

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 and the  
8           Office of the Judges of Compensation Claims to  
9           the Department of Insurance; providing for a  
10          type two transfer of certain functions of the  
11          Division of Workforce and Employment  
12          Opportunities relating to labor organizations  
13          and child labor to the Department of Insurance;  
14          providing for a type two transfer of certain  
15          functions of the Division of Workforce and  
16          Employment Opportunities relating to migrant  
17          and farm labor registration to the Department  
18          of Insurance; providing for a type two transfer  
19          of other workplace regulation functions to the  
20          Department of Insurance; providing for a  
21          transfer of certain administrative resources of  
22          the Department of Labor and Employment Security  
23          to the Department of Insurance; amending s.  
24          20.13, F.S.; providing for a Division of  
25          Workers' Compensation in the Department of  
26          Insurance; creating a Bureau of Workplace  
27          Regulation and a Bureau of Workplace Safety  
28          within the Division of Workers' Compensation of  
29          the Department of Insurance; providing for a  
30          type two transfer of the Division of  
31          Unemployment Compensation to the Agency for

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

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

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

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

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

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

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



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

1 Department of Management Services; conforming  
2 the definition of "division" to the transfer of  
3 the Division of Unemployment Compensation to  
4 the Agency for Workforce Innovation; amending  
5 s. 443.151, F.S.; providing for unemployment  
6 compensation appeals referees to be appointed  
7 by the Unemployment Appeals Commission;  
8 requiring the Department of Management Services  
9 to provide facilities to the appeals referees  
10 and the commission; requiring the Division of  
11 Unemployment Compensation to post certain  
12 notices in one-stop career centers; amending s.  
13 443.171, F.S.; conforming duties of the  
14 Division of Unemployment Compensation and  
15 appointment of the Unemployment Compensation  
16 Advisory Council to reflect program transfer to  
17 the Agency for Workforce Innovation; conforming  
18 cross-references; amending s. 443.211, F.S.;  
19 conforming provisions; authorizing the  
20 Unemployment Appeals Commission to approve  
21 payments from the Employment Security  
22 Administration Trust Fund; providing for use of  
23 funds in the Special Employment Security  
24 Administration Trust Fund by the Unemployment  
25 Appeals Commission and the Agency for Workforce  
26 Innovation; amending ss. 447.02, 447.04,  
27 447.041, 447.045, 447.06, 447.12, 447.16, F.S.;  
28 providing for part I of ch. 447, F.S., relating  
29 to the regulation of labor organizations, to be  
30 administered by the Department of Insurance;  
31 deleting references to the Division of Jobs and

1 Benefits and the Department of Labor and  
2 Employment Security; amending s. 447.203, F.S.;  
3 clarifying the definition of professional  
4 employee; amending s. 447.205, F.S.; conforming  
5 provisions to reflect the transfer of the  
6 Public Employees Relations Commission to the  
7 Department of Management Services and deleting  
8 obsolete provisions; amending s. 447.208, F.S.;  
9 clarifying the procedure for appeals, charges,  
10 and petitions; amending s. 447.305, F.S.,  
11 relating to the registration of employee  
12 organizations; providing for the Public  
13 Employees Relations Commission to share  
14 registration information with the Department of  
15 Insurance; amending s. 447.307, F.S.;  
16 authorizing the commission to modify existing  
17 bargaining units; amending s. 447.503, F.S.;  
18 specifying procedures when a party fails to  
19 appear for a hearing; amending s. 447.504,  
20 F.S.; authorizing the commission to stay  
21 certain procedures; providing for the transfer  
22 of the commission to the Department of  
23 Management Services by a type two transfer;  
24 amending ss. 450.012, 450.061, 450.081,  
25 450.095, 450.121, 450.132, 450.141, F.S.;  
26 providing for part I of ch. 450, F.S., relating  
27 to child labor, to be administered by the  
28 Department of Insurance; deleting references to  
29 the Division of Jobs and Benefits and the  
30 Department of Labor and Employment Security;  
31 amending s. 450.191, F.S., relating to the

1 duties of the Executive Office of the Governor  
2 with respect to migrant labor; conforming  
3 provisions to changes made by the act; amending  
4 ss. 450.28, 450.30, 450.31, 450.33, 450.35,  
5 450.36, 450.37, 450.38, F.S., relating to farm  
6 labor registration; providing for part III of  
7 ch. 450, F.S., to be administered by the  
8 Department of Insurance; deleting references to  
9 the Division of Jobs and Benefits and the  
10 Department of Labor and Employment Security;  
11 requiring the Department of Revenue to report  
12 on disbursement and cost-allocation of  
13 unemployment compensation funds; requiring the  
14 Department of Revenue to conduct a feasibility  
15 study on privatization of unemployment  
16 compensation activities; authorizing the  
17 Department of Labor and Employment Security to  
18 offer a voluntary reduction-in-force payment to  
19 certain employees; requiring a plan to meet  
20 specified criteria; providing for legislative  
21 review; providing for the continuation of  
22 contracts or agreements of the Department of  
23 Labor and Employment Security; providing for a  
24 successor department, agency, or entity to be  
25 substituted for the Department of Labor and  
26 Employment Security as a party in interest in  
27 pending proceedings; providing for  
28 severability; providing a conditional effective  
29 date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

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

3           Section 2. (1) Effective July 1, 2000, the Division  
4 of Workers' Compensation and the Office of the Judges of  
5 Compensation Claims are transferred by a type one transfer, as  
6 defined in section 20.06(1), Florida Statutes, from the  
7 Department of Labor and Employment Security to the Department  
8 of Insurance.

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

22           (3) Effective July 1, 2000, any other powers, duties,  
23 functions, rules, records, personnel, property, and unexpended  
24 balances of appropriations, allocations, and other funds of  
25 the Department of Labor and Employment Security, not otherwise  
26 transferred by this act, relating to workplace regulation and  
27 enforcement, including, but not limited to, those under  
28 chapter 448, Florida Statutes, are transferred by a type two  
29 transfer, as defined in section 20.06(2), Florida Statutes,  
30 from the department to the Bureau of Workplace Regulation in  
31

1 the Division of Workers' Compensation of the Department of  
2 Insurance.

3 (4) Effective July 1, 2000, the records, property, and  
4 unexpended balances of appropriations, allocations, and other  
5 funds and resources of the Office of the Secretary and the  
6 Office of Administrative Services of the Department of Labor  
7 and Employment Security which support the activities and  
8 functions transferred under subsections (1), (2), and (3) are  
9 transferred as provided in section 20.06(2), Florida Statutes,  
10 to the Division of Workers' Compensation and the Office of the  
11 Judges of Compensation Claims. The Department of Insurance, in  
12 consultation with the Department of Labor and Employment  
13 Security, shall determine the number of positions needed for  
14 administrative support of the programs within the Division of  
15 Workers' Compensation and the Office of the Judges of  
16 Compensation Claims as transferred to the Department of  
17 Insurance. The number of administrative support positions that  
18 the Department of Insurance determines are needed shall not  
19 exceed the number of administrative support positions that  
20 prior to the transfer were authorized to the Department of  
21 Labor and Employment Security for this purpose. Upon transfer  
22 of the Division of Workers' Compensation and the Office of the  
23 Judges of Compensation Claims, the number of required  
24 administrative support positions as determined by the  
25 Department of Insurance shall be authorized within the  
26 Department of Insurance. The Department of Insurance may  
27 transfer and reassign positions as deemed necessary to  
28 effectively integrate the activities of the Division of  
29 Workers' Compensation. Appointments to time-limited positions  
30 under this act and authorized positions under this section may  
31 be made without regard to the provisions of 60K-3, 4 and 17,

1 Florida Administrative Code. Notwithstanding the provisions of  
2 section 216.181(8), Florida Statutes, the Department of  
3 Insurance is authorized, during Fiscal Year 2000-2001, to  
4 exceed the approved salary in the budget entities affected by  
5 this act.

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

9 20.13 Department of Insurance.--There is created a  
10 Department of Insurance.

11 (2) The following divisions of the Department of  
12 Insurance are established:

13 (a) Division of Insurer Services.

14 (b) Division of Insurance Consumer Services.

15 (c) Division of Agents and Agencies Services.

16 (d) Division of Rehabilitation and Liquidation.

17 (e) Division of Risk Management.

18 (f) Division of State Fire Marshal.

19 (g) Division of Insurance Fraud.

20 (h) Division of Administration.

21 (i) Division of Treasury.

22 (j) Division of Legal Services.

23 (k) Division of Workers' Compensation.

