 287.012, Florida Statutes, is amended to read:

11 287.012 Definitions.--The following definitions shall
12 apply in this part:

13 (19) "Office" means the Minority Business Advocacy and
14 Assistance Office of the Department of Management Services
15 ~~Labor and Employment Security~~.

16 Section 15. Effective October 1, 2000, subsection (1)
17 of section 287.0947, Florida Statutes, is amended to read:

18 287.0947 Florida Council on Small and Minority
19 Business Development; creation; membership; duties.--

20 (1) On or after October 1, 2000 ~~1996~~, the secretary of
21 the Department of Management Services ~~Labor and Employment~~
22 ~~Security~~ may create the Florida Advisory Council on Small and
23 Minority Business Development with the purpose of advising and
24 assisting the secretary in carrying out the secretary's duties
25 with respect to minority businesses and economic and business
26 development. It is the intent of the Legislature that the
27 membership of such council include practitioners, laypersons,
28 financiers, and others with business development experience
29 who can provide invaluable insight and expertise for this
30 state in the diversification of its markets and networking of
31 business opportunities. The council shall initially consist of

1 19 persons, each of whom is or has been actively engaged in
2 small and minority business development, either in private
3 industry, in governmental service, or as a scholar of
4 recognized achievement in the study of such matters.
5 Initially, the council shall consist of members representing
6 all regions of the state and shall include at least one member
7 from each group identified within the definition of "minority
8 person" in s. 288.703(3), considering also gender and
9 nationality subgroups, and shall consist of the following:

10 (a) Four members consisting of representatives of
11 local and federal small and minority business assistance
12 programs or community development programs.

13 (b) Eight members composed of representatives of the
14 minority private business sector, including certified minority
15 business enterprises and minority supplier development
16 councils, among whom at least two shall be women and at least
17 four shall be minority persons.

18 (c) Two representatives of local government, one of
19 whom shall be a representative of a large local government,
20 and one of whom shall be a representative of a small local
21 government.

22 (d) Two representatives from the banking and insurance
23 industry.

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

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

28

29 A candidate for appointment may be considered if eligible to
30 be certified as an owner of a minority business enterprise, or
31 if otherwise qualified under the criteria above. Vacancies may

1 be filled by appointment of the secretary, in the manner of
2 the original appointment.

3 Section 16. Effective October 1, 2000, subsections (2)
4 and (3) and paragraph (h) of subsection (4) of section
5 287.09451, Florida Statutes, are amended to read:

6 287.09451 Minority Business Advocacy and Assistance
7 Office; powers, duties, and functions.--

8 (2) The Minority Business Advocacy and Assistance
9 Office is established within the Department of Management
10 Services ~~Labor and Employment Security~~ to assist minority
11 business enterprises in becoming suppliers of commodities,
12 services, and construction to state government.

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

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

19 (h) To develop procedures to investigate complaints
20 against minority business enterprises or contractors alleged
21 to violate any provision related to this section or s.
22 287.0943, that may include visits to worksites or business
23 premises, and to refer all information on businesses suspected
24 of misrepresenting minority status to the Department of
25 Management Services ~~Labor and Employment Security~~ for
26 investigation. When an investigation is completed and there is
27 reason to believe that a violation has occurred, the
28 Department of Management Services ~~Labor and Employment~~
29 ~~Security~~ shall refer the matter to the office of the Attorney
30 General, Department of Legal Affairs, for prosecution.

31

1 Section 17. Effective upon this act becoming a law,
2 subsections (3), (4), and (6) of section 20.15, Florida
3 Statutes, are amended and paragraph (d) is added to subsection
4 (5) of that section to read:

5 20.15 Department of Education.--There is created a
6 Department of Education.

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

9 (a) Division of Community Colleges.

10 (b) Division of Public Schools and Community
11 Education.

12 (c) Division of Universities.

13 (d) Division of Workforce Development.

14 (e) Division of Human Resource Development.

15 (f) Division of Administration.

16 (g) Division of Financial Services.

17 (h) Division of Support Services.

18 (i) Division of Technology.

19 (j) Division of Occupational Access and Opportunity.

20 (4) DIRECTORS.--The Board of Regents is the director
21 of the Division of Universities, the Occupational Access and
22 Opportunity Commission is the director of the Division of
23 Occupational Access and Opportunity,and the State Board of
24 Community Colleges is the director of the Division of
25 Community Colleges, pursuant to chapter 240. The directors of
26 all other divisions shall be appointed by the commissioner
27 subject to approval by the state board.

28 (5) POWERS AND DUTIES.--The State Board of Education
29 and the Commissioner of Education:

30 (d) Shall assign to the Division of Occupational
31 Access and Opportunity such powers, duties, responsibilities,

1 and functions as are necessary to ensure the coordination,
2 efficiency, and effectiveness of its programs, including, but
3 not limited to, vocational rehabilitation and independent
4 living services to persons with disabilities which services
5 are funded under the Rehabilitation Act of 1973, as amended,
6 except:

7 1. Those duties specifically assigned to the Division
8 of Blind Services of the Department of Management Services;

9 2. Those duties specifically assigned to the
10 Commissioner of Education in ss. 229.512 and 229.551;

11 3. Those duties concerning physical facilities in
12 chapter 235;

13 4. Those duties assigned to the State Board of
14 Community Colleges in chapter 240; and

15 5. Those duties assigned to the Division of Workforce
16 Development in chapter 239.

17
18 Effective October 1, 2000, the Occupational Access and
19 Opportunity Commission shall assume all responsibilities
20 necessary to be the designated state agency for purposes of
21 compliance with the Rehabilitation Act of 1973, as amended.

22 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
23 contained in law to the contrary, the Commissioner of
24 Education shall appoint all members of all councils and
25 committees of the Department of Education, except the Board of
26 Regents, the State Board of Community Colleges, the community
27 college district boards of trustees, the Postsecondary
28 Education Planning Commission, the Education Practices
29 Commission, the Education Standards Commission, the State
30 Board of Independent Colleges and Universities, the
31 Occupational Access and Opportunity Commission, the Florida

1 Rehabilitation Council, the Florida Independent Living
2 Council, and the State Board of Nonpublic Career Education.

3 Section 18. Subsection (16) is added to section
4 120.80, Florida Statutes, to read:

5 120.80 Exceptions and special requirements;
6 agencies.--

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

14 Section 19. Effective October 1, 2000, section
15 413.011, Florida Statutes, is amended to read:

16 413.011 Division of Blind Services, internal
17 organizational structure; Florida Rehabilitation Advisory
18 Council for the Blind Services.--

19 (1) The internal organizational structure of the
20 Division of Blind Services shall be designed for the purpose
21 of ensuring the greatest possible efficiency and effectiveness
22 of services to the blind and to be consistent with chapter 20.
23 The Division of Blind Services shall ~~plan, supervise, and~~
24 carry out the following activities under planning and policy
25 guidance from the Florida Rehabilitation Council for Blind
26 Services:

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

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

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

9 (d)(c) Inquire into the cause of blindness, inaugurate
10 preventive measures, and provide for the examination and
11 treatment of individuals who are ~~the blind~~, or those
12 threatened with blindness, for the benefit of such persons,
13 and shall pay therefor, including necessary incidental
14 expenses.

15 (e)(d) Contract with community-based rehabilitation
16 providers, to the maximum extent allowable under federal law,
17 to assist individuals who are blind in obtaining ~~Aid the blind~~
18 ~~in finding~~ employment, teach them trades and occupations
19 within their capacities, assist them in disposing of products
20 made by them in home industries, assist them in obtaining
21 funds for establishing enterprises where federal funds
22 reimburse the state, and do such things as will contribute to
23 the efficiency of self-support of individuals who are ~~the~~
24 blind.

25 (f)(e) Establish one or more training schools and
26 workshops for the employment of suitable individuals who are
27 blind ~~persons~~; make expenditures of funds for such purposes;
28 receive moneys from sales of commodities involved in such
29 activities and from such funds make payments of wages,
30 repairs, insurance premiums and replacements of equipment. All
31 of the activities provided for in this section may be carried

1 on in cooperation with private workshops for individuals who
2 are the blind, except that all tools and equipment furnished
3 by the division shall remain the property of the state.

4 (g)(f) Contract with community-based rehabilitation
5 providers, to the maximum extent allowable under federal law,
6 to provide special services and benefits for individuals who
7 are the blind in order to assist them in ~~for~~ developing their
8 social life through community activities and recreational
9 facilities.

10 (h)(g) Undertake such other activities as may
11 ameliorate the condition of ~~blind~~ citizens of this state who
12 are blind.

13 (i)(h) Cooperate with other agencies, public or
14 private, especially the Division of the Blind and Physically
15 Handicapped of the Library of Congress and the Division of
16 Library and Information Services of the Department of State,
17 to provide library service to individuals who are the blind
18 and individuals who have other disabilities ~~other handicapped~~
19 ~~persons~~ as defined in federal law and regulations in carrying
20 out any or all of the provisions of this law.

21 (j)(i) Recommend contracts and agreements with
22 federal, state, county, municipal and private corporations,
23 and individuals.

24 (k)(j) Receive moneys or properties by gift or bequest
25 from any person, firm, corporation, or organization for any of
26 the purposes herein set out, but without authority to bind the
27 state to any expenditure or policy except such as may be
28 specifically authorized by law. All such moneys or properties
29 so received by gift or bequest as herein authorized may be
30 disbursed and expended by the division upon its own warrant
31 for any of the purposes herein set forth, and such moneys or

1 properties shall not constitute or be considered a part of any
2 legislative appropriation made by the state for the purpose of
3 carrying out the provisions of this law.

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

8 (m)~~(l)~~ Adopt by rule procedures necessary to comply
9 with any plans prepared by the council for providing
10 vocational rehabilitation services for individuals who are ~~the~~
11 blind.

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

14 (o) Recommend to the Legislature a method to privatize
15 the Business Enterprise Program established under s. 413.051
16 by creating a not-for-profit entity. The entity shall conform
17 to requirements of the federal Randolph Sheppard Act and shall
18 be composed of blind licensees with expertise in operating
19 business enterprises. The division shall submit its
20 recommendations to the Governor, the President of the Senate,
21 and the Speaker of the House of Representatives, as well as to
22 the appropriate substantive committees of the Legislature, by
23 January 1, 2001.

24 (2) As used in this section:

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

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

31

1 (c) "Community-based rehabilitation provider" means a
2 provider of services to individuals in a community setting
3 which has as its primary function services directed toward
4 individuals who are blind.

5 (d) "Council" means the Florida Rehabilitation Council
6 for Blind Services.

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

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

11 (g) "State plan" means the state plan for vocational
12 rehabilitation required by the federal Rehabilitation Act of
13 1973, as amended.