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

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

28 Section 4. Effective January 1, 2001, the Division of  
29 Unemployment Compensation is transferred by a type two  
30 transfer, as defined in section 20.06(2), Florida Statutes,  
31 from the Department of Labor and Employment Security to the

1 Agency for Workforce Innovation, except that all powers,  
2 duties, functions, rules, records, personnel, property, and  
3 unexpended balances of appropriations, allocations, and other  
4 funds of the division related to the resolution of disputed  
5 claims for unemployment compensation benefits through the use  
6 of appeals referees are transferred by a type two transfer, as  
7 defined in section 20.06(2), Florida Statutes, to the  
8 Unemployment Appeals Commission. Additionally, by January 1,  
9 2001, the Agency for Workforce Innovation shall enter into a  
10 contract with the Department of Revenue to have the Department  
11 of Revenue provide unemployment tax administration and  
12 collection services to the Agency for Workforce Innovation.  
13 Upon entering into such contract with the Agency for Workforce  
14 Innovation to provide unemployment tax administration and  
15 collection services, the Department of Revenue may transfer  
16 from the agency or is authorized to establish the number of  
17 positions determined by that contract. The Department of  
18 Revenue, as detailed in that contract, may exercise all and  
19 any authority that is provided in law to the Division of  
20 Unemployment Compensation to fulfill the duties of that  
21 contract as the division's tax-administration and  
22 collection-services agent including, but not limited to, the  
23 promulgating of rules necessary to administer and collect  
24 unemployment taxes. The Department of Revenue is authorized to  
25 contract with the Department of Management Services or other  
26 appropriate public or private entities for professional  
27 services, regarding the development, revision, implementation,  
28 maintenance, and monitoring of electronic data systems and  
29 management information systems associated with the  
30 administration and collection of unemployment taxes.  
31



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

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

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

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

29           (b) Four members appointed by the President of the  
30 Senate, one of whom must be a representative of a statewide  
31 business organization, one of whom must be a representative of

1 organized labor, and two of whom must be from private-sector  
2 businesses;

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

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

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

12

13 The Insurance Commissioner or the commissioner's designee from  
14 the Department of Insurance shall serve as an ex officio  
15 nonvoting member of the task force.

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

23 (a) Alternative organizational structures for the  
24 delivery of workplace safety assistance services to businesses  
25 following the repeal of the Division of Safety of the  
26 Department of Labor and Employment Security under chapter  
27 99-240, Laws of Florida;

28 (b) The extent to which workplace safety assistance  
29 services are or may be provided through private-sector  
30 sources;

31

1           (c) The potential contribution of workplace safety  
2 assistance services to a reduction in workers' compensation  
3 rates for employers;

4           (d) Differences in the workplace safety needs of  
5 businesses based upon the size of the businesses and the  
6 nature of the businesses;

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

9           (f) The relationship between federal and state  
10 workplace safety activities; and

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

13           (3) The task force shall be located in the Department  
14 of Insurance, and staff of the department shall serve as staff  
15 for the task force.

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

20           (5) The task force may procure information and  
21 assistance from any officer or agency of the state or any  
22 subdivision thereof. All such officials and agencies shall  
23 give the task force all relevant information and assistance on  
24 any matter within their knowledge or control.

25           (6) The task force shall submit a report and  
26 recommendations to the Governor, the Insurance Commissioner,  
27 the President of the Senate, and the Speaker of the House of  
28 Representatives no later than January 1, 2001. The report  
29 shall include recommendations on the organizational structure,  
30 mission, staffing structure and qualifications, and funding  
31 level for the Bureau of Workplace Safety within the Division

1 of Workers' Compensation of the Department of Insurance. The  
2 report also shall include any specific recommendations for  
3 legislative action during the 2001 Regular Session of the  
4 Legislature.

5 (7)(a) During Fiscal Year 2000-2001, the Division of  
6 Workers' Compensation of the Department of Insurance is  
7 authorized to establish 40 time-limited positions on July 1,  
8 2000, responsible for the 21(d) federal grant from the  
9 Occupational Safety and Health Administration and for the core  
10 responsibilities under a program for enforcement of safety and  
11 health regulations in the public sector.

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

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

27 (8) The task force shall terminate upon submission of  
28 its report.

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

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

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

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

25           (3) The state and its political subdivisions shall  
26 give preference in the appointment and the retention of  
27 employment to employees of the Department of Labor and  
28 Employment Security who are dislocated as a result of this  
29 act. Furthermore, for those positions for which an examination  
30 is used to determine the qualifications for entrance into  
31 employment with the state or its political subdivisions, 10

1 points shall be added to the earned ratings of any employee of  
2 the Department of Labor and Employment Security who is  
3 dislocated as a result of this act if such person has obtained  
4 a qualifying score on the examination for the position.  
5 Preference is considered to have expired once such person has  
6 been employed by any state agency or any agency of a political  
7 subdivision of the state.

8 (4)(a) There is created the Labor and Employment  
9 Security Transition Team, which will be responsible for  
10 coordinating and overseeing actions necessary to ensure the  
11 timely, comprehensive, efficient, and effective implementation  
12 of the provisions of this act, as well as implementation of  
13 any statutory changes to the Department of Labor and  
14 Employment Security's provision of workforce placement and  
15 development services through the Division of Workforce and  
16 Employment Opportunities. By February 1, 2001, the transition  
17 team shall submit to the Governor, the President of the  
18 Senate, and the Speaker of the House of Representatives a  
19 comprehensive report on the transition of the Department of  
20 Labor and Employment Security. The report shall include any  
21 recommendations on legislative action necessary during the  
22 2001 Regular Session of the Legislature to address substantive  
23 or technical issues related to the department's transition.  
24 The transition team shall terminate on May 15, 2001.

25 (b) The transition team shall consist of the following  
26 members:

27 1. The Governor or the Governor's designee, who shall  
28 serve as chair of the transition team and who shall convene  
29 meetings of the transition team;

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

1           3. The Secretary of Management Services or the  
2 secretary's designee;

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

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

7           6. The director of the Agency for Workforce Innovation  
8 or the director's designee;

9           7. The president of Workforce Florida, Inc., or the  
10 president's designee;

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

12          9. Any other members as deemed necessary by and  
13 appointed by the Governor.

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

23          (d) Between the date this act becomes a law and  
24 January 1, 2001, the transition team shall submit bimonthly to  
25 the President of the Senate and the Speaker of the House of  
26 Representatives brief status reports on the progress and on  
27 any significant problems in implementing this act.

28          (5) The transfer of any programs, activities, and  
29 functions under this act shall include the transfer of any  
30 records and unexpended balances of appropriations,  
31 allocations, or other funds related to such programs,

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

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

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

27 (8) The transition team may submit proposals to the  
28 Governor and recommend budget amendments to ensure the  
29 effective implementation of this act, maintenance of federal  
30 funding, and continuation of services to customers without  
31 interruption. Prior to October 1, 2000, the transition team,



1 through the Office of Policy and Budget, shall prepare a  
2 budget amendment to allocate the resources of the Office of  
3 the Secretary, Office of Administrative Services, Division of  
4 Unemployment Compensation, and other resources of the  
5 Department of Labor and Employment Security not otherwise  
6 transferred by this act. The allocation of resources under  
7 this budget amendment must provide for the maintenance of the  
8 department until January 1, 2001, in order to complete  
9 activities related to the dissolution of the department and  
10 must reserve any remaining funds or positions.

11 (9) This section shall take effect upon this act  
12 becoming a law.

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

22 Section 11. To expedite the leasing of facilities for  
23 implementing the provisions of this act, the Department of  
24 Revenue, the Department of Insurance, the Department of  
25 Management Services, and the Agency for Workforce Innovation  
26 are exempt from the requirements of any state laws relating to  
27 the leasing of space, including, but not limited to, the  
28 requirements imposed by section 255.25, Florida Statutes, and  
29 any rules adopted under such laws, provided, however, that all  
30 leases entered into under this act through January 1, 2001,  
31 must be submitted for approval to the Department of Management

1 Services at the earliest practicable time. This section shall  
2 take effect upon this act becoming a law and shall expire  
3 January 1, 2001.

4       Section 12. Notwithstanding the provisions of chapter  
5 120, Florida Statutes, to the contrary, the Department of  
6 Revenue, the Department of Insurance, the Department of  
7 Management Services, and the Agency for Workforce Innovation  
8 are authorized to develop emergency rules relating to and in  
9 furtherance of the orderly implementation of the provisions of  
10 this act. These emergency rules shall be valid for a period of  
11 270 days after the effective date of this act.

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

21       (2) The Department of Revenue is authorized to issue  
22 any notices, forms, documents, or publications relating to the  
23 unemployment compensation tax which the Division of  
24 Unemployment Compensation of the Department of Labor and  
25 Employment Security was authorized to issue or publish under  
26 chapter 443, Florida Statutes, prior to the transfer of any  
27 responsibilities under this act.

28       (3) The Department of Revenue is authorized to  
29 determine the most efficient and effective method for  
30 administering, collecting, enforcing, and auditing the  
31 unemployment compensation tax in consultation with the

1 businesses that pay such tax and consistent with the  
2 provisions of chapter 443, Florida Statutes.

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

5           287.012 Definitions.--The following definitions shall  
6 apply in this part:

7           (19) "Office" means the Minority Business Advocacy and  
8 Assistance Office of the Department of Management Services  
9 ~~Labor and Employment Security~~.

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

12           287.0947 Florida Council on Small and Minority  
13 Business Development; creation; membership; duties.--

14           (1) On or after October 1, 2000 ~~1996~~, the secretary of  
15 the Department of Management Services ~~Labor and Employment~~  
16 ~~Security~~ may create the Florida Advisory Council on Small and  
17 Minority Business Development with the purpose of advising and  
18 assisting the secretary in carrying out the secretary's duties  
19 with respect to minority businesses and economic and business  
20 development. It is the intent of the Legislature that the  
21 membership of such council include practitioners, laypersons,  
22 financiers, and others with business development experience  
23 who can provide invaluable insight and expertise for this  
24 state in the diversification of its markets and networking of  
25 business opportunities. The council shall initially consist of  
26 19 persons, each of whom is or has been actively engaged in  
27 small and minority business development, either in private  
28 industry, in governmental service, or as a scholar of  
29 recognized achievement in the study of such matters.  
30 Initially, the council shall consist of members representing  
31 all regions of the state and shall include at least one member

1 from each group identified within the definition of "minority  
2 person" in s. 288.703(3), considering also gender and  
3 nationality subgroups, and shall consist of the following:

4 (a) Four members consisting of representatives of  
5 local and federal small and minority business assistance  
6 programs or community development programs.

7 (b) Eight members composed of representatives of the  
8 minority private business sector, including certified minority  
9 business enterprises and minority supplier development  
10 councils, among whom at least two shall be women and at least  
11 four shall be minority persons.

12 (c) Two representatives of local government, one of  
13 whom shall be a representative of a large local government,  
14 and one of whom shall be a representative of a small local  
15 government.

16 (d) Two representatives from the banking and insurance  
17 industry.

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

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

22

23 A candidate for appointment may be considered if eligible to  
24 be certified as an owner of a minority business enterprise, or  
25 if otherwise qualified under the criteria above. Vacancies may  
26 be filled by appointment of the secretary, in the manner of  
27 the original appointment.

28 Section 16. Effective October 1, 2000, subsections (2)  
29 and (3) and paragraph (h) of subsection (4) of section  
30 287.09451, Florida Statutes, are amended to read:

31

1           287.09451 Minority Business Advocacy and Assistance  
2 Office; powers, duties, and functions.--

3           (2) The Minority Business Advocacy and Assistance  
4 Office is established within the Department of Management  
5 Services ~~Labor and Employment Security~~ to assist minority  
6 business enterprises in becoming suppliers of commodities,  
7 services, and construction to state government.

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

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

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

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

30           20.15 Department of Education.--There is created a  
31 Department of Education.

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

3           (a) Division of Community Colleges.

4           (b) Division of Public Schools and Community  
5 Education.

6           (c) Division of Universities.

7           (d) Division of Workforce Development.

8           (e) Division of Human Resource Development.

9           (f) Division of Administration.

10          (g) Division of Financial Services.

11          (h) Division of Support Services.

12          (i) Division of Technology.

13          (j) Division of Occupational Access and Opportunity.

14          (4) DIRECTORS.--The Board of Regents is the director  
15 of the Division of Universities, the Occupational Access and  
16 Opportunity Commission is the director of the Division of  
17 Occupational Access and Opportunity,and the State Board of  
18 Community Colleges is the director of the Division of  
19 Community Colleges, pursuant to chapter 240. The directors of  
20 all other divisions shall be appointed by the commissioner  
21 subject to approval by the state board.

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

24           (d) Shall assign to the Division of Occupational  
25 Access and Opportunity such powers, duties, responsibilities,  
26 and functions as are necessary to ensure the coordination,  
27 efficiency, and effectiveness of its programs, including, but  
28 not limited to, vocational rehabilitation and independent  
29 living services to persons with disabilities which services  
30 are funded under the Rehabilitation Act of 1973, as amended,  
31 except:

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

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

5           3. Those duties concerning physical facilities in  
6 chapter 235;

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

9           5. Those duties assigned to the Division of Workforce  
10 Development in chapter 239.

11  
12 Effective October 1, 2000, the Occupational Access and  
13 Opportunity Commission shall assume all responsibilities  
14 necessary to be the designated state agency for purposes of  
15 compliance with the Rehabilitation Act of 1973, as amended.

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

28           Section 18. Subsection (16) is added to section  
29 120.80, Florida Statutes, to read:

30           120.80 Exceptions and special requirements;  
31 agencies.--

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

8           Section 19. Effective October 1, 2000, section  
9 413.011, Florida Statutes, is amended to read:

10           413.011 Division of Blind Services, internal  
11 organizational structure; Florida Rehabilitation Advisory  
12 Council for the Blind Services.--

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

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

24           (b)(a) Recommend personnel as may be necessary to  
25 carry out the purposes of this section.

26           (c)(b) Cause to be compiled and maintained a complete  
27 register of individuals in the state who are ~~the blind in the~~  
28 ~~state~~, which shall describe the condition, cause of blindness,  
29 and capacity for education and industrial training, with such  
30 other facts as may seem to the division to be of value. Any  
31 information in the register of individuals who are ~~the~~ blind



1 which, when released, could identify an individual is  
2 confidential and exempt from the provisions of s. 119.07(1).

3 (d)(c) Inquire into the cause of blindness, inaugurate  
4 preventive measures, and provide for the examination and  
5 treatment of individuals who are ~~the~~ blind, or those  
6 threatened with blindness, for the benefit of such persons,  
7 and shall pay therefor, including necessary incidental  
8 expenses.

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

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

29 (g)(f) Contract with community-based rehabilitation  
30 providers, to the maximum extent allowable under federal law,  
31 to provide special services and benefits for individuals who

1 are the blind in order to assist them in for developing their  
2 social life through community activities and recreational  
3 facilities.

4 (h)~~(g)~~ Undertake such other activities as may  
5 ameliorate the condition of ~~blind~~ citizens of this state who  
6 are blind.

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

15 (j)~~(i)~~ Recommend contracts and agreements with  
16 federal, state, county, municipal and private corporations,  
17 and individuals.

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

29 (l)~~(k)~~ Prepare and make available to individuals who  
30 are the blind, in braille and on electronic recording  
31

1 equipment, Florida Statutes chapters 20, 120, 121, and 413, in  
2 their entirety.

3 (m)~~(l)~~ Adopt by rule procedures necessary to comply  
4 with any plans prepared by the council for providing  
5 vocational rehabilitation services for individuals who are ~~the~~  
6 blind.

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

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

19 (2) As used in this section:

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

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

26 (c) "Community-based rehabilitation provider" means a  
27 provider of services to individuals in a community setting  
28 which has as its primary function services directed toward  
29 individuals who are blind.

30 (d) "Council" means the Florida Rehabilitation Council  
31 for Blind Services.

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

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

5           (g) "State plan" means the state plan for vocational  
6 rehabilitation required by the federal Rehabilitation Act of  
7 1973, as amended.

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

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

21           1. ~~At least one representative of the Independent~~  
22 ~~Living Council, which representative may be the chair or other~~  
23 ~~designee of the council;~~

24           2. ~~At least one representative of a parent training~~  
25 ~~and information center established pursuant to s. 631(c)(9) of~~  
26 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~  
27 ~~1431(c)(9);~~

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

30           4. ~~At least one vocational rehabilitation counselor~~  
31 ~~who has knowledge of and experience in vocational~~

1 ~~rehabilitation services for the blind, who shall serve as an~~  
2 ~~ex officio nonvoting member of the council if the counselor is~~  
3 ~~an employee of the department;~~

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

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

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

10 ~~8. At least one parent, family member, guardian,~~  
11 ~~advocate, or authorized representative of an individual who is~~  
12 ~~blind, has multiple disabilities, and either has difficulties~~  
13 ~~representing himself or herself or is unable, due to~~  
14 ~~disabilities, to represent himself or herself;~~

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

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

19 ~~(b) Members of the council shall be appointed by the~~  
20 ~~Governor, who shall select members after soliciting~~  
21 ~~recommendations from representatives of organizations~~  
22 ~~representing a broad range of individuals who have~~  
23 ~~disabilities, and organizations interested in those~~  
24 ~~individuals.~~

25 ~~(c) A majority of council members shall be persons who~~  
26 ~~are;~~

27 ~~1. Blind; and~~

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

29 ~~(d) The council shall select a chair from among its~~  
30 ~~membership.~~

31

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

3 1. ~~A member appointed to fill a vacancy occurring~~  
4 ~~prior to the expiration of the term for which a predecessor~~  
5 ~~was appointed shall be appointed for the remainder of such~~  
6 ~~term; and~~

7 2. ~~The terms of service of the members initially~~  
8 ~~appointed shall be, as specified by the Governor, for such~~  
9 ~~fewer number of years as will provide for the expiration of~~  
10 ~~terms on a staggered basis.~~

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

13 ~~(g) Any vacancy occurring in the membership of the~~  
14 ~~council shall be filled in the same manner as the original~~  
15 ~~appointment. A vacancy does not affect the power of the~~  
16 ~~remaining members to execute the duties of the council.~~

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

19 1. Review, analyze, and direct ~~advise~~ the division  
20 regarding the performance of the responsibilities of the  
21 division under Title I of the act, particularly  
22 responsibilities relating to:

23 a. Eligibility, including order of selection;

24 b. The extent, scope, and effectiveness of services  
25 provided; and

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

29 2. Advise the department and the division, and provide  
30 direction for, ~~at the discretion of the department or~~  
31 ~~division, assist in the preparation of applications, the state~~

1 plan as required by federal law, the strategic plan, and  
2 amendments to the plans, reports, needs assessments, and  
3 evaluations required by Title I.

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

22 ~~4.3.~~ To the extent feasible, conduct a review and  
23 analysis of the effectiveness of, and consumer satisfaction  
24 with:

25 a. The functions performed by state agencies and other  
26 public and private entities responsible for performing  
27 functions for individuals who are blind.