14 (3) There is ~~hereby~~ created in the department the
15 Florida Rehabilitation Advisory Council for the Blind
16 Services. The council shall be established in accordance with
17 the act and must include at least four representatives of
18 private-sector businesses that are not providers of vocational
19 rehabilitation services. Members of the council shall serve
20 without compensation, but may be reimbursed for per diem and
21 travel expenses pursuant to s. 112.061.~~to assist the division~~
22 ~~in the planning and development of statewide rehabilitation~~
23 ~~programs and services, to recommend improvements to such~~
24 ~~programs and services, and to perform the functions provided~~
25 ~~in this section.~~

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

27 ~~1. At least one representative of the Independent~~
28 ~~Living Council, which representative may be the chair or other~~
29 ~~designee of the council;~~

30 ~~2. At least one representative of a parent training~~
31 ~~and information center established pursuant to s. 631(c)(9) of~~

1 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~
2 ~~1431(c)(9);~~
3 ~~3. At least one representative of the client~~
4 ~~assistance program established under the act;~~
5 ~~4. At least one vocational rehabilitation counselor~~
6 ~~who has knowledge of and experience in vocational~~
7 ~~rehabilitation services for the blind, who shall serve as an~~
8 ~~ex officio nonvoting member of the council if the counselor is~~
9 ~~an employee of the department;~~
10 ~~5. At least one representative of community~~
11 ~~rehabilitation program service providers;~~
12 ~~6. Four representatives of business, industry, and~~
13 ~~labor;~~
14 ~~7. At least one representative of a disability~~
15 ~~advocacy group representing individuals who are blind;~~
16 ~~8. At least one parent, family member, guardian,~~
17 ~~advocate, or authorized representative of an individual who is~~
18 ~~blind, has multiple disabilities, and either has difficulties~~
19 ~~representing himself or herself or is unable, due to~~
20 ~~disabilities, to represent himself or herself;~~
21 ~~9. Current or former applicants for, or recipients of,~~
22 ~~vocational rehabilitation services; and~~
23 ~~10. The director of the division, who shall be an ex~~
24 ~~officio member of the council.~~
25 ~~(b) Members of the council shall be appointed by the~~
26 ~~Governor, who shall select members after soliciting~~
27 ~~recommendations from representatives of organizations~~
28 ~~representing a broad range of individuals who have~~
29 ~~disabilities, and organizations interested in those~~
30 ~~individuals.~~
31

1 ~~(c) A majority of council members shall be persons who~~
2 ~~are:~~

3 ~~1. Blind; and~~

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

5 ~~(d) The council shall select a chair from among its~~
6 ~~membership.~~

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

9 ~~1. A member appointed to fill a vacancy occurring~~
10 ~~prior to the expiration of the term for which a predecessor~~
11 ~~was appointed shall be appointed for the remainder of such~~
12 ~~term; and~~

13 ~~2. The terms of service of the members initially~~
14 ~~appointed shall be, as specified by the Governor, for such~~
15 ~~fewer number of years as will provide for the expiration of~~
16 ~~terms on a staggered basis.~~

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

19 ~~(g) Any vacancy occurring in the membership of the~~
20 ~~council shall be filled in the same manner as the original~~
21 ~~appointment. A vacancy does not affect the power of the~~
22 ~~remaining members to execute the duties of the council.~~

23 ~~(a)(h)~~ In addition to the other functions specified in
24 the act ~~this section~~, the council shall:

25 1. Review, analyze, and direct ~~advise~~ the division
26 regarding the performance of the responsibilities of the
27 division under Title I of the act, particularly
28 responsibilities relating to:

29 a. Eligibility, including order of selection;

30 b. The extent, scope, and effectiveness of services
31 provided; and

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

4 2. Advise the department and the division, and provide
5 direction for, ~~at the discretion of the department or~~
6 ~~division,~~ assist in the preparation of applications, the state
7 plan as required by federal law, the strategic plan, and
8 amendments to the plans, reports, needs assessments, and
9 evaluations required by Title I.

10 3. Prepare by March 1, 2001, and begin implementing,
11 by July 1, 2001, subject to approval by the Federal
12 Government, a 5-year strategic plan to provide services to
13 individuals who are blind. The council must consult with
14 stakeholders and conduct public hearings as part of the
15 development of the plan. The plan must be submitted to the
16 Governor, the President of the Senate, and the Speaker of the
17 House of Representatives. The council annually shall make
18 amendments to the plan, which also must be submitted to the
19 Governor, the President of the Senate, and the Speaker of the
20 House of Representatives. The plan must provide for the
21 maximum use of community-based rehabilitation providers for
22 the delivery of services and a corresponding reduction in the
23 number of state employees in the division to the minimum
24 number necessary to carry out the functions required under
25 this section. The plan also must provide for 90 percent of the
26 funds provided for services to individuals who are blind to be
27 used for direct customer services.

28 ~~4.3.~~ To the extent feasible, conduct a review and
29 analysis of the effectiveness of, and consumer satisfaction
30 with:
31

1 a. The functions performed by state agencies and other
2 public and private entities responsible for performing
3 functions for individuals who are blind.

4 b. Vocational rehabilitation services:

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

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

10 ~~5.4.~~ Prepare and submit an annual report on the status
11 of vocational rehabilitation services for individuals who are
12 ~~the~~ blind in the state to the Governor and the Commissioner of
13 the Rehabilitative Services Administration, established under
14 s. 702 of the act, and make the report available to the
15 public.

16 ~~6.5.~~ Coordinate with other councils within the state,
17 including the Independent Living Council, the advisory panel
18 established under s. 613(a)(12) of the Individuals with
19 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State
20 Planning Council described in s. 124 of the Developmental
21 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.
22 6024, and the state mental health planning council established
23 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.
24 300X-4(e), the Occupational Access and Opportunity Commission,
25 and the state Workforce Development Board under the federal
26 Workforce Investment Act.

27 ~~7.6.~~ Advise the department and division and provide
28 for coordination and the establishment of working
29 relationships among the department, the division, the
30 Independent Living Council, and centers for independent living
31 in the state.

1 8.7. Perform such other functions consistent with the
2 purposes of the act as the council determines to be
3 appropriate that are comparable to functions performed by the
4 council.

5 (b)(i)1. The council shall prepare, in conjunction
6 with the division, a plan for the provision of such resources,
7 including such staff and other personnel, as may be necessary
8 to carry out the functions of the council. The resource plan
9 shall, to the maximum extent possible, rely on the use of
10 resources in existence during the period of implementation of
11 the plan.

12 ~~2. If there is a disagreement between the council and~~
13 ~~the division in regard to the resources necessary to carry out~~
14 ~~the functions of the council as set forth in this section, the~~
15 ~~disagreement shall be resolved by the Governor.~~

16 ~~2.3.~~ The council shall, consistent with law, supervise
17 and evaluate such staff and other personnel as may be
18 necessary to carry out its functions.

19 ~~3.4.~~ While assisting the council in carrying out its
20 duties, staff and other personnel shall not be assigned duties
21 by the division or any other state agency or office that would
22 create a conflict of interest.

23 (c)(j) No council member shall cast a vote on any
24 matter that would provide direct financial benefit to the
25 member or otherwise give the appearance of a conflict of
26 interest under state law.

27 (d)(k) The council shall convene at least four
28 meetings each year. These meetings shall occur in such places
29 as the council deems necessary to conduct council business.
30 The council may conduct such forums or hearings as the council
31 considers appropriate. The meetings, hearings, and forums

1 shall be publicly announced. The meetings shall be open and
2 accessible to the public. To the maximum extent possible, the
3 meetings shall be held in locations that are accessible to
4 individuals with disabilities.The council shall make a report
5 of each meeting which shall include a record of its
6 discussions and recommendations, all of which reports shall be
7 made available to the public.

8 Section 20. Effective October 1, 2000, section
9 413.014, Florida Statutes, is amended to read:

10 413.014 Community-based rehabilitation providers
11 ~~programs.~~--The 5-year plan prepared under s. 413.011(3)(a)3.
12 shall require the Division of Blind Services to ~~shall~~ enter
13 into cooperative agreements with community-based
14 rehabilitation providers ~~programs~~ to be the service providers
15 for the blind citizens of their communities. State employees,
16 however, shall provide all services that may not be delegated
17 under federal law.The division shall, as rapidly as feasible,
18 increase the amount of such services provided by
19 community-based rehabilitation providers ~~programs~~. The goal
20 shall be to decrease the amount of such services provided by
21 division employees and to increase to the maximum extent
22 allowed by federal law the amount of such services provided
23 through cooperative agreements with community-based service
24 providers. The division shall seek, to the maximum extent
25 allowed by federal and state law and regulation, all available
26 federal funds for such purposes. Funds and in-kind matching
27 contributions from community and private sources shall be used
28 to maximize federal funds. Unless prohibited by federal law or
29 regulation, the share of the federal vocational rehabilitation
30 grant apportioned for services to the blind shall be not less
31 than 17 percent. By December 31 of each year, the division

1 shall submit to the Governor, the President of the Senate, and
2 the Speaker of the House of Representatives a status report on
3 its progress on increasing the amount of services provided by
4 community-based rehabilitation providers as required by this
5 section. The report shall include recommendations on
6 reductions in the number of division employees based upon
7 increased use of community-based rehabilitation providers.

8 Section 21. Effective October 1, 2000, subsection (1)
9 of section 413.034, Florida Statutes, is amended to read:

10 413.034 Commission established; membership.--

11 (1) There is created within the Department of
12 Management Services the Commission for Purchase from the Blind
13 or Other Severely Handicapped, to be composed of the secretary
14 of the Department of Management Services; the director of the
15 Division of Occupational Access and Opportunity ~~Vocational~~
16 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~
17 ~~Employment Security~~, who shall be an ex officio member with
18 voting rights; the director of the Division of Blind Services
19 of the Department of Management Services ~~Labor and Employment~~
20 ~~Security~~; and four members to be appointed by the Governor,
21 which four members shall be an executive director of a
22 nonprofit agency for the blind, an executive director of a
23 nonprofit agency for other severely handicapped persons, a
24 representative of private enterprise, and a representative of
25 other political subdivisions. All appointed members shall
26 serve for terms of 4 years. Appointed commission members
27 shall serve subject to confirmation by the Senate.

28 Section 22. Effective October 1, 2000, paragraph (a)
29 of subsection (2) and subsection (3) of section 413.051,
30 Florida Statutes, are amended to read:

31

1 413.051 Eligible blind persons; operation of vending
2 stands.--

3 (2) As used in this section:

4 (a) "Blind licensee" means any person who is blind and
5 who is ~~person~~ trained and licensed by the Division of Blind
6 Services of the Department of Management Services ~~Labor and~~
7 ~~Employment Security~~ to operate a vending stand.

8 (3) Blind licensees shall be given the first
9 opportunity to participate in the operation of vending stands
10 on all state properties acquired after July 1, 1979, when such
11 facilities are operated under the supervision of the Division
12 of Blind Services of the Department of Management Services
13 ~~Labor and Employment Security~~.