28 b. Vocational rehabilitation services:

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

31

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

4 ~~5.4.~~ Prepare and submit an annual report on the status  
5 of vocational rehabilitation services for individuals who are  
6 ~~the~~ blind in the state to the Governor and the Commissioner of  
7 the Rehabilitative Services Administration, established under  
8 s. 702 of the act, and make the report available to the  
9 public.

10 ~~6.5.~~ Coordinate with other councils within the state,  
11 including the Independent Living Council, the advisory panel  
12 established under s. 613(a)(12) of the Individuals with  
13 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
14 Planning Council described in s. 124 of the Developmental  
15 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
16 6024, and the state mental health planning council established  
17 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.  
18 300X-4(e), the Occupational Access and Opportunity Commission,  
19 and the state Workforce Development Board under the federal  
20 Workforce Investment Act.

21 ~~7.6.~~ Advise the department and division and provide  
22 for coordination and the establishment of working  
23 relationships among the department, the division, the  
24 Independent Living Council, and centers for independent living  
25 in the state.

26 ~~8.7.~~ Perform such other functions consistent with the  
27 purposes of the act as the council determines to be  
28 appropriate that are comparable to functions performed by the  
29 council.

30 ~~(b)(i)~~1. The council shall prepare, in conjunction  
31 with the division, a plan for the provision of such resources,



1 including such staff and other personnel, as may be necessary  
2 to carry out the functions of the council. The resource plan  
3 shall, to the maximum extent possible, rely on the use of  
4 resources in existence during the period of implementation of  
5 the plan.

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

10 2.3. The council shall, consistent with law, supervise  
11 and evaluate such staff and other personnel as may be  
12 necessary to carry out its functions.

13 3.4. While assisting the council in carrying out its  
14 duties, staff and other personnel shall not be assigned duties  
15 by the division or any other state agency or office that would  
16 create a conflict of interest.

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

21 (d)(k) The council shall convene at least four  
22 meetings each year. These meetings shall occur in such places  
23 as the council deems necessary to conduct council business.  
24 The council may conduct such forums or hearings as the council  
25 considers appropriate. The meetings, hearings, and forums  
26 shall be publicly announced. The meetings shall be open and  
27 accessible to the public. To the maximum extent possible, the  
28 meetings shall be held in locations that are accessible to  
29 individuals with disabilities. The council shall make a report  
30 of each meeting which shall include a record of its  
31

1 discussions and recommendations, all of which reports shall be  
2 made available to the public.

3 Section 20. Effective October 1, 2000, section  
4 413.014, Florida Statutes, is amended to read:

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

1 reductions in the number of division employees based upon  
2 increased use of community-based rehabilitation providers.

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

5 413.034 Commission established; membership.--

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

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

26 413.051 Eligible blind persons; operation of vending  
27 stands.--

28 (2) As used in this section:

29 (a) "Blind licensee" means any person who is blind and  
30 who is ~~person~~ trained and licensed by the Division of Blind  
31

1 Services of the Department of Management Services ~~Labor and~~  
2 ~~Employment Security~~ to operate a vending stand.

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

9 Section 23. Effective October 1, 2000, section  
10 413.064, Florida Statutes, is amended to read:

11 413.064 Rules.--The Department of Management Services  
12 ~~Labor and Employment Security~~ shall adopt all necessary rules  
13 pertaining to the conduct of a solicitation for the benefit of  
14 individuals who are blind persons, including criteria for  
15 approval of an application for a permit for such solicitation.

16 Section 24. Effective October 1, 2000, section  
17 413.066, Florida Statutes, is amended to read:

18 413.066 Revocation of permit.--Any failure on the part  
19 of a person or organization holding a permit under the  
20 provisions of ss. 413.061-413.068 to comply with the law or  
21 with all rules promulgated by the Department of Management  
22 ~~Services Labor and Employment Security~~ as authorized by s.  
23 413.064 constitutes a ground for revocation of the permit by  
24 the Division of Blind Services.

25 Section 25. Effective October 1, 2000, section  
26 413.067, Florida Statutes, is amended to read:

27 413.067 Penalty.--Any person who violates the  
28 provisions of ss. 413.061-413.068 or any rule promulgated by  
29 the Department of Management Services ~~Labor and Employment~~  
30 ~~Security~~ pursuant thereto commits a misdemeanor of the second  
31 degree, punishable as provided in s. 775.082 or s. 775.083.

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

3           413.395 Florida Independent Living Council.--

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

21           Section 27. It is the intent of the Legislature that  
22 the provisions of this act relating to services for  
23 individuals who are blind not conflict with any federal  
24 statute or implementing regulation governing federal  
25 grant-in-aid programs administered by the Division of Blind  
26 Services or the Florida Rehabilitation Council for Blind  
27 Services. Whenever such a conflict is asserted by the U.S.  
28 Department of Education or other applicable agency of the  
29 Federal Government, the council shall submit to the U.S.  
30 Department of Education or other applicable federal agency a  
31 request for a favorable policy interpretation of the

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

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

17 413.82 Definitions.--As used in ss. 413.81-413.93, the  
18 term:

19 (1) "Commission" means the Commission on Occupational  
20 Access and Opportunity.

21 (2) "Community rehabilitation provider" means a  
22 provider of services to people in a community setting which  
23 has as its primary function services directed toward  
24 employment outcomes for people with disabilities.

25 ~~(3)(2)~~ "Corporation" means the Occupational Access and  
26 Opportunity Corporation.

27 ~~(4)(3)~~ "Division" means the Division of Occupational  
28 Access and Opportunity ~~Vocational Rehabilitation.~~

29 (5) "Plan" means the plan required by ss.  
30 413.81-413.93. ~~(4) "Office" means the Executive Office of the~~  
31 ~~Governor.~~

1           ~~(6)~~(5) "State plan" means the state plan for  
2 vocational rehabilitation required by Title I of the federal  
3 Rehabilitation Act of 1973, as amended, ~~and ss. 413.81-413.93.~~

4           ~~(7)~~(6) "Region" means a service area for a regional  
5 workforce development board established by the Workforce  
6 Development Board.

7           Section 29. Effective upon this act becoming a law,  
8 subsections (2), (3), (6), (7), (8), and (10) of section  
9 413.83, Florida Statutes, are amended to read:

10           413.83 Occupational Access and Opportunity Commission;  
11 creation; purpose; membership.--

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

24           (a) The Commissioner of Education, or his or her  
25 designee, who shall serve as chair until October 1, 2000;  
26 after October 1, 2000, the commission shall elect a chair from  
27 its membership;

28           (b) Eight employers from the private sector, three of  
29 whom shall be appointed by the Governor for a term of 4 years,  
30 three of whom shall be appointed by the President of the  
31 Senate for a term of 4 years, and two of whom shall be

1 appointed by the Speaker of the House of Representatives for a  
2 term of 4 years;

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

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

10 (e) Five representatives of business, workforce  
11 development, education, state government, local government, a  
12 consumer advocate group, or a community organization, three of  
13 whom shall be appointed by the Governor for a term of 4 years,  
14 one of whom shall be appointed by the President of the Senate  
15 for a term of 4 years, and one of whom shall be appointed by  
16 the Speaker of the House of Representatives for a term of 4  
17 years; and

18 (f) As exofficio, nonvoting members:

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

21 2. The chair of the Florida Rehabilitation Council;

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

23 and

24 4. The chair of the Commission for the Purchase from  
25 the Blind or Other Severely Handicapped.

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

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

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

30 ~~(e) A community rehabilitation provider who contracts~~  
31 ~~to provide vocational rehabilitation services to individuals~~



1 ~~who qualify for the program, who shall be appointed by the~~  
2 ~~Governor for a term of 4 years;~~

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

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

9 ~~(h) Other individuals with disabilities and~~  
10 ~~representatives of business, workforce development, education,~~  
11 ~~state government, local government, consumer advocate groups,~~  
12 ~~employers of individuals with disabilities, or community~~  
13 ~~organizations.~~

14 (3) By September 1, 2000, after receiving  
15 recommendations from the commission, the Governor, the  
16 President of the Senate, and the Speaker of the House of  
17 Representatives shall consult together and take actions  
18 necessary to bring the membership of the commission into  
19 compliance with the requirements of this section. In taking  
20 such action, initial terms shall be staggered as necessary to  
21 ensure that the terms of no more than one-fourth of the  
22 commission's total appointed membership shall expire in any  
23 1-year period.~~Initially, the Governor, the President of the~~  
24 ~~Senate, and the Speaker of the House of Representatives shall~~  
25 ~~each appoint as members meeting the qualifications contained~~  
26 ~~in paragraph (2)(h), one member for a term of 3 years, one~~  
27 ~~member for a term of 2 years, and one member for a term of 1~~  
28 ~~year.~~Thereafter, after receiving recommendations from the  
29 commission, the Governor, the President of the Senate, and the  
30 Speaker of the House of Representatives shall appoint all  
31 members for terms of 4 years. Any vacancy shall be filled by

1 appointment by the original appointing authority for the  
2 unexpired portion of the term by a person who possesses the  
3 proper qualifications for the vacancy.

4       (6) ~~The Governor shall name the chair of the~~  
5 ~~commission from its appointed members.~~The commission shall  
6 biennially elect one of its members as vice chair, who shall  
7 preside in the absence of the chair. Neither the chair, nor  
8 the vice chair, may be a provider of client services funded  
9 through the commission.

10       (7) The Rehabilitation Council created by s. 413.405  
11 ~~shall serve the commission and shall continue to perform its~~  
12 ~~designated duties, with the commission as the designated state~~  
13 ~~vocational rehabilitation agency. The commission shall~~  
14 ~~consider the recommendations made by the council.~~

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

28       (10) The members of the commission may rely on and are  
29 subject to ~~are entitled to be reimbursed for reasonable and~~  
30 ~~necessary expenses of attending meetings and performing~~  
31 ~~commission duties, including per diem and travel expenses, and~~

1 ~~for personal care attendants and interpreters needed by~~  
2 ~~members during meetings, as provided in s. 413.273.~~

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

5 413.84 Powers and duties.--The commission:

6 (1) Effective July 1, 2000, shall serve as the  
7 director of the Division of Occupational Access and  
8 Opportunity of the Department of Education.

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

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

29 (4)(1) Shall, no later than ~~January~~ July 1, ~~2001~~ 2000,  
30 after consulting with stakeholders and holding public  
31 hearings, develop and implement a 5-year plan to promote

1 occupational access and opportunities for Floridians with  
2 disabilities, ~~and to fulfill the federal plan requirements.~~

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

5 The commission may make amendments annually to the plan, which  
6 must be submitted to the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives by the  
8 first of January.

9 (a) The plan must explore the use of Individual  
10 Training Accounts, as described in the federal Workforce Act  
11 of 1998, Pub. L. No. 105-220, for eligible clients. If  
12 developed, these accounts must be distributed under a written  
13 memorandum of understanding with One-Stop Career Center  
14 operators.

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

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

23 (d) The plan must require that the commission enter  
24 into cooperative agreements with community-based  
25 rehabilitation programs by workforce region to be the service  
26 providers for the program; however, state ~~career service~~  
27 employees shall provide all services that may not be delegated  
28 under ~~mandated by~~ federal law. The commission shall, as  
29 rapidly as is feasible, increase the amount of such services  
30 provided by community-based rehabilitation programs. The plan  
31 must incorporate, to the maximum extent allowed by federal and

1 state law and regulation, all available funds for such  
2 purposes. Funds and in-kind contributions from community and  
3 private sources shall be used to enhance federal and state  
4 resources.

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

16 ~~(5)(2)~~ Notwithstanding the provisions of part I of  
17 chapter 287, shall contract, no later than July 1, 2000, with  
18 the corporation ~~administrative entity designated in the plan~~  
19 to execute the services, functions, and programs prescribed in  
20 the plan. The commission shall serve as contract  
21 administrator. ~~If approved by the federal Department of~~  
22 ~~Education, the administrative entity may be a direct-support~~  
23 ~~organization.~~The commission shall define the terms of the  
24 contract.

25 ~~(6)(3)~~ Shall work with the employer community to  
26 better define, address, and meet its business needs with  
27 qualified Floridians with disabilities.

28 ~~(7)(4)~~ Is responsible for the prudent use of all  
29 public and private funds provided for the commission's use,  
30 ensuring that the use of all funds is in accordance with all  
31 applicable laws, bylaws, and contractual requirements.

1           ~~(8)(5)~~ Shall develop an operational structure to carry  
2 out the plan developed by the commission.

3           ~~(9)(6)~~ May appear on its own behalf before the  
4 Legislature, boards, commissions, departments, or other  
5 agencies of municipal, county, state, or Federal Government.

6           ~~(10)(7)~~ In the performance of its duties, may  
7 undertake or commission research and studies.

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

13           ~~(12)(9)~~ May assign staff from the ~~office or~~ division  
14 to assist in implementing the provisions of this act relating  
15 to the Occupational Access and Opportunity Commission.

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

19           413.85 Occupational Access and Opportunity  
20 Corporation; use of property; board of directors; duties;  
21 audit.--

22           (1) ESTABLISHMENT.--If the commission elects to  
23 contract with the corporation to provide services ~~designate a~~  
24 ~~direct-support organization as its administrative entity~~, such  
25 organization shall be designated the Occupational Access and  
26 Opportunity Corporation:

27           (a) Which is a corporation not for profit, as defined  
28 in s. 501(c)~~s. 501(c)(6)~~ of the Internal Revenue Code of  
29 1986, as amended, and is incorporated under the provisions of  
30 chapter 617 and approved by the Department of State.

31

1 (b) Which is organized and operated exclusively to  
2 carry out such activities and tasks as the commission assigns  
3 through contract request, receive, hold, invest, and  
4 ~~administer property and to manage and make expenditures for~~  
5 ~~the operation of the activities, services, functions, and~~  
6 ~~programs of the provisions of this act relating to the~~  
7 ~~Occupational Access and Opportunity Commission.~~

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

11 (d) Which shall not be considered an agency for the  
12 purposes of chapters 120, and 216, and 287; ss. 255.25 and  
13 255.254, relating to leasing of buildings; ss. 283.33 and  
14 283.35, relating to bids for printing; s. 215.31; and parts IV  
15 through VIII of chapter 112.

16 (e) Which shall be subject to the provisions of  
17 chapter 119, relating to public records; ~~and~~ and the provisions  
18 of chapter 286, relating to public meetings; and the  
19 provisions of s. 768.28 as a corporation primarily acting as  
20 an instrumentality of this state.

21 (3) BOARD OF DIRECTORS.--The board of directors of the  
22 corporation shall be composed of no fewer than 7 and no more  
23 than 15 members appointed by the commission, and a majority of  
24 its members must be members of the commission ~~15 members,~~  
25 ~~appointed by the commission from its own membership.~~ The vice  
26 chair of the commission shall serve as chair of the  
27 corporation's board of directors.

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

30 (a) May make and enter into contracts and assume such  
31 other functions as are necessary to carry out the provisions

1 of the plan and the corporation's contract with the commission  
2 which are not inconsistent with this or any other provision of  
3 law.

4 (b) May develop a program to leverage the existing  
5 federal and state funding and to provide upgraded or expanded  
6 services to Floridians with disabilities if directed by the  
7 commission.

8 (c) May commission and adopt, in cooperation with the  
9 commission, an official business name and logo to be used in  
10 all promotional materials directly produced by the  
11 corporation.

12 (d) The corporation shall establish cooperative and  
13 collaborative memoranda of understanding with One-Stop Career  
14 Center operators to increase, upgrade, or expand services to  
15 Floridians with disabilities who are seeking employment and  
16 self-sufficiency.

17 (e) May hire any individual who, as of June 30, 2000,  
18 is employed by the Division of Vocational Rehabilitation. Such  
19 hiring may be done through a lease agreement established by  
20 the Department of Management Services for the corporation.  
21 Under such agreement, the employee shall retain his or her  
22 status as a state employee, but shall work under the direct  
23 supervision of the corporation. Retention of state employee  
24 status shall include the right to participate in the Florida  
25 Retirement System. The Department of Management Services shall  
26 establish the terms and conditions of such lease agreements.

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

29 413.86 Public-private partnerships.--The Division of  
30 Occupational Access and Opportunity ~~Vocational Rehabilitation~~  
31 will enter into local public-private partnerships to the



1 extent that it is beneficial to increasing employment outcomes  
2 for persons with disabilities and ensuring their full  
3 involvement in the comprehensive workforce investment system.

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

6 413.865 Coordination with workforce system.--

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

17 (2) These public and private partners shall work  
18 together to ensure and provide continuity of service to  
19 persons with disabilities throughout the state, as well as to  
20 provide consistent and upgraded services to persons with  
21 disabilities throughout the state.

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

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

27 (b) Includes qualified and eligible providers of  
28 services to persons with disabilities in consumer reports to  
29 promote choice;  
30  
31

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

4           (d) Provides electronic access for persons with  
5 disabilities to workforce development services.

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

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

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

27           413.87 Annual audit.--

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

30  
31

1 (a) Updates its progress and impact in creating  
2 employment and increasing the personal income of individuals  
3 with disabilities;

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

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

8 (d) Reviews all pertinent research findings and  
9 training efforts; and

10 (e) Provides other measures of accountability as  
11 requested by the commission.

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

14 413.88 Annual report of the Occupational Access and  
15 Opportunity Commission; audits.--

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

21 (a) Its operations and accomplishments during the  
22 fiscal year.

23 (b) Its business and operational plan.

24 (c) The assets and liabilities of the corporation  
25 ~~designated administrative entity~~ at the end of its most recent  
26 fiscal year.

27 (d) A copy of the annual financial and compliance  
28 audit.

29 (2) The Auditor General may, pursuant to his or her  
30 own authority or at the direction of the Legislative Auditing  
31

1 Committee, conduct an audit of the commission or the  
2 corporation ~~its designated administrative entity~~.

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

5 413.89 State vocational rehabilitation plan;  
6 preparation and submittal; administration.--Effective July 1,  
7 2000, the Department of Education is the designated state  
8 agency and the Division of Occupational Access and Opportunity  
9 is the designated state unit for purposes of compliance with  
10 the federal Rehabilitation Act of 1973, as amended. Effective  
11 October 1, 2000,~~Upon appointment,~~ the Occupational Access and  
12 Opportunity Commission is the designated state agency for  
13 purposes of compliance with the Rehabilitation Act of 1973, as  
14 amended, and authorized to prepare and submit the federally  
15 required state vocational rehabilitation plan and to serve as  
16 the governing authority of programs administered by the  
17 commission, including, but not limited to: administering the  
18 state's plan under the Rehabilitation Act of 1973, as amended;  
19 receiving federal funds as the state vocational rehabilitation  
20 agency; directing the expenditure of legislative  
21 appropriations for rehabilitative services through its  
22 designated administrative entity or other agents; and, if  
23 necessary, making any changes to the plan that the commission  
24 considers necessary to maintain compliance with the federal  
25 Rehabilitation Act of 1973, as amended, and implementing such  
26 changes in order to continue to qualify and maintain federal  
27 funding support. During the period of time between July 1,  
28 2000, and October 1, 2000, the department and the appointment  
29 ~~of the commission and the designation of the administrative~~  
30 ~~entity,~~ the commission ~~and the division~~ may, by agreement,  
31

1 provide for continued administration consistent with federal  
2 and state law.