14 Section 23. Effective October 1, 2000, section
15 413.064, Florida Statutes, is amended to read:

16 413.064 Rules.--The Department of Management Services
17 ~~Labor and Employment Security~~ shall adopt all necessary rules
18 pertaining to the conduct of a solicitation for the benefit of
19 individuals who are blind persons, including criteria for
20 approval of an application for a permit for such solicitation.

21 Section 24. Effective October 1, 2000, section
22 413.066, Florida Statutes, is amended to read:

23 413.066 Revocation of permit.--Any failure on the part
24 of a person or organization holding a permit under the
25 provisions of ss. 413.061-413.068 to comply with the law or
26 with all rules promulgated by the Department of Management
27 Services ~~Labor and Employment Security~~ as authorized by s.
28 413.064 constitutes a ground for revocation of the permit by
29 the Division of Blind Services.

30 Section 25. Effective October 1, 2000, section
31 413.067, Florida Statutes, is amended to read:

1 413.067 Penalty.--Any person who violates the
2 provisions of ss. 413.061-413.068 or any rule promulgated by
3 the Department of Management Services ~~Labor and Employment~~
4 ~~Security~~ pursuant thereto commits a misdemeanor of the second
5 degree, punishable as provided in s. 775.082 or s. 775.083.

6 Section 26. Effective October 1, 2000, subsection (1)
7 of section 413.395, Florida Statutes, is amended to read:

8 413.395 Florida Independent Living Council.--

9 (1) There is created the Florida Independent Living
10 Council to assist the division and the Division of Blind
11 Services of the Department of Management Services ~~Labor and~~
12 ~~Employment Security~~, as well as other state agencies and local
13 planning and administrative entities assisted under Title VII
14 of the act, in the expansion and development of statewide
15 independent living policies, programs, and concepts and to
16 recommend improvements for such programs and services. The
17 council shall function independently of the division and,
18 unless the council elects to incorporate as a not-for-profit
19 corporation, is assigned to the division for administrative
20 purposes only. The council may elect to be incorporated as a
21 Florida corporation not for profit and, upon such election,
22 shall be assisted in the incorporation by the division for the
23 purposes stated in this section. The appointed members of the
24 council may constitute the board of directors for the
25 corporation.

26 Section 27. It is the intent of the Legislature that
27 the provisions of this act relating to services for
28 individuals who are blind not conflict with any federal
29 statute or implementing regulation governing federal
30 grant-in-aid programs administered by the Division of Blind
31 Services or the Florida Rehabilitation Council for Blind

1 Services. Whenever such a conflict is asserted by the U.S.
2 Department of Education or other applicable agency of the
3 Federal Government, the council shall submit to the U.S.
4 Department of Education or other applicable federal agency a
5 request for a favorable policy interpretation of the
6 conflicting portions of such statute or regulation. If the
7 request is approved, as certified in writing by the Secretary
8 of the U.S. Department of Education or the head of the other
9 applicable federal agency, the council or the division is
10 authorized to adjust the plan as necessary to achieve
11 conformity with federal statutes or regulations. Before
12 adjusting the plan, the council or the division shall provide
13 to the President of the Senate and the Speaker of the House of
14 Representatives an explanation and justification of the
15 position of the council or division and shall outline all
16 feasible alternatives that are consistent with this act. These
17 alternatives may include the state supervision of local
18 service agencies by the council or the division if the
19 agencies are designated by the Governor.

20 Section 28. Effective upon this act becoming a law,
21 section 413.82, Florida Statutes, is amended to read:

22 413.82 Definitions.--As used in ss. 413.81-413.93, the
23 term:

24 (1) "Commission" means the Commission on Occupational
25 Access and Opportunity.

26 (2) "Community rehabilitation provider" means a
27 provider of services to people in a community setting which
28 has as its primary function services directed toward
29 employment outcomes for people with disabilities.

30 (3)~~(2)~~ "Corporation" means the Occupational Access and
31 Opportunity Corporation.

1 ~~(4)(3)~~ "Division" means the Division of Occupational
2 Access and Opportunity Vocational Rehabilitation.

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

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

9 ~~(7)(6)~~ "Region" means a service area for a regional
10 workforce development board established by the Workforce
11 Development Board.

12 Section 29. Effective upon this act becoming a law,
13 subsections (2), (3), (6), (7), (8), and (10) of section
14 413.83, Florida Statutes, are amended to read:

15 413.83 Occupational Access and Opportunity Commission;
16 creation; purpose; membership.--

17 (2) The commission shall consist of 16 voting members,
18 including 15 members appointed, as provided in this section
19 herein, by the Governor, the President of the Senate, and the
20 Speaker of the House of Representatives, and four ex-officio,
21 nonvoting members. The commission must contain a minimum of 50
22 percent representation from the private sector.Appointment of
23 members is subject to confirmation by the Senate. The
24 membership of the commission may not include more than two
25 individuals who are, or are employed by, community
26 rehabilitation providers who contract to provide vocational
27 rehabilitation services to individuals who qualify for the
28 program.The members of the commission shall include:

29 (a) The Commissioner of Education, or his or her
30 designee, who shall serve as chair until October 1, 2000;
31

1 after October 1, 2000, the commission shall elect a chair from
2 its membership;

3 (b) Eight employers from the private sector, three of
4 whom shall be appointed by the Governor for a term of 4 years,
5 three of whom shall be appointed by the President of the
6 Senate for a term of 4 years, and two of whom shall be
7 appointed by the Speaker of the House of Representatives for a
8 term of 4 years;

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

12 (d) A community rehabilitation provider who contracts
13 to provide vocational rehabilitation services to individuals
14 who qualify for the program and who shall be appointed by the
15 Governor for a term of 4 years;

16 (e) Five representatives of business, workforce
17 development, education, state government, local government, a
18 consumer advocate group, or a community organization, three of
19 whom shall be appointed by the Governor for a term of 4 years,
20 one of whom shall be appointed by the President of the Senate
21 for a term of 4 years, and one of whom shall be appointed by
22 the Speaker of the House of Representatives for a term of 4
23 years; and

24 (f) As exofficio, nonvoting members:

25 1. The executive director or his or her designee from
26 the Advocacy Center for Persons with Disabilities;

27 2. The chair of the Florida Rehabilitation Council;

28 3. The chair of the Council for Independent Living;

29 and

30 4. The chair of the Commission for the Purchase from
31 the Blind or Other Severely Handicapped.

1 ~~(b) The chair of the Florida Rehabilitation Council;~~

2 ~~(c) The chair of the Council for Independent Living;~~

3 ~~(d) The chair of the Commission for the Purchase from~~
4 ~~the Blind or Other Severely Handicapped;~~

5 ~~(e) A community rehabilitation provider who contracts~~
6 ~~to provide vocational rehabilitation services to individuals~~
7 ~~who qualify for the program, who shall be appointed by the~~
8 ~~Governor for a term of 4 years;~~

9 ~~(f) A representative from the Advocacy Center for~~
10 ~~Persons With Disabilities, who shall be appointed by the~~
11 ~~President of the Senate for a term of 4 years;~~

12 ~~(g) A consumer of vocational rehabilitation services,~~
13 ~~who shall be appointed by the Speaker of the House of~~
14 ~~Representatives for a term of 4 years; and~~

15 ~~(h) Other individuals with disabilities and~~
16 ~~representatives of business, workforce development, education,~~
17 ~~state government, local government, consumer advocate groups,~~
18 ~~employers of individuals with disabilities, or community~~
19 ~~organizations.~~

20 (3) By September 1, 2000, after receiving
21 recommendations from the commission, the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives shall consult together and take actions
24 necessary to bring the membership of the commission into
25 compliance with the requirements of this section. In taking
26 such action, initial terms shall be staggered as necessary to
27 ensure that the terms of no more than one-fourth of the
28 commission's total appointed membership shall expire in any
29 1-year period.~~Initially, the Governor, the President of the~~
30 ~~Senate, and the Speaker of the House of Representatives shall~~
31 ~~each appoint as members meeting the qualifications contained~~

1 ~~in paragraph (2)(h), one member for a term of 3 years, one~~
2 ~~member for a term of 2 years, and one member for a term of 1~~
3 ~~year.~~ Thereafter, after receiving recommendations from the
4 commission, the Governor, the President of the Senate, and the
5 Speaker of the House of Representatives shall appoint all
6 members for terms of 4 years. Any vacancy shall be filled by
7 appointment by the original appointing authority for the
8 unexpired portion of the term by a person who possesses the
9 proper qualifications for the vacancy.

10 (6) ~~The Governor shall name the chair of the~~
11 ~~commission from its appointed members.~~ The commission shall
12 biennially elect one of its members as vice chair, who shall
13 preside in the absence of the chair. Neither the chair, nor
14 the vice chair, may be a provider of client services funded
15 through the commission.

16 (7) The Rehabilitation Council created by s. 413.405
17 ~~shall serve the commission and shall continue to perform its~~
18 ~~designated duties, with the commission as the designated state~~
19 ~~vocational rehabilitation agency. The commission shall~~
20 ~~consider the recommendations made by the council.~~

21 (8) The commission may appoint advisory committees
22 that the commission considers appropriate, which may include
23 members from outside the commission to study special problems
24 or issues and advise the commission on those subjects. The
25 commission shall establish an advisory council composed of
26 representatives from not-for-profit organizations that have
27 submitted a resolution requesting membership and have had the
28 request approved by the commission. ~~Any existing advisory~~
29 ~~board, commission, or council may seek to become an official~~
30 ~~advisory committee to the commission by submitting to the~~
31 ~~commission a resolution requesting affiliation and having the~~

1 ~~request approved by the commission.~~The commission shall
2 establish the operating procedures of the committees.

3 (10) The members of the commission may rely on and are
4 subject to ~~are entitled to be reimbursed for reasonable and~~
5 ~~necessary expenses of attending meetings and performing~~
6 ~~commission duties, including per diem and travel expenses, and~~
7 ~~for personal care attendants and interpreters needed by~~
8 ~~members during meetings, as provided in s. 413.273.~~

9 Section 30. Effective upon this act becoming a law,
10 section 413.84, Florida Statutes, is amended to read:

11 413.84 Powers and duties.--The commission:

12 (1) Effective July 1, 2000, shall serve as the
13 director of the Division of Occupational Access and
14 Opportunity of the Department of Education.

15 (2) Is responsible for establishing policy, planning,
16 and quality assurance for the programs assigned and funded to
17 the division, including, but not limited to, vocational
18 rehabilitation and independent living services to persons with
19 disabilities which services are funded under the federal
20 Rehabilitation Act of 1973, as amended, in a coordinated,
21 efficient, and effective manner. The Occupational Access and
22 Opportunity Commission has authority to adopt rules pursuant
23 to ss. 120.536(1) and 120.54 to implement provisions of law
24 conferring duties upon it. Such rules and policies shall be
25 submitted to the State Board of Education for approval. If any
26 rule is not disapproved by the State Board of Education within
27 45 days after its receipt by the State Board of Education, the
28 rule shall be filed immediately with the Department of State.
29 Effective October 1, 2000, rules adopted by the commission do
30 not require approval by the State Board of Education.