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

5 413.90 Designated State Agency and Designated State  
6 Unit Designation of administrative entity.--Effective July 1,  
7 2000,The division must comply with the transitional direction  
8 of the plan. If the commission designates an administrative  
9 entity other than the division,all powers, duties, and  
10 functions of and all related records, property, and equipment  
11 and all contractual rights, obligations of, and unexpended  
12 balances of appropriations and other funds or allocations of  
13 the ~~division's~~ component programs of the Division of  
14 Vocational Rehabilitation of the Department of Labor and  
15 Employment Security shall be transferred to the Division of  
16 Occupational Access and Opportunity of the Department of  
17 Education ~~commission as provided in the plan,~~pursuant to s.  
18 20.06(2). The commission and the Department of Education, in  
19 establishing the Division of Occupational Access and  
20 Opportunity, may establish no more than 700 positions  
21 inclusive of those positions leased by the corporation. These  
22 positions may be filled initially by former employees of the  
23 Division of Vocational Rehabilitation. By October 1, 2000, the  
24 division shall reduce the number of positions to no more than  
25 300. Notwithstanding the provisions of s. 110.227, if a layoff  
26 becomes necessary with respect to the Division of Occupational  
27 Access and Opportunity, the competitive area identified for  
28 such layoff shall not include any other division of the  
29 Department of Education. If unforeseen transition activities  
30 occur in moving service delivery from division employees to  
31 community rehabilitation providers and create situations

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

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

23 413.91 Service providers; quality assurance and  
24 fitness for responsibilities.--The Occupational Access and  
25 Opportunity Commission shall assure that all contractors ~~the~~  
26 ~~designated administrative entity~~ and providers of direct  
27 service maintain an internal system of quality assurance, have  
28 proven functional systems, and are subject to a due-diligence  
29 inquiry for their fitness to undertake service  
30 responsibilities regardless of whether a contract for services  
31 is competitively or noncompetitively procured.

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

3           413.92 Conflict of laws.--It is the intent of the  
4 Legislature that the provisions of this act relating to the  
5 Occupational Access and Opportunity Commission not conflict  
6 with any federal statute or implementing regulation governing  
7 federal grant-in-aid programs administered by the division or  
8 the commission. Whenever such a conflict is asserted by the  
9 applicable agency of the Federal Government, until October 1,  
10 2000, the department, and after October 1, 2000, the  
11 commission shall submit to the federal Department of  
12 Education, or other applicable federal agency, a request for a  
13 favorable policy interpretation of the conflicting portions.  
14 If the request is approved, as certified in writing by the  
15 secretary of the federal Department of Education, or the head  
16 of the other applicable federal agency, the commission or the  
17 division is authorized to make the adjustments in the plan  
18 which are necessary for achieving conformity to federal  
19 statutes and regulations. Before making such adjustments, the  
20 commission or the division shall provide to the President of  
21 the Senate and the Speaker of the House of Representatives an  
22 explanation and justification of the position of the division  
23 or the commission and shall outline all feasible alternatives  
24 that are consistent with this section. These alternatives may  
25 include the state supervision of local service agencies by the  
26 commission or the division if the agencies are designated by  
27 the Governor.

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

30           Section 41. Subsections (11) and (13) of section  
31 440.02, Florida Statutes, are amended to read:

1           440.02 Definitions.--When used in this chapter, unless  
2 the context clearly requires otherwise, the following terms  
3 shall have the following meanings:

4           (11) "Department" means the Department of Insurance  
5 ~~Labor and Employment Security~~.

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

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

11           440.207 Workers' compensation system guide.--

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

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

21           440.385 Florida Self-Insurers Guaranty Association,  
22 Incorporated.--

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



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

16 (3) POWERS AND DUTIES.--

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

1 due and payable. The association shall levy assessments  
2 against any newly admitted member of the association so that  
3 the basis of contribution of any newly admitted member is the  
4 same as previously admitted members, provision for which shall  
5 be contained in the plan of operation.

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

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

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

21           (a) The Insolvency Fund is created for purposes of  
22 meeting the obligations of insolvent members incurred while  
23 members of the association and after the exhaustion of any  
24 bond, as required under this chapter. However, if such bond,  
25 surety, or reinsurance policy is payable to the Florida  
26 Self-Insurers Guaranty Association, the association shall  
27 commence to provide benefits out of the Insolvency Fund and be  
28 reimbursed from the bond, surety, or reinsurance policy. The  
29 method of operation of the Insolvency Fund shall be defined in  
30 the plan of operation as provided in subsection (5).

31

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

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

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

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

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

25 ~~(b) The plan of operation, and any amendments thereto,~~  
26 ~~shall take effect upon approval in writing by the department.~~  
27 ~~If the board of directors fails to submit a plan by September~~  
28 ~~15, 1982, or fails to make required amendments to the plan~~  
29 ~~within 30 days thereafter, the department shall promulgate~~  
30 ~~such rules as are necessary to effectuate the provisions of~~  
31 ~~this subsection. Such rules shall continue in force until~~

1 ~~modified by the department or superseded by a plan submitted~~  
2 ~~by the board of directors and approved by the department.~~

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

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

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

9 2. Establish procedures for handling assets of the  
10 association.

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

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

20 5. Establish regular places and times for meetings of  
21 the board of directors.

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

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

28 8. Establish the procedures whereby recommendations of  
29 candidates for the board of directors shall be submitted to  
30 the department.

31

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

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

18           (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE ~~LABOR~~  
19 ~~AND EMPLOYMENT SECURITY.~~--

20           (a) The department shall:

21           1. Notify the association of the existence of an  
22 insolvent employer not later than 3 days after it receives  
23 notice of the determination of insolvency.

24           2. Upon request of the board of directors, provide the  
25 association with a statement of the annual normal premiums of  
26 each member employer.

27           (b) The department may:

28           1. Require that the association notify the member  
29 employers and any other interested parties of the  
30 determination of insolvency and of their rights under this  
31 section. Such notification shall be by mail at the last known

1 address thereof when available; but, if sufficient information  
2 for notification by mail is not available, notice by  
3 publication in a newspaper of general circulation shall be  
4 sufficient.

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

13           3. Revoke the designation of any servicing facility if  
14 the department finds that claims are being handled  
15 unsatisfactorily.

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

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

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

30           (10) IMMUNITY.--There shall be no liability on the  
31 part of, and no cause of action of any nature shall arise

1 against, any member employer, the association or its agents or  
2 employees, the board of directors, or the Department of  
3 Insurance ~~Labor and Employment Security~~ or its representatives  
4 for any action taken by them in the performance of their  
5 powers and duties under this section.

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

8 440.44 Workers' compensation; staff organization.--

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

13 Section 45. Subsections (1) and (3) of section  
14 440.4416, Florida Statutes, are amended to read:

15 440.4416 Workers' Compensation Oversight Board.--

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

21 (a) Six members selected by the Governor, none of whom  
22 shall be a member of the Legislature at the time of  
23 appointment, consisting of the following:

24 1. Two representatives of employers.

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

28 (b) Three members selected by the President of the  
29 Senate, none of whom shall be members of the Legislature at  
30 the time of appointment, consisting of:

31

1           1. A representative of employers who employs at least  
2 10 employees in Florida for which workers' compensation  
3 coverage is provided pursuant to this chapter, and who is a  
4 licensed general contractor actively engaged in the  
5 construction industry in this state.

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

9           3. A representative of employees.

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

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

18           2. A representative of employers who employs at least  
19 10 employees in Florida for which workers' compensation  
20 coverage is provided pursuant to this chapter.

21           3. A representative of employees.

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

25          (e) The original appointments to the board shall be  
26 made on or before January 1, 1994. Vacancies in the membership  
27 of the board shall be filled in the same manner as the  
28 original appointments. Except as to ex officio members of the  
29 board, three appointees of the Governor, two appointees of the  
30 President of the Senate, and two appointees of the Speaker of  
31 the House of Representatives shall serve for terms of 2 years,



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

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

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

18 (3) EXECUTIVE DIRECTOR; EXPENSES.--

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

26 (b) In addition to per diem and travel expenses  
27 authorized by s. 112.061, board members shall receive  
28 compensation of \$50 for each full day allocable to business of  
29 the board. The board shall promulgate procedures defining  
30 "business" for purposes of receiving compensation. Such  
31 procedures shall require each member to maintain time records

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

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

11 440.45 Office of the Judges of Compensation Claims.--

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

1 shall be paid out of the Workers' Compensation Administration  
2 Trust Fund established in s. 440.50.