31

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

5 ~~(4)(1)~~ Shall, no later than January ~~July~~ 1, ~~2001~~ 2000,
6 after consulting with stakeholders and holding public
7 hearings, develop and implement a 5-year plan to promote
8 occupational access and opportunities for Floridians with
9 disabilities, ~~and to fulfill the federal plan requirements.~~

10 The plan must be submitted to the Governor, the President of
11 the Senate, and the Speaker of the House of Representatives.

12 The commission may make amendments annually to the plan, which
13 must be submitted to the Governor, the President of the
14 Senate, and the Speaker of the House of Representatives by the
15 first of January.

16 (a) The plan must explore the use of Individual
17 Training Accounts, as described in the federal Workforce Act
18 of 1998, Pub. L. No. 105-220, for eligible clients. If
19 developed, these accounts must be distributed under a written
20 memorandum of understanding with One-Stop Career Center
21 operators.

22 (b) The plan must include an emergency response
23 component to address economic downturns.

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

30 (d) The plan must require that the commission enter
31 into cooperative agreements with community-based

1 rehabilitation programs by workforce region to be the service
2 providers for the program; however, state ~~career service~~
3 employees shall provide all services that may not be delegated
4 under ~~mandated by~~ federal law. The commission shall, as
5 rapidly as is feasible, increase the amount of such services
6 provided by community-based rehabilitation programs. The plan
7 must incorporate, to the maximum extent allowed by federal and
8 state law and regulation, all available funds for such
9 purposes. Funds and in-kind contributions from community and
10 private sources shall be used to enhance federal and state
11 resources.

12 (e) The plan must include recommendations regarding
13 specific performance standards and measurable outcomes, and
14 must outline procedures for monitoring operations of the
15 commission, the corporation, the division,~~commission's~~ and
16 all providers of services under contract to the commission's
17 ~~designated administrative entity's~~ operations to ensure that
18 performance data is maintained and supported by records of
19 such entities. The commission shall consult with the Office of
20 Program Policy Analysis and Government Accountability in the
21 establishment of performance standards, measurable outcomes,
22 and monitoring procedures.

23 ~~(5)(2)~~ Notwithstanding the provisions of part I of
24 chapter 287, shall contract, no later than July 1, 2000, with
25 the corporation ~~administrative entity designated in the plan~~
26 to execute the services, functions, and programs prescribed in
27 the plan. The commission shall serve as contract
28 administrator. ~~If approved by the federal Department of~~
29 ~~Education, the administrative entity may be a direct-support~~
30 ~~organization.~~The commission shall define the terms of the
31 contract.

1 (6)~~(3)~~ Shall work with the employer community to
2 better define, address, and meet its business needs with
3 qualified Floridians with disabilities.

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

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

10 (9)~~(6)~~ May appear on its own behalf before the
11 Legislature, boards, commissions, departments, or other
12 agencies of municipal, county, state, or Federal Government.

13 (10)~~(7)~~ In the performance of its duties, may
14 undertake or commission research and studies.

15 (11)~~(8)~~ Shall develop a budget, which is in keeping
16 with the plan, for the operation and activities of the
17 commission and functions of its designated administrative
18 entity. The budget shall be submitted to the Governor for
19 inclusion in the Governor's budget recommendations.

20 (12)~~(9)~~ May assign staff from the ~~office or~~ division
21 to assist in implementing the provisions of this act relating
22 to the Occupational Access and Opportunity Commission.

23 Section 31. Effective upon this act becoming a law,
24 subsections (1), (3), and (4) of section 413.85, Florida
25 Statutes, are amended to read:

26 413.85 Occupational Access and Opportunity
27 Corporation; use of property; board of directors; duties;
28 audit.--

29 (1) ESTABLISHMENT.--If the commission elects to
30 contract with the corporation to provide services ~~designate a~~
31 ~~direct-support organization as its administrative entity, such~~

1 organization shall be designated the Occupational Access and
2 Opportunity Corporation:

3 (a) Which is a corporation not for profit, as defined
4 in s. 501(c)s. 501(c)(6) of the Internal Revenue Code of
5 1986, as amended, and is incorporated under the provisions of
6 chapter 617 and approved by the Department of State.

7 (b) Which is organized and operated exclusively to
8 carry out such activities and tasks as the commission assigns
9 through contract request, receive, hold, invest, and
10 administer property and to manage and make expenditures for
11 the operation of the activities, services, functions, and
12 programs of the provisions of this act relating to the
13 Occupational Access and Opportunity Commission.

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

17 (d) Which shall not be considered an agency for the
18 purposes of chapters 120, and 216, and 287; ss. 255.25 and
19 255.254, relating to leasing of buildings; ss. 283.33 and
20 283.35, relating to bids for printing; s. 215.31; and parts IV
21 through VIII of chapter 112.

22 (e) Which shall be subject to the provisions of
23 chapter 119, relating to public records; ~~and~~ the provisions
24 of chapter 286, relating to public meetings; and the
25 provisions of s. 768.28 as a corporation primarily acting as
26 an instrumentality of this state.

27 (3) BOARD OF DIRECTORS.--The board of directors of the
28 corporation shall be composed of no fewer than 7 and no more
29 than 15 members appointed by the commission, and a majority of
30 its members must be members of the commission ~~15 members,~~
31 ~~appointed by the commission from its own membership.~~ The vice

1 chair of the commission shall serve as chair of the
2 corporation's board of directors.

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

5 (a) May make and enter into contracts and assume such
6 other functions as are necessary to carry out the provisions
7 of the plan and the corporation's contract with the commission
8 which are not inconsistent with this or any other provision of
9 law.

10 (b) May develop a program to leverage the existing
11 federal and state funding and to provide upgraded or expanded
12 services to Floridians with disabilities if directed by the
13 commission.

14 (c) May commission and adopt, in cooperation with the
15 commission, an official business name and logo to be used in
16 all promotional materials directly produced by the
17 corporation.

18 (d) The corporation shall establish cooperative and
19 collaborative memoranda of understanding with One-Stop Career
20 Center operators to increase, upgrade, or expand services to
21 Floridians with disabilities who are seeking employment and
22 self-sufficiency.

23 (e) May hire any individual who, as of June 30, 2000,
24 is employed by the Division of Vocational Rehabilitation. Such
25 hiring may be done through a lease agreement established by
26 the Department of Management Services for the corporation.
27 Under such agreement, the employee shall retain his or her
28 status as a state employee, but shall work under the direct
29 supervision of the corporation. Retention of state employee
30 status shall include the right to participate in the Florida
31

1 Retirement System. The Department of Management Services shall
2 establish the terms and conditions of such lease agreements.

3 Section 32. Effective upon this act becoming a law,
4 section 413.86, Florida Statutes, is amended to read:

5 413.86 Public-private partnerships.--The Division of
6 Occupational Access and Opportunity ~~Vocational Rehabilitation~~
7 will enter into local public-private partnerships to the
8 extent that it is beneficial to increasing employment outcomes
9 for persons with disabilities and ensuring their full
10 involvement in the comprehensive workforce investment system.

11 Section 33. Effective upon this act becoming law,
12 section 413.865, Florida Statutes, is created to read:

13 413.865 Coordination with workforce system.--

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

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

29 (3) These public and private partners shall work
30 together to ensure that Florida's design and implementation of
31 the federal Workforce Investment Act:

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

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

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

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

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

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

29 Section 34. Effective upon this act becoming a law,
30 subsection (2) of section 413.87, Florida Statutes, is amended
31 to read:

1 413.87 Annual audit.--

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

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

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

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

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

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

15 Section 35. Effective upon this act becoming a law,
16 section 413.88, Florida Statutes, is amended to read:

17 413.88 Annual report of the Occupational Access and
18 Opportunity Commission; audits.--

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

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

26 (b) Its business and operational plan.

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

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

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

5 Section 36. Effective upon this act becoming a law,
6 section 413.89, Florida Statutes, is amended to read:

7 413.89 State vocational rehabilitation plan;
8 preparation and submittal; administration.--Effective July 1,
9 2000, the Department of Education is the designated state
10 agency and the Division of Occupational Access and Opportunity
11 is the designated state unit for purposes of compliance with
12 the federal Rehabilitation Act of 1973, as amended. Effective
13 October 1, 2000,~~Upon appointment,~~ the Occupational Access and
14 Opportunity Commission is the designated state agency for
15 purposes of compliance with the Rehabilitation Act of 1973, as
16 amended, and authorized to prepare and submit the federally
17 required state vocational rehabilitation plan and to serve as
18 the governing authority of programs administered by the
19 commission, including, but not limited to: administering the
20 state's plan under the Rehabilitation Act of 1973, as amended;
21 receiving federal funds as the state vocational rehabilitation
22 agency; directing the expenditure of legislative
23 appropriations for rehabilitative services through its
24 designated administrative entity or other agents; and, if
25 necessary, making any changes to the plan that the commission
26 considers necessary to maintain compliance with the federal
27 Rehabilitation Act of 1973, as amended, and implementing such
28 changes in order to continue to qualify and maintain federal
29 funding support. During the period of time between July 1,
30 2000, and October 1, 2000, the department and ~~the appointment~~
31 ~~of the commission and the designation of the administrative~~

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

4 Section 37. Effective upon this act becoming a law,
5 section 413.90, Florida Statutes, is amended to read:

6 413.90 Designated State Agency and Designated State
7 Unit Designation of administrative entity.--Effective July 1,
8 2000, The division must comply with the transitional direction
9 of the plan. If the commission designates an administrative
10 entity other than the division, all powers, duties, and
11 functions of and all related records, property, and equipment
12 and all contractual rights, obligations of, and unexpended
13 balances of appropriations and other funds or allocations of
14 the ~~division's~~ component programs of the Division of
15 Vocational Rehabilitation of the Department of Labor and
16 Employment Security shall be transferred to the Division of
17 Occupational Access and Opportunity of the Department of
18 Education ~~commission as provided in the plan,~~ pursuant to s.
19 20.06(2). The commission and the Department of Education, in
20 establishing the Division of Occupational Access and
21 Opportunity, may establish no more than 700 positions
22 inclusive of those positions leased by the corporation. These
23 positions may be filled initially by former employees of the
24 Division of Vocational Rehabilitation. By October 1, 2000, the
25 division shall reduce the number of positions to no more than
26 300. Notwithstanding the provisions of s. 110.227, if a layoff
27 becomes necessary with respect to the Division of Occupational
28 Access and Opportunity, the competitive area identified for
29 such layoff shall not include any other division of the
30 Department of Education. If unforeseen transition activities
31 occur in moving service delivery from division employees to

1 community rehabilitation providers and create situations
2 negatively affecting client services, and the remedy to those
3 temporary situations would require more than 300 positions,
4 the division may request a budget amendment to retain
5 positions. The request must provide full justification for the
6 continuation and include the number of positions and duration
7 of time required. In no instance shall the time required
8 exceed 3 months. Effective July 1, 2000, the records,
9 property, and unexpended balances of appropriations,
10 allocations, and other funds and resources of the Office of
11 the Secretary and the Office of Administrative Services of the
12 Department of Labor and Employment Security which support the
13 activities and functions of the Division of Vocational
14 Rehabilitation are transferred as provided in s. 20.06(2), to
15 the Division of Occupational Access and Opportunity at the
16 Department of Education.The Department of Labor and
17 Employment Security shall assist the commission in carrying
18 out the intent of this chapter and achieving an orderly
19 transition. The Office of Planning and Budget shall submit the
20 necessary budget amendments to the Legislature in order to
21 bring the budget into compliance with the plan.

22 Section 38. Effective upon this act becoming a law,
23 section 413.91, Florida Statutes, is amended to read:

24 413.91 Service providers; quality assurance and
25 fitness for responsibilities.--The Occupational Access and
26 Opportunity Commission shall assure that all contractors ~~the~~
27 ~~designated administrative entity~~ and providers of direct
28 service maintain an internal system of quality assurance, have
29 proven functional systems, and are subject to a due-diligence
30 inquiry for their fitness to undertake service

31

1 responsibilities regardless of whether a contract for services
2 is competitively or noncompetitively procured.

3 Section 39. Effective upon this act becoming a law,
4 section 413.92, Florida Statutes, is amended to read:

5 413.92 Conflict of laws.--It is the intent of the
6 Legislature that the provisions of this act relating to the
7 Occupational Access and Opportunity Commission not conflict
8 with any federal statute or implementing regulation governing
9 federal grant-in-aid programs administered by the division or
10 the commission. Whenever such a conflict is asserted by the
11 applicable agency of the Federal Government, until October 1,
12 2000, the department, and after October 1, 2000, the
13 commission shall submit to the federal Department of
14 Education, or other applicable federal agency, a request for a
15 favorable policy interpretation of the conflicting portions.
16 If the request is approved, as certified in writing by the
17 secretary of the federal Department of Education, or the head
18 of the other applicable federal agency, the commission or the
19 division is authorized to make the adjustments in the plan
20 which are necessary for achieving conformity to federal
21 statutes and regulations. Before making such adjustments, the
22 commission or the division shall provide to the President of
23 the Senate and the Speaker of the House of Representatives an
24 explanation and justification of the position of the division
25 or the commission and shall outline all feasible alternatives
26 that are consistent with this section. These alternatives may
27 include the state supervision of local service agencies by the
28 commission or the division if the agencies are designated by
29 the Governor.

30 Section 40. Effective upon this act becoming a law,
31 section 413.93, Florida Statutes, is repealed.

1 Section 41. Subsections (11) and (13) of section
2 440.02, Florida Statutes, are amended to read:

3 440.02 Definitions.--When used in this chapter, unless
4 the context clearly requires otherwise, the following terms
5 shall have the following meanings:

6 (11) "Department" means the Department of Insurance
7 ~~Labor and Employment Security~~.

8 (13) "Division" means the Division of Workers'
9 Compensation of the Department of Insurance ~~Labor and~~
10 ~~Employment Security~~.

11 Section 42. Subsection (1) of section 440.207, Florida
12 Statutes, is amended to read:

13 440.207 Workers' compensation system guide.--

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

19 Section 43. Subsections (2), (4), (5), (6), (9), and
20 (10); paragraph (c) of subsection (3); and paragraph (a) of
21 subsection (8) of section 440.385, Florida Statutes, are
22 amended to read:

23 440.385 Florida Self-Insurers Guaranty Association,
24 Incorporated.--

25 (2) BOARD OF DIRECTORS.--The board of directors of the
26 association shall consist of nine persons and shall be
27 organized as established in the plan of operation. ~~With~~
28 ~~respect to initial appointments, the Secretary of Labor and~~
29 ~~Employment Security shall, by July 15, 1982, approve and~~
30 ~~appoint to the board persons who are experienced with~~
31 ~~self-insurance in this state and who are recommended by the~~

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

18 (3) POWERS AND DUTIES.--

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

1 by the approved plan. Each employer so assessed shall have at
2 least 30 days' written notice as to the date the assessment is
3 due and payable. The association shall levy assessments
4 against any newly admitted member of the association so that
5 the basis of contribution of any newly admitted member is the
6 same as previously admitted members, provision for which shall
7 be contained in the plan of operation.

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

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

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

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

1 method of operation of the Insolvency Fund shall be defined in
2 the plan of operation as provided in subsection (5).

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

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

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

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

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

27 ~~(b) The plan of operation, and any amendments thereto,~~
28 ~~shall take effect upon approval in writing by the department.~~
29 ~~if the board of directors fails to submit a plan by September~~
30 ~~15, 1982, or fails to make required amendments to the plan~~
31 ~~within 30 days thereafter, the department shall promulgate~~

1 ~~such rules as are necessary to effectuate the provisions of~~
2 ~~this subsection. Such rules shall continue in force until~~
3 ~~modified by the department or superseded by a plan submitted~~
4 ~~by the board of directors and approved by the department.~~

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

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

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

11 2. Establish procedures for handling assets of the
12 association.

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

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

22 5. Establish regular places and times for meetings of
23 the board of directors.

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

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

30
31

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

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

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

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

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

28 (9) EXAMINATION OF THE ASSOCIATION.--The association
29 shall be subject to examination and regulation by the
30 Department of Insurance ~~Labor and Employment Security~~. No
31 later than March 30 of each year, the board of directors shall

1 submit a financial report for the preceding calendar year in a
2 form approved by the department.

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

10 Section 44. Subsection (6) of section 440.44, Florida
11 Statutes, is amended to read:

12 440.44 Workers' compensation; staff organization.--

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

17 Section 45. Subsections (1) and (3) of section
18 440.4416, Florida Statutes, are amended to read:

19 440.4416 Workers' Compensation Oversight Board.--

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

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

28 1. Two representatives of employers.

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

1 (b) Three members selected by the President of the
2 Senate, none of whom shall be members of the Legislature at
3 the time of appointment, consisting of:

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

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

12 3. A representative of employees.

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

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

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

24 3. A representative of employees.

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

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

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

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

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

21 (3) EXECUTIVE DIRECTOR; EXPENSES.--

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

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

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

12 Section 46. Subsection (1) of section 440.45, Florida
13 Statutes, is amended to read:

14 440.45 Office of the Judges of Compensation Claims.--

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

1 including, but not limited to, personnel, purchasing,
2 budgetary matters, or property transactions. The operating
3 budget of the Office of the Judges of Compensation Claims
4 shall be paid out of the Workers' Compensation Administration
5 Trust Fund established in s. 440.50.

6 Section 47. Paragraph (e) of subsection (9) of section
7 440.49, Florida Statutes, is amended to read:

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

10 (9) SPECIAL DISABILITY TRUST FUND.--

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

26 Section 48. Effective January 1, 2001, subsections
27 (1), (4), and (5) of section 443.012, Florida Statutes, are
28 amended to read:

29 443.012 Unemployment Appeals Commission.--

30 (1) There is created within the Department of
31 Management Services ~~Labor and Employment Security~~ an

1 Unemployment Appeals Commission, hereinafter referred to as
2 the "commission." The commission shall consist of a chair and
3 two other members to be appointed by the Governor, subject to
4 confirmation by the Senate. Not more than one appointee must
5 be a person who, on account of previous vocation, employment,
6 or affiliation, is classified as a representative of
7 employers; and not more than one such appointee must be a
8 person who, on account of previous vocation, employment, or
9 affiliation, is classified as a representative of employees.

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

13 (b) The chair shall have the authority to appoint a
14 general counsel, a chief appeals referee, and such other
15 personnel as may be necessary to carry out the duties and
16 responsibilities of the commission.

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

23 (d) The remaining members shall be paid a stipend of
24 \$100 for each day they are engaged in the work of the
25 commission. The chair and other members shall also be
26 reimbursed for travel expenses, as provided in s. 112.061.

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

30 (4) The property, personnel, and appropriations
31 relating to the specified authority, powers, duties, and

1 responsibilities of the commission shall be provided to the
2 commission by the Department of Management Services ~~Labor and~~
3 ~~Employment Security~~.

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

8 Section 49. Effective January 1, 2001, all powers,
9 duties, functions, rules, records, personnel, property, and
10 unexpended balances of appropriations, allocations, and other
11 funds of the Unemployment Appeals Commission relating to the
12 commission's specified authority, powers, duties, and
13 responsibilities are transferred by a type two transfer, as
14 defined in section 20.06(2), Florida Statutes, to the
15 Department of Management Services.

16 Section 50. Effective January 1, 2001, subsections
17 (12) and (15) of section 443.036, Florida Statutes, are
18 amended to read:

19 443.036 Definitions.--As used in this chapter, unless
20 the context clearly requires otherwise:

21 (12) COMMISSION.--"Commission" means the Unemployment
22 Appeals Commission ~~of the Department of Labor and Employment~~
23 ~~Security~~.

24 (15) DIVISION.--"Division" means the Division of
25 Unemployment Compensation of the Department of Revenue ~~Labor~~
26 ~~and Employment Security~~.

27 Section 51. Effective January 1, 2001, paragraph (a)
28 of subsection (4) and subsection (8) of section 443.151,
29 Florida Statutes, are amended to read:

30 443.151 Procedure concerning claims.--

31 (4) APPEALS.--

1 (a) Appeals referees.--The commission ~~division~~ shall
2 appoint one or more impartial salaried appeals referees
3 selected in accordance with s. 443.171(4) to hear and decide
4 appealed or disputed claims. Such appeals referees shall have
5 such qualifications as may be established by the Department of
6 Management Services upon the advice and consent of the
7 commission ~~division~~. No person shall participate on behalf of
8 the commission ~~division~~ as an appeals referee in any case in
9 which she or he is an interested party. The commission
10 ~~division~~ may designate alternates to serve in the absence or
11 disqualification of any appeals referee upon a temporary basis
12 and pro hac vice which alternate shall be possessed of the
13 same qualifications required of appeals referees. The
14 Department of Management Services ~~division~~ shall provide the
15 commission and the appeals referees with proper facilities and
16 assistance for the execution of their functions.

17 (8) BILINGUAL REQUIREMENTS.--

18 (a) Based on the estimated total number of households
19 in a county which speak the same non-English language, a
20 single-language minority, the division shall provide printed
21 bilingual instructional and educational materials in the
22 appropriate language in those counties in which 5 percent or
23 more of the households in the county are classified as a
24 single-language minority.

25 (b) The division shall ensure that one-stop career
26 centers ~~jobs and benefits offices and appeals bureaus~~ in
27 counties subject to the requirements of paragraph (c)
28 prominently post notices in the appropriate languages that
29 translators are available in those offices and bureaus.