3 Section 47. Paragraph (e) of subsection (9) of section  
4 440.49, Florida Statutes, is amended to read:

5 440.49 Limitation of liability for subsequent injury  
6 through Special Disability Trust Fund.--

7 (9) SPECIAL DISABILITY TRUST FUND.--

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

23 Section 48. Effective October 1, 2000, section  
24 215.311, Florida Statutes, is amended to read:

25 215.311 State funds; exceptions.--The provisions of s.  
26 215.31 shall not apply to funds collected by and under the  
27 direction and supervision of the Division of Blind Services of  
28 the Department of Management Services ~~Labor and Employment~~  
29 ~~Security~~ as provided under ss. 413.011, 413.041, and 413.051;  
30 however, nothing in this section shall be construed to except  
31

1 from the provisions of s. 215.31 any appropriations made by  
2 the state to the division.

3 Section 49. Effective October 1, 2000, subsection (1)  
4 of section 413.091, Florida Statutes, is amended to read:

5 413.091 Identification cards.--

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

11 Section 50. Subsection (3) of section 440.102, Florida  
12 Statutes, is amended to read:

13 440.102 Drug-free workplace program requirements.--The  
14 following provisions apply to a drug-free workplace program  
15 implemented pursuant to law or to rules adopted by the Agency  
16 for Health Care Administration:

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

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

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

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

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

30 2. A statement advising the employee or job applicant  
31 of the existence of this section.

1           3. A general statement concerning confidentiality.

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

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

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

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

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

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

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

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

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

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

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

26           Section 51. Subsection (1) of section 440.125, Florida  
27 Statutes, is amended to read:

28           440.125 Medical records and reports; identifying  
29 information in employee medical bills; confidentiality.--

30           (1) Any medical records and medical reports of an  
31 injured employee and any information identifying an injured

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

7 Section 52. Paragraph (a) of subsection (11) of  
8 section 440.13, Florida Statutes, is amended to read:

9 440.13 Medical services and supplies; penalty for  
10 violations; limitations.--

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

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

31

1           Section 53. Paragraph (f) of subsection (4) and  
2 paragraph (b) of subsection (5) of section 440.25, Florida  
3 Statutes, are amended to read:

4           (4)

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

18           (5)

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



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

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

11 Section 54. Section 440.525, Florida Statutes, is  
12 amended to read:

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

24 Section 55. Subsections (1) and (2) of section 440.59,  
25 Florida Statutes, are amended to read:

26 440.59 Reporting requirements.--

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

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

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

23 Section 56. Effective January 1, 2001, subsections  
24 (1), (4), and (5) of section 443.012, Florida Statutes, are  
25 amended to read:

26 443.012 Unemployment Appeals Commission.--

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

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

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

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

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

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

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

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

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

5 Section 57. Effective January 1, 2001, all powers,  
6 duties, functions, rules, records, personnel, property, and  
7 unexpended balances of appropriations, allocations, and other  
8 funds of the Unemployment Appeals Commission relating to the  
9 commission's specified authority, powers, duties, and  
10 responsibilities are transferred by a type two transfer, as  
11 defined in section 20.06(2), Florida Statutes, to the  
12 Department of Management Services.

13 Section 58. Effective January 1, 2001, subsections  
14 (12) and (15) of section 443.036, Florida Statutes, are  
15 amended to read:

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

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

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

24 Section 59. Effective January 1, 2001, paragraph (a)  
25 of subsection (4) and subsection (8) of section 443.151,  
26 Florida Statutes, are amended to read:

27 443.151 Procedure concerning claims.--

28 (4) APPEALS.--

29 (a) Appeals referees.--The commission division shall  
30 appoint one or more impartial salaried appeals referees  
31 selected in accordance with s. 443.171(4) to hear and decide

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

14 (8) BILINGUAL REQUIREMENTS.--

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

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

27 (c) Single-language minority refers to households  
28 which speak the same non-English language and which do not  
29 contain an adult fluent in English. The division shall develop  
30 estimates of the percentages of single-language minority  
31

1 households for each county by using data made available by the  
2 United States Bureau of the Census.

3 Section 60. Effective January 1, 2001, subsections  
4 (1), (5), and (7) of section 443.171, Florida Statutes, are  
5 amended to read:

6 443.171 Division and commission; powers and duties;  
7 rules; advisory council; records and reports.--

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

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

27 (a) The council shall consist of 18 members, including  
28 equal numbers of employer representatives and employee  
29 representatives who may fairly be regarded as representative  
30 because of their vocations, employments, or affiliations, and  
31 representatives of the general public.

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

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

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

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



1 employee could endanger the safety of the employee or  
2 compromise an ongoing investigation or intelligence mission.  
3 Information revealing the employing unit's or individual's  
4 identity thus obtained from the employing unit or from any  
5 individual pursuant to the administration of this chapter,  
6 shall, except to the extent necessary for the proper  
7 presentation of a claim or upon written authorization of the  
8 claimant who has a workers' compensation claim pending, be  
9 held confidential and exempt from the provisions of s.  
10 119.07(1). Such information shall be available only to public  
11 employees in the performance of their public duties, including  
12 employees of the Department of Education in obtaining  
13 information for the Florida Education and Training Placement  
14 Information Program and the Office of Tourism, Trade, and  
15 Economic Development ~~Department of Commerce~~ in its  
16 administration of the qualified defense contractor tax refund  
17 program authorized by s. 288.1045 ~~s. 288.104~~, the qualified  
18 target industry business tax refund program authorized by s.  
19 288.106. Any claimant, or the claimant's legal representative,  
20 at a hearing before an appeals referee or the commission shall  
21 be supplied with information from such records to the extent  
22 necessary for the proper presentation of her or his claim. Any  
23 employee or member of the commission or any employee of the  
24 division, or any other person receiving confidential  
25 information, who violates any provision of this subsection is  
26 guilty of a misdemeanor of the second degree, punishable as  
27 provided in s. 775.082 or s. 775.083. However, the division  
28 may furnish to any employer copies of any report previously  
29 submitted by such employer, upon the request of such employer,  
30 and the division is authorized to charge therefor such  
31 reasonable fee as the division may by rule prescribe not to

1 exceed the actual reasonable cost of the preparation of such  
2 copies. Fees received by the division for copies provided  
3 under this subsection shall be deposited to the credit of the  
4 Employment Security Administration Trust Fund.

5 Section 61. Effective January 1, 2001, subsections (1)  
6 and (2) of section 443.211, Florida Statutes, are amended to  
7 read:

8 443.211 Employment Security Administration Trust Fund;  
9 appropriation; reimbursement.--

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

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

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

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

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

23 Section 62. Subsection (3) of section 447.02, Florida  
24 Statutes, is amended to read:

25 447.02 Definitions.--The following terms, when used in  
26 this chapter, shall have the meanings ascribed to them in this  
27 section:

28 (3) The term "department" ~~"division"~~ means the  
29 ~~Division of Jobs and Benefits of the~~ Bureau of Workplace  
30 Regulation of the Division of Workers' Compensation of the  
31 Department of Insurance Labor and Employment Security.

1           Section 63. Subsections (2), (3), and (4) of section  
2 447.04, Florida Statutes, are amended to read:

3           447.04 Business agents; licenses, permits.--

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

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

24           (3) After the expiration of the 30-day period,  
25 regardless of whether or not any objections have been filed,  
26 the department ~~division~~ shall review the application, together  
27 with all information that it may have, including, but not  
28 limited to, any objections that may have been filed to such  
29 application, any information that may have been obtained  
30 pursuant to an independent investigation, and the results of  
31 any hearing on the application. If the department ~~division~~,

1 from a review of the information, finds that the applicant is  
2 qualified, pursuant to the terms of this chapter, it shall  
3 issue such license or permit; and such license or permit shall  
4 run for the calendar year for which issued, unless sooner  
5 surrendered, suspended, or revoked.

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

12 Section 64. Section 447.041, Florida Statutes, is  
13 amended to read:

14 447.041 Hearings.--

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

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

24 Section 65. Section 447.045, Florida Statutes, is  
25 amended to read:

26 447.045 Information confidential.--Neither the  
27 department ~~division~~ nor any investigator or employee of the  
28 department ~~division~~ shall divulge in any manner the  
29 information obtained pursuant to the processing of applicant  
30 fingerprint cards, and such information is confidential and  
31 exempt from the provisions of s. 119.07(1).

1 Section 66. Section 447.06, Florida Statutes, is  
2 amended to read:

3 447.06 Registration of labor organizations required.--

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

12 (a) The name of the labor organization;

13 (b) The location of its office; and

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

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

19 Section 67. Section 447.12, Florida Statutes, is  
20 amended to read:

21 447.12 Fees for registration.--All fees collected by  
22 ~~the Division of Jobs and Benefits of the department~~ under this  
23 part of Labor and Employment Security hereunder shall be paid  
24 to the Treasurer and credited to the General Revenue Fund.

25 Section 68. Section 447.16, Florida Statutes, is  
26 amended to read:

27 447.16 Applicability of chapter ~~when effective~~--Any  
28 labor business agent licensed on July 1, 1965, may renew such  
29 license each year on forms provided by ~~the Division of Jobs~~  
30 ~~and Benefits of the department of Labor and Employment~~  
31 ~~Security~~ without submitting fingerprints so long as such



1 license or permit has not expired or has not been surrendered,  
2 suspended, or revoked. The fingerprinting requirements of  
3 this act shall become effective for a new applicant for a  
4 labor business agent license immediately upon this act  
5 becoming a law.