30 (c) Single-language minority refers to households
31 which speak the same non-English language and which do not

1 contain an adult fluent in English. The division shall develop
2 estimates of the percentages of single-language minority
3 households for each county by using data made available by the
4 United States Bureau of the Census.

5 Section 52. Effective January 1, 2001, subsections
6 (1), (5), and (7) of section 443.171, Florida Statutes, are
7 amended to read:

8 443.171 Division and commission; powers and duties;
9 rules; advisory council; records and reports.--

10 (1) POWERS AND DUTIES OF DIVISION.--It shall be the
11 duty of the division to administer this chapter; and it shall
12 have power and authority to employ such persons, make such
13 expenditures, require such reports, make such investigations,
14 and take such other action as it deems necessary or suitable
15 to that end. The division shall determine its own
16 organization and methods of procedure in accordance with the
17 provisions of this chapter. Not later than March 15 of each
18 year, the division, through the Department of Revenue and in
19 conjunction with the Unemployment Appeals Commission ~~Labor and~~
20 ~~Employment Security~~, shall submit to the Governor a report
21 covering the administration and operation of this chapter
22 during the preceding calendar year and shall make such
23 recommendations for amendment to this chapter as it deems
24 proper.

25 (5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.--There
26 is created a state Unemployment Compensation Advisory Council
27 to assist the division in reviewing the unemployment insurance
28 program and to recommend improvements for such program.

29 (a) The council shall consist of 18 members, including
30 equal numbers of employer representatives and employee
31 representatives who may fairly be regarded as representative

1 because of their vocations, employments, or affiliations, and
2 representatives of the general public.

3 (b) The members of the council shall be appointed by
4 the executive director ~~secretary~~ of the Department of Revenue
5 ~~Labor and Employment Security~~. ~~Initially, the secretary shall~~
6 ~~appoint five members for terms of 4 years, five members for~~
7 ~~terms of 3 years, five members for terms of 2 years, and three~~
8 ~~members for terms of 1 year. Thereafter, Members shall be~~
9 appointed for 4-year terms. A vacancy shall be filled for the
10 remainder of the unexpired term.

11 (c) The council shall meet at the call of its chair,
12 at the request of a majority of its membership, at the request
13 of the division, or at such times as may be prescribed by its
14 rules, but not less than twice a year. The council shall make
15 a report of each meeting, which shall include a record of its
16 discussions and recommendations. The division shall make such
17 reports available to any interested person or group.

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

21 (7) RECORDS AND REPORTS.--Each employing unit shall
22 keep true and accurate work records, containing such
23 information as the division may prescribe. Such records shall
24 be open to inspection and be subject to being copied by the
25 division at any reasonable time and as often as may be
26 necessary. The division or an appeals referee may require from
27 any employing unit any sworn or unsworn reports, with respect
28 to persons employed by it, deemed necessary for the effective
29 administration of this chapter. However, a state or local
30 governmental agency performing intelligence or
31 counterintelligence functions need not report an employee if

1 the head of such agency has determined that reporting the
2 employee could endanger the safety of the employee or
3 compromise an ongoing investigation or intelligence mission.
4 Information revealing the employing unit's or individual's
5 identity thus obtained from the employing unit or from any
6 individual pursuant to the administration of this chapter,
7 shall, except to the extent necessary for the proper
8 presentation of a claim or upon written authorization of the
9 claimant who has a workers' compensation claim pending, be
10 held confidential and exempt from the provisions of s.
11 119.07(1). Such information shall be available only to public
12 employees in the performance of their public duties, including
13 employees of the Department of Education in obtaining
14 information for the Florida Education and Training Placement
15 Information Program and the Office of Tourism, Trade, and
16 Economic Development ~~Department of Commerce~~ in its
17 administration of the qualified defense contractor tax refund
18 program authorized by s. 288.1045 ~~s. 288.104~~, the qualified
19 target industry business tax refund program authorized by s.
20 288.106. Any claimant, or the claimant's legal representative,
21 at a hearing before an appeals referee or the commission shall
22 be supplied with information from such records to the extent
23 necessary for the proper presentation of her or his claim. Any
24 employee or member of the commission or any employee of the
25 division, or any other person receiving confidential
26 information, who violates any provision of this subsection is
27 guilty of a misdemeanor of the second degree, punishable as
28 provided in s. 775.082 or s. 775.083. However, the division
29 may furnish to any employer copies of any report previously
30 submitted by such employer, upon the request of such employer,
31 and the division is authorized to charge therefor such

1 reasonable fee as the division may by rule prescribe not to
2 exceed the actual reasonable cost of the preparation of such
3 copies. Fees received by the division for copies provided
4 under this subsection shall be deposited to the credit of the
5 Employment Security Administration Trust Fund.

6 Section 53. Effective January 1, 2001, subsections (1)
7 and (2) of section 443.211, Florida Statutes, are amended to
8 read:

9 443.211 Employment Security Administration Trust Fund;
10 appropriation; reimbursement.--

11 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST
12 FUND.--There is created in the State Treasury a special fund
13 to be known as the "Employment Security Administration Trust
14 Fund." All moneys that are deposited into this fund remain
15 continuously available ~~to the division~~ for expenditure in
16 accordance with the provisions of this chapter and do not
17 lapse at any time and may not be transferred to any other
18 fund. All moneys in this fund which are received from the
19 Federal Government or any agency thereof or which are
20 appropriated by this state for the purposes described in ss.
21 443.171 and 443.181, except money received under s.
22 443.191(5)(c), must be expended solely for the purposes and in
23 the amounts found necessary by the authorized cooperating
24 federal agencies for the proper and efficient administration
25 of this chapter. The fund shall consist of all moneys
26 appropriated by this state; all moneys received from the
27 United States or any agency thereof; all moneys received from
28 any other source for such purpose; any moneys received from
29 any agency of the United States or any other state as
30 compensation for services or facilities supplied to such
31 agency; any amounts received pursuant to any surety bond or

1 insurance policy or from other sources for losses sustained by
2 the Employment Security Administration Trust Fund or by reason
3 of damage to equipment or supplies purchased from moneys in
4 such fund; and any proceeds realized from the sale or
5 disposition of any such equipment or supplies which may no
6 longer be necessary for the proper administration of this
7 chapter. Notwithstanding any provision of this section, all
8 money requisitioned and deposited in this fund under s.
9 443.191(5)(c) remains part of the Unemployment Compensation
10 Trust Fund and must be used only in accordance with the
11 conditions specified in s. 443.191(5). All moneys in this
12 fund must be deposited, administered, and disbursed in the
13 same manner and under the same conditions and requirements as
14 is provided by law for other special funds in the State
15 Treasury. Such moneys must be secured by the depository in
16 which they are held to the same extent and in the same manner
17 as required by the general depository law of the state, and
18 collateral pledged must be maintained in a separate custody
19 account. All payments from the Employment Security
20 Administration Trust Fund must be approved by the division,
21 the commission, or by a duly authorized agent and must be made
22 by the Treasurer upon warrants issued by the Comptroller. Any
23 balances in this fund do not lapse at any time and must remain
24 continuously available ~~to the division~~ for expenditure
25 consistent with this chapter.

26 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST
27 FUND.--There is created in the State Treasury a special fund,
28 to be known as the "Special Employment Security Administration
29 Trust Fund," into which shall be deposited or transferred all
30 interest on contributions, penalties, and fines or fees
31 collected under this chapter. Interest on contributions,

1 penalties, and fines or fees deposited during any calendar
2 quarter in the clearing account in the Unemployment
3 Compensation Trust Fund shall, as soon as practicable after
4 the close of such calendar quarter and upon certification of
5 the division, be transferred to the Special Employment
6 Security Administration Trust Fund. However, there shall be
7 withheld from any such transfer the amount certified by the
8 division to be required under this chapter to pay refunds of
9 interest on contributions, penalties, and fines or fees
10 collected and erroneously deposited into the clearing account
11 in the Unemployment Compensation Trust Fund. Such amounts of
12 interest and penalties so certified for transfer shall be
13 deemed to have been erroneously deposited in the clearing
14 account, and the transfer thereof to the Special Employment
15 Security Administration Trust Fund shall be deemed to be a
16 refund of such erroneous deposits. All moneys in this fund
17 shall be deposited, administered, and disbursed in the same
18 manner and under the same conditions and requirements as are
19 provided by law for other special funds in the State Treasury.
20 These moneys shall not be expended or be available for
21 expenditure in any manner which would permit their
22 substitution for, or permit a corresponding reduction in,
23 federal funds which would, in the absence of these moneys, be
24 available to finance expenditures for the administration of
25 the Unemployment Compensation Law. But nothing in this
26 section shall prevent these moneys from being used as a
27 revolving fund to cover expenditures, necessary and proper
28 under the law, for which federal funds have been duly
29 requested but not yet received, subject to the charging of
30 such expenditures against such funds when received. The
31 moneys in this fund, with the approval of the Executive Office

1 of the Governor, shall be used by the Division of Unemployment
2 Compensation, the Unemployment Appeals Commission, and the
3 Agency for Workforce Innovation ~~Division of Jobs and Benefits~~
4 for the payment of costs of administration which are found not
5 to have been properly and validly chargeable against funds
6 obtained from federal sources. All moneys in the Special
7 Employment Security Administration Trust Fund shall be
8 continuously available ~~to the division~~ for expenditure in
9 accordance with the provisions of this chapter and shall not
10 lapse at any time. All payments from the Special Employment
11 Security Administration Trust Fund shall be approved by the
12 division or by a duly authorized agent thereof and shall be
13 made by the Treasurer upon warrants issued by the Comptroller.
14 The moneys in this fund are hereby specifically made available
15 to replace, as contemplated by subsection (3), expenditures
16 from the Employment Security Administration Trust Fund,
17 established by subsection (1), which have been found by the
18 Bureau of Employment Security, or other authorized federal
19 agency or authority, because of any action or contingency, to
20 have been lost or improperly expended. The Treasurer shall be
21 liable on her or his official bond for the faithful
22 performance of her or his duties in connection with the
23 Special Employment Security Administration Trust Fund.

24 Section 54. Subsection (3) of section 447.02, Florida
25 Statutes, is amended to read:

26 447.02 Definitions.--The following terms, when used in
27 this chapter, shall have the meanings ascribed to them in this
28 section:

29 (3) The term "department" ~~"division"~~ means the
30 ~~Division of Jobs and Benefits~~ of the Bureau of Workplace
31

1 Regulation of the Division of Workers' Compensation of the
2 Department of Insurance ~~Labor and Employment Security~~.

3 Section 55. Subsections (2), (3), and (4) of section
4 447.04, Florida Statutes, are amended to read:

5 447.04 Business agents; licenses, permits.--

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

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

26 (3) After the expiration of the 30-day period,
27 regardless of whether or not any objections have been filed,
28 the department ~~division~~ shall review the application, together
29 with all information that it may have, including, but not
30 limited to, any objections that may have been filed to such
31 application, any information that may have been obtained

1 pursuant to an independent investigation, and the results of
2 any hearing on the application. If the department division,
3 from a review of the information, finds that the applicant is
4 qualified, pursuant to the terms of this chapter, it shall
5 issue such license or permit; and such license or permit shall
6 run for the calendar year for which issued, unless sooner
7 surrendered, suspended, or revoked.

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

14 Section 56. Section 447.041, Florida Statutes, is
15 amended to read:

16 447.041 Hearings.--

17 (1) Any person or labor organization denied a license,
18 permit, or registration shall be afforded the opportunity for
19 a hearing by the department division in accordance with the
20 requirements of chapter 120.

21 (2) The department division may, pursuant to the
22 requirements of chapter 120, suspend or revoke the license or
23 permit of any business agent or the registration of any labor
24 organization for the violation of any provision of this
25 chapter.

26 Section 57. Section 447.045, Florida Statutes, is
27 amended to read:

28 447.045 Information confidential.--Neither the
29 department division nor any investigator or employee of the
30 department division shall divulge in any manner the
31 information obtained pursuant to the processing of applicant

1 fingerprint cards, and such information is confidential and
2 exempt from the provisions of s. 119.07(1).

3 Section 58. Section 447.06, Florida Statutes, is
4 amended to read:

5 447.06 Registration of labor organizations required.--

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

14 (a) The name of the labor organization;

15 (b) The location of its office; and

16 (c) The name and address of the president, secretary,
17 treasurer, and business agent.

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

21 Section 59. Section 447.12, Florida Statutes, is
22 amended to read:

23 447.12 Fees for registration.--All fees collected by
24 ~~the Division of Jobs and Benefits of the department~~ under this
25 part of Labor and Employment Security hereunder shall be paid
26 to the Treasurer and credited to the General Revenue Fund.

27 Section 60. Section 447.16, Florida Statutes, is
28 amended to read:

29 447.16 Applicability of chapter ~~when effective~~--Any
30 labor business agent licensed on July 1, 1965, may renew such
31 license each year on forms provided by ~~the Division of Jobs~~

1 ~~and Benefits of the department of Labor and Employment~~
2 Security without submitting fingerprints so long as such
3 license or permit has not expired or has not been surrendered,
4 suspended, or revoked. The fingerprinting requirements of
5 this act shall become effective for a new applicant for a
6 labor business agent license immediately upon this act
7 becoming a law.

8 Section 61. Paragraph (a) of subsection (13) of
9 section 447.203, Florida Statutes, is amended to read:

10 447.203 Definitions.--As used in this part:

11 (13) "Professional employee" means:

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

20 1. Work predominantly intellectual and varied in
21 character as opposed to routine mental, manual, mechanical, or
22 physical work;

23 2. Work involving the consistent exercise of
24 discretion and judgment in its performance; and

25 3. Work of such a character that the output produced
26 or the result accomplished cannot be standardized in relation
27 to a given period of time. ~~and~~

28 ~~4. Work requiring advanced knowledge in a field of~~
29 ~~science or learning customarily acquired by a prolonged course~~
30 ~~of specialized intellectual instruction and study in an~~
31 ~~institution of higher learning or a hospital, as distinguished~~

1 ~~from a general academic education, an apprenticeship, or~~
2 ~~training in the performance of routine mental or physical~~
3 ~~processes.~~

4 Section 62. Effective October 1, 2000, subsections
5 (1), (3), and (4) of section 447.205, Florida Statutes, are
6 amended to read:

7 447.205 Public Employees Relations Commission.--

8 (1) There is hereby created within the Department of
9 Management Services ~~Labor and Employment Security~~ the Public
10 Employees Relations Commission, hereinafter referred to as the
11 "commission." The commission shall be composed of a chair and
12 two full-time members to be appointed by the Governor, subject
13 to confirmation by the Senate, from persons representative of
14 the public and known for their objective and independent
15 judgment, who shall not be employed by, or hold any commission
16 with, any governmental unit in the state or any employee
17 organization, as defined in this part, while in such office.
18 In no event shall more than one appointee be a person who, on
19 account of previous vocation, employment, or affiliation, is,
20 or has been, classified as a representative of employers; and
21 in no event shall more than one such appointee be a person
22 who, on account of previous vocation, employment, or
23 affiliation, is, or has been, classified as a representative
24 of employees or employee organizations. The commissioners
25 shall devote full time to commission duties and shall not
26 engage in any other business, vocation, or employment while in
27 such office. ~~Beginning January 1, 1980, the chair shall be~~
28 ~~appointed for a term of 4 years, one commissioner for a term~~
29 ~~of 1 year, and one commissioner for a term of 2 years.~~
30 ~~Thereafter,~~Every term of office shall be for 4 years; and
31 each term of the office of chair shall commence on January 1

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

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

17 (4) The property, personnel, and appropriations
18 related to the commission's specified authority, powers,
19 duties, and responsibilities shall be provided to the
20 commission by the Department of Management Services ~~Labor and~~
21 ~~Employment Security~~.

22 Section 63. Subsections (1) and (3) of section
23 447.208, Florida Statutes, are amended to read:

24 447.208 Procedure with respect to certain appeals
25 under s. 447.207.--

26 (1) Any person filing an appeal, charge, or petition
27 pursuant to subsection (6), subsection (8), or subsection (9)
28 of s. 447.207 shall be entitled to a hearing pursuant to
29 subsections (4) and (5) of s. 447.503 and in accordance with
30 chapter 120; however, the hearing shall be conducted within 30
31 days of the filing of an appeal with the commission, unless an

1 extension of time is granted by the commission for good cause
2 or unless the basis for the appeal is an allegation of abuse
3 or neglect under s. 415.1075, in which case the hearing by the
4 Public Employees Relations Commission may not be held until
5 the confirmed report of abuse or neglect has been upheld
6 pursuant to the procedures for appeal in s. 415.1075.
7 Discovery may be granted only upon a showing of extraordinary
8 circumstances. A party requesting discovery shall demonstrate
9 a substantial need for the information requested and an
10 inability to obtain relevant information by other means. To
11 the extent that chapter 120 is inconsistent with these
12 provisions, the procedures contained in this section shall
13 govern.

14 (3) With respect to career service appeal hearings
15 relating to demotions, suspensions, or dismissals pursuant to
16 the provisions of this section:

17 (a) Upon a finding that just cause existed for the
18 demotion, suspension, or dismissal, the commission shall
19 affirm the demotion, suspension, or dismissal.

20 (b) Upon a finding that just cause did not exist for
21 the demotion, suspension, or dismissal, the commission may
22 order the reinstatement of the employee, with or without back
23 pay.

24 (c) Upon a finding that just cause for disciplinary
25 action existed, but did not justify the severity of the action
26 taken, the commission may, in its limited discretion, reduce
27 the penalty.

28 (d) The commission is limited in its discretionary
29 reduction of dismissals and suspensions to consider only the
30 following circumstances:

31

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

3 2. Action taken with respect to similar conduct by
4 other employees.

5 3. The previous employment record and disciplinary
6 record of the employee.

7 4. Extraordinary circumstances beyond the employee's
8 control which temporarily diminished the employee's capacity
9 to effectively perform his or her duties or which
10 substantially contributed to the violation for which
11 punishment is being considered.

12
13 The agency may present evidence to refute the existence of
14 these circumstances.

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

29 Section 64. Subsection (4) of section 447.305, Florida
30 Statutes, is amended to read:

31 447.305 Registration of employee organization.--

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

7 Section 65. Paragraph (b) of subsection (3) of section
8 447.307, Florida Statutes, is amended to read:

9 447.307 Certification of employee organization.--

10 (3)

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

25 Section 66. Paragraph (a) of subsection (5) of section
26 447.503, Florida Statutes, is amended to read:

27 447.503 Charges of unfair labor practices.--It is the
28 intent of the Legislature that the commission act as
29 expeditiously as possible to settle disputes regarding alleged
30 unfair labor practices. To this end, violations of the
31 provisions of s. 447.501 shall be remedied by the commission

1 in accordance with the following procedures and in accordance
2 with chapter 120; however, to the extent that chapter 120 is
3 inconsistent with the provisions of this section, the
4 procedures contained in this section shall govern:

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

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

18 Section 67. Subsection (4) of section 447.504, Florida
19 Statutes, is amended to read:

20 447.504 Judicial review.--

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

27 Section 68. Effective October 1, 2000, all powers,
28 duties, functions, rules, records, personnel, property, and
29 unexpended balances of appropriations, allocations, and other
30 funds of the Public Employees Relations Commission relating to
31 the commission's specified authority, powers, duties, and

1 responsibilities are transferred by a type two transfer, as
2 defined in section 20.06, Florida Statutes, to the Department
3 of Management Services.

4 Section 69. Subsection (4) of section 450.012, Florida
5 Statutes, is amended to read:

6 450.012 Definitions.--For the purpose of this chapter,
7 the word, phrase, or term:

8 (4) "Department"~~"Division"~~means the Bureau of
9 Workplace Regulation of the Division of Workers' Compensation
10 ~~Division of Jobs and Benefits~~ of the Department of Insurance
11 ~~Labor and Employment Security~~.

12 Section 70. Subsection (3) of section 450.061, Florida
13 Statutes, is amended to read:

14 450.061 Hazardous occupations prohibited;
15 exemptions.--

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

26 Section 71. Paragraph (c) of subsection (5) of section
27 450.081, Florida Statutes, is amended to read:

28 450.081 Hours of work in certain occupations.--

29 (5) The provisions of subsections (1) through (4)
30 shall not apply to:

31

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

8 Section 72. Section 450.095, Florida Statutes, is
9 amended to read:

10 450.095 Waivers.--In extenuating circumstances when it
11 clearly appears to be in the best interest of the child, the
12 department ~~division~~ may grant a waiver of the restrictions
13 imposed by the Child Labor Law on the employment of a child.
14 Such waivers shall be granted upon a case-by-case basis and
15 shall be based upon such factors as the department ~~division~~,
16 by rule, establishes as determinative of whether such waiver
17 is in the best interest of a child.

18 Section 73. Subsections (1), (2), and (5) of section
19 450.121, Florida Statutes, are amended to read:

20 450.121 Enforcement of Child Labor Law.--

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

1 pursuant to this section shall be considered to have been
2 taken by the department ~~division~~.

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

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

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

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

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

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

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

1 Section 74. Subsections (1), (2), (3), (4), and (5) of
2 section 450.132, Florida Statutes, are amended to read:

3 450.132 Employment of children by the entertainment
4 industry; rules; procedures.--

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

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

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

29 (4) Any duly qualified entertainment industry employer
30 may employ any minor. However, if any entertainment industry
31 employer employing a minor causes, permits, or suffers such

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

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

15 Section 75. Subsections (2) and (3) of section
16 450.141, Florida Statutes, are amended to read:

17 450.141 Employing minor children in violation of law;
18 penalties.--

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

29 (3) If the department ~~division~~ has reasonable grounds
30 for believing there has been a violation of this part or any
31 rule adopted pursuant thereto, it shall give written notice to

1 the person alleged to be in violation. Such notice shall
2 include the provision or rule alleged to be violated, the
3 facts alleged to constitute such violation, and requirements
4 for remedial action within a time specified in the notice. No
5 fine may be levied unless the person alleged to be in
6 violation fails to take remedial action within the time
7 specified in the notice.

8 Section 76. Paragraph (j) of subsection (1) of section
9 450.191, Florida Statutes, is amended to read:

10 450.191 Executive Office of the Governor; powers and
11 duties.--

12 (1) The Executive Office of the Governor is authorized
13 and directed to:

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

19 Section 77. Subsection (2) of section 450.28, Florida
20 Statutes, is amended to read:

21 450.28 Definitions.--

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

26 Section 78. Section 450.30, Florida Statutes, is
27 amended to read:

28 450.30 Requirement of certificate of registration;
29 education and examination program.--

30 (1) No person may act as a farm labor contractor until
31 a certificate of registration has been issued to him or her by

1 the department ~~division~~ and unless such certificate is in full
2 force and effect and is in his or her possession.

3 (2) No certificate of registration may be transferred
4 or assigned.

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

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

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

27 (6) The department ~~division~~ shall require an applicant
28 for renewal of a certificate of registration to retake the
29 examination only if:

30 (a) During the prior certification period, the
31 division issued a final order assessing a civil monetary

1 penalty or revoked or refused to renew or issue a certificate
2 of registration; or

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

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

10 (8) The department ~~division~~ may adopt rules
11 prescribing the procedures to be followed to register as a
12 farm labor contractor.

13 Section 79. Subsections (1), (2), and (4) of section
14 450.31, Florida Statutes, are amended to read:

15 450.31 Issuance, revocation, and suspension of, and
16 refusal to issue or renew, certificate of registration.--

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

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

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

27 (c) Such person pays to the department ~~division~~, in
28 cash, certified check, or money order, a nonrefundable
29 application fee of \$75. Fees collected by the department
30 ~~division~~ under this subsection shall be deposited in the State
31 Treasury into the Crew Chief Registration Trust Fund, which is

1 hereby created, and shall be utilized for administration of
2 this part.

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

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

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

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

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

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

23 Section 80. Subsections (1), (4), (5), (6), (8), (9),
24 and (10) of section 450.33, Florida Statutes, are amended to
25 read:

26 450.33 Duties of farm labor contractor.--Every farm
27 labor contractor must:

28 (1) Carry his or her certificate of registration with
29 him or her at all times and exhibit it to all persons with
30 whom the farm labor contractor intends to deal in his or her
31 capacity as a farm labor contractor prior to so dealing and,

1 upon request, to persons designated by the department
2 division.

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

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

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

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

28 (9) Produce evidence to the department ~~division~~ that
29 each vehicle he or she uses for the transportation of
30 employees complies with the requirements and specifications
31 established in chapter 316, s. 316.620, or Pub. L. No. 93-518

1 as amended by Pub. L. No. 97-470 meeting Department of
2 Transportation requirements or, in lieu thereof, bears a valid
3 inspection sticker showing that the vehicle has passed the
4 inspection in the state in which the vehicle is registered.

5 (10) Comply with all applicable statutes, rules, and
6 regulations of the United States and of the State of Florida
7 for the protection or benefit of labor, including, but not
8 limited to, those providing for wages, hours, fair labor
9 standards, social security, workers' compensation,
10 unemployment compensation, child labor, and transportation.

11 The department ~~division~~ shall not suspend or revoke a
12 certificate of registration pursuant to this subsection
13 unless:

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

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

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

27 Section 81. Section 450.35, Florida Statutes, is
28 amended to read:

29 450.35 Certain contracts prohibited.--It is unlawful
30 for any person to contract for the employment of farm workers
31 with any farm labor contractor as defined in this act until

1 the labor contractor displays to him or her a current
2 certificate of registration issued by the department ~~division~~
3 pursuant to the requirements of this part.

4 Section 82. Section 450.36, Florida Statutes, is
5 amended to read:

6 450.36 Rules and regulations.--The department ~~division~~
7 may adopt rules necessary to enforce and administer this part.

8 Section 83. Section 450.37, Florida Statutes, is
9 amended to read:

10 450.37 Cooperation with federal agencies.--The
11 department ~~division~~ shall, whenever appropriate, cooperate
12 with any federal agency.

13 Section 84. Subsections (2), (3), and (4) of section
14 450.38, Florida Statutes, are amended to read:

15 450.38 Enforcement of farm labor contractor laws.--

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

1 notification to persons assessed a civil penalty under this
2 section.

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

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

21 Section 85. (1) In anticipation of its assumption of
22 responsibilities from the Department of Labor and Employment
23 Security relating to unemployment compensation, as provided in
24 this act, the Department of Revenue shall prepare a report
25 with recommendations on the fiscal management of funds under
26 the Unemployment Compensation Trust Fund and any other funds
27 related to unemployment compensation activities conducted
28 under state or federal law. The report shall include, but is
29 not limited to, an analysis of options and recommendations for
30 distributing unemployment compensation funds to units of state
31 government with responsibilities under the unemployment

1 compensation program and for allocating costs associated with
2 such program and funds. The report and recommendations shall
3 be submitted to the Governor, the President of the Senate, the
4 Speaker of the House of Representatives, and members of the
5 Labor and Employment Security Transition Team by September 1,
6 2000.

7 (2) The Department of Revenue shall conduct a
8 feasibility study regarding the privatization of unemployment
9 tax collection services or other functions of the state
10 related to unemployment compensation activities conducted
11 under state or federal law. The study findings and
12 recommendations shall be submitted in a report to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives by March 1, 2001.

15 (3) This section shall take effect upon this act
16 becoming a law.

17 Section 86. (1) The Department of Labor and
18 Employment Security, in conjunction with the Department of
19 Management Services, may offer, subject to the provisions of
20 this section, active employees of the Department of Labor and
21 Employment Security who have 27 or more years of creditable
22 service in a state-administered retirement system, a one-time
23 voluntary reduction-in-force payment during the 2000-2001
24 fiscal year. Such payment shall represent a payment of
25 insurance costs and shall be paid as an annuity to be
26 purchased by the Department of Labor and Employment Security
27 within the amounts appropriated for salary and benefits in the
28 General Appropriations Act for fiscal year 2000-2001, which
29 shall include funds derived from eliminating vacated
30 positions. There shall be no annualization costs associated
31 with this plan. The Secretary of Labor and Employment Security

1 shall be deemed to be the public employer for purposes of
2 negotiating the terms and conditions related to the
3 reduction-in-force payments authorized by this section. All
4 persons retiring under this program must do so by September
5 30, 2000.

6 (2) The department, in consultation with the
7 Department of Management Services, shall prepare a plan to
8 implement the reduction-in-force payment authority for
9 approval by the Office of Policy and Budget. The plan must
10 meet all applicable federal requirements regarding the
11 expenditure of federal funds; all applicable federal tax laws;
12 and all other federal and state laws regarding special
13 compensation to employees, including the Age Discrimination in
14 Employment Act and the Older Workers' Benefit Protection Act.
15 The plan must specify the savings created through the payment
16 mechanism and the reduction-in-force, specify the source of
17 funding of the payments, and delineate a timetable for
18 implementation.

19 (3) If approved by the Office of Policy and Budget,
20 the plan shall be submitted to the Legislature subject to the
21 notice, review, and objection process authorized in section
22 216.177, Florida Statutes.

23 (4) This section shall take effect upon becoming a
24 law.

25 Section 87. Notwithstanding any other provision of
26 law, any binding contract or interagency agreement existing on
27 or before January 1, 2001, between the Department of Labor and
28 Employment Security, or an entity or agent of the department,
29 and any other agency, entity, or person shall continue as a
30 binding contract or agreement for the remainder of the term of
31 such contract or agreement with the successor department,

1 agency, or entity responsible for the program, activity, or
2 functions relative to the contract or agreement.

3 Section 88. This act does not affect the validity of
4 any judicial or administrative proceeding involving the
5 Department of Labor and Employment Security which is pending
6 as of the effective date of any transfer under this act. The
7 successor department, agency, or entity responsible for the
8 program, activity, or function relative to the proceeding
9 shall be substituted, as of the effective date of the
10 applicable transfer under this act, for the Department of
11 Labor and Employment Security as a party in interest in any
12 such proceedings.

13 Section 89. If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 invalidity does not affect other provisions or applications of
16 the act which can be given effect without the invalid
17 provision or application, and to this end the provisions of
18 this act are severable.

19 Section 90. Except as otherwise expressly provided in
20 this act, this act shall take effect July 1, 2000, except that
21 this act shall not take effect unless Committee Substitute for
22 Senate Bill 2050, or similar legislation reassigning
23 responsibilities of the Division of Workforce and Employment
24 Opportunities of the Department of Labor and Employment
25 Security to another agency or entity, becomes a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1206
4 Removes requirement that before transfer the Department of
5 Labor and Employment Security (DLES) is to effect a 25 percent
6 reduction in non-service delivery staff of the Divisions of
7 Workers' Compensation, Unemployment Compensation, and Blind
8 Services;
9 Transfers the Division of Workers' Compensation July 1, 2000,
10 rather than October 1, 2000, by a type one, rather than a type
11 two transfer;
12 Creates the Bureau of Workplace Regulation and the Bureau of
13 Workplace Safety in the Division of Workers' Compensation;
14 Specifies that other functions of DLES relating to workplace
15 regulation, not otherwise transferred by this act, as well as
16 those functions of the Office of the Secretary and Office of
17 Administrative Services of DLES supporting certain activities
18 and functions, are transferred to the bureau by a type two
19 transfer, effective July 1, 2000;
20 Removes requirement that the regulation of labor organizations
21 and child labor be transferred to the Department of Business
22 and Professional Regulation and functions relating to migrant
23 labor and farm labor registration be transferred to the
24 Department of Agriculture and Consumer Services; these
25 functions are consolidated and transferred to the Bureau of
26 Workplace Regulation within the Division of Workers'
27 Compensation;
28 Transfers the Division of Unemployment Compensation January 1,
29 2001, rather than October 1, 2000;
30 Creates exemptions for the Department of Revenue, Department
31 of Insurance, Department of Management Services, and the
Agency for Workforce Innovation from the provisions of ch.
287, F.S., and s. 255.25, F.S., in certain situations related
to implementation of this act;
Authorizes affected successor agencies to develop and issue
emergency rules relating to implementation of the act;
Changes the repeal date for the statutory authority of the
Department of Labor and Employment Security to January 1,
2001, from October 1, 2000;
Changes the effective date of the act from October 1, 2000, to
July 1, 2000 except as otherwise provided in the act.