6 Section 69. Paragraph (a) of subsection (13) of  
7 section 447.203, Florida Statutes, is amended to read:

8 447.203 Definitions.--As used in this part:

9 (13) "Professional employee" means:

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

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

21 2. Work involving the consistent exercise of  
22 discretion and judgment in its performance; and

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

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

31

1 ~~training in the performance of routine mental or physical~~  
2 ~~processes.~~

3 Section 70. Effective October 1, 2000, subsections  
4 (1), (3), and (4) of section 447.205, Florida Statutes, are  
5 amended to read:

6 447.205 Public Employees Relations Commission.--  
7 (1) There is hereby created within the Department of  
8 Management Services ~~Labor and Employment Security~~ the Public  
9 Employees Relations Commission, hereinafter referred to as the  
10 "commission." The commission shall be composed of a chair and  
11 two full-time members to be appointed by the Governor, subject  
12 to confirmation by the Senate, from persons representative of  
13 the public and known for their objective and independent  
14 judgment, who shall not be employed by, or hold any commission  
15 with, any governmental unit in the state or any employee  
16 organization, as defined in this part, while in such office.  
17 In no event shall more than one appointee be a person who, on  
18 account of previous vocation, employment, or affiliation, is,  
19 or has been, classified as a representative of employers; and  
20 in no event shall more than one such appointee be a person  
21 who, on account of previous vocation, employment, or  
22 affiliation, is, or has been, classified as a representative  
23 of employees or employee organizations. The commissioners  
24 shall devote full time to commission duties and shall not  
25 engage in any other business, vocation, or employment while in  
26 such office. ~~Beginning January 1, 1980, the chair shall be~~  
27 ~~appointed for a term of 4 years, one commissioner for a term~~  
28 ~~of 1 year, and one commissioner for a term of 2 years.~~  
29 ~~Thereafter,~~ Every term of office shall be for 4 years; and  
30 each term of the office of chair shall commence on January 1  
31 of the second year following each regularly scheduled general

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

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

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

21 Section 71. Subsections (1) and (3) of section  
22 447.208, Florida Statutes, are amended to read:

23 447.208 Procedure with respect to certain appeals  
24 under s. 447.207.--

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

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

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

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

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

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

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

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

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

3           3. The previous employment record and disciplinary  
4 record of the employee.

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

10

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

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

27           Section 72. Subsection (4) of section 447.305, Florida  
28 Statutes, is amended to read:

29           447.305 Registration of employee organization.--

30           (4) Notification of registrations and renewals of  
31 registration shall be furnished at regular intervals by the

1 commission to the Bureau of Workplace Regulation of the  
2 Division of Workers' Compensation ~~Division of Jobs and~~  
3 ~~Benefits~~ of the Department of Insurance ~~Labor and Employment~~  
4 ~~Security~~.

5 Section 73. Paragraph (b) of subsection (3) of section  
6 447.307, Florida Statutes, is amended to read:

7 447.307 Certification of employee organization.--  
8 (3)

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

23 Section 74. Paragraph (a) of subsection (5) of section  
24 447.503, Florida Statutes, is amended to read:

25 447.503 Charges of unfair labor practices.--It is the  
26 intent of the Legislature that the commission act as  
27 expeditiously as possible to settle disputes regarding alleged  
28 unfair labor practices. To this end, violations of the  
29 provisions of s. 447.501 shall be remedied by the commission  
30 in accordance with the following procedures and in accordance  
31 with chapter 120; however, to the extent that chapter 120 is

1 inconsistent with the provisions of this section, the  
2 procedures contained in this section shall govern:

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

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

16 Section 75. Subsection (4) of section 447.504, Florida  
17 Statutes, is amended to read:

18 447.504 Judicial review.--

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

25 Section 76. Effective October 1, 2000, all powers,  
26 duties, functions, rules, records, personnel, property, and  
27 unexpended balances of appropriations, allocations, and other  
28 funds of the Public Employees Relations Commission relating to  
29 the commission's specified authority, powers, duties, and  
30 responsibilities are transferred by a type two transfer, as  
31

1 defined in section 20.06, Florida Statutes, to the Department  
2 of Management Services.

3 Section 77. Subsection (4) of section 450.012, Florida  
4 Statutes, is amended to read:

5 450.012 Definitions.--For the purpose of this chapter,  
6 the word, phrase, or term:

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

11 Section 78. Subsection (3) of section 450.061, Florida  
12 Statutes, is amended to read:

13 450.061 Hazardous occupations prohibited;  
14 exemptions.--

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

25 Section 79. Paragraph (c) of subsection (5) of section  
26 450.081, Florida Statutes, is amended to read:

27 450.081 Hours of work in certain occupations.--

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

30 (c) Minors enrolled in a public educational  
31 institution who qualify on a hardship basis such as economic



1 necessity or family emergency. Such determination shall be  
2 made by the school superintendent or his or her designee, and  
3 a waiver of hours shall be issued to the minor and the  
4 employer. The form and contents thereof shall be prescribed by  
5 the department division.

6 Section 80. Section 450.095, Florida Statutes, is  
7 amended to read:

8 450.095 Waivers.--In extenuating circumstances when it  
9 clearly appears to be in the best interest of the child, the  
10 department division may grant a waiver of the restrictions  
11 imposed by the Child Labor Law on the employment of a child.  
12 Such waivers shall be granted upon a case-by-case basis and  
13 shall be based upon such factors as the department division,  
14 by rule, establishes as determinative of whether such waiver  
15 is in the best interest of a child.

16 Section 81. Subsections (1), (2), and (5) of section  
17 450.121, Florida Statutes, are amended to read:

18 450.121 Enforcement of Child Labor Law.--

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

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

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

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

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

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

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

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

30           Section 82. Subsections (1), (2), (3), (4), and (5) of  
31 section 450.132, Florida Statutes, are amended to read:

1           450.132 Employment of children by the entertainment  
2 industry; rules; procedures.--

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

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

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

27           (4) Any duly qualified entertainment industry employer  
28 may employ any minor. However, if any entertainment industry  
29 employer employing a minor causes, permits, or suffers such  
30 minor to be placed under conditions which are dangerous to the  
31 life or limb or injurious or detrimental to the health or

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

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

13 Section 83. Subsections (2) and (3) of section  
14 450.141, Florida Statutes, are amended to read:

15 450.141 Employing minor children in violation of law;  
16 penalties.--

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

27 (3) If the department ~~division~~ has reasonable grounds  
28 for believing there has been a violation of this part or any  
29 rule adopted pursuant thereto, it shall give written notice to  
30 the person alleged to be in violation. Such notice shall  
31 include the provision or rule alleged to be violated, the

1 facts alleged to constitute such violation, and requirements  
2 for remedial action within a time specified in the notice. No  
3 fine may be levied unless the person alleged to be in  
4 violation fails to take remedial action within the time  
5 specified in the notice.

6 Section 84. Paragraph (j) of subsection (1) of section  
7 450.191, Florida Statutes, is amended to read:

8 450.191 Executive Office of the Governor; powers and  
9 duties.--

10 (1) The Executive Office of the Governor is authorized  
11 and directed to:

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

17 Section 85. Subsection (2) of section 450.28, Florida  
18 Statutes, is amended to read:

19 450.28 Definitions.--

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

24 Section 86. Section 450.30, Florida Statutes, is  
25 amended to read:

26 450.30 Requirement of certificate of registration;  
27 education and examination program.--

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

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

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

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

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

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

28           (a) During the prior certification period, the  
29 division issued a final order assessing a civil monetary  
30 penalty or revoked or refused to renew or issue a certificate  
31 of registration; or

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

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

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

11           Section 87. Subsections (1), (2), and (4) of section  
12 450.31, Florida Statutes, are amended to read:

13           450.31 Issuance, revocation, and suspension of, and  
14 refusal to issue or renew, certificate of registration.--

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

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

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

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

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

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

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

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

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

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

21 Section 88. Subsections (1), (4), (5), (6), (8), (9),  
22 and (10) of section 450.33, Florida Statutes, are amended to  
23 read:

24 450.33 Duties of farm labor contractor.--Every farm  
25 labor contractor must:

26 (1) Carry his or her certificate of registration with  
27 him or her at all times and exhibit it to all persons with  
28 whom the farm labor contractor intends to deal in his or her  
29 capacity as a farm labor contractor prior to so dealing and,  
30 upon request, to persons designated by the department  
31 ~~division~~.



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

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

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

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

26           (9) Produce evidence to the department ~~division~~ that  
27 each vehicle he or she uses for the transportation of  
28 employees complies with the requirements and specifications  
29 established in chapter 316, s. 316.620, or Pub. L. No. 93-518  
30 as amended by Pub. L. No. 97-470 meeting Department of  
31 Transportation requirements or, in lieu thereof, bears a valid

1 inspection sticker showing that the vehicle has passed the  
2 inspection in the state in which the vehicle is registered.

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

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

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

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

25 Section 89. Section 450.35, Florida Statutes, is  
26 amended to read:

27 450.35 Certain contracts prohibited.--It is unlawful  
28 for any person to contract for the employment of farm workers  
29 with any farm labor contractor as defined in this act until  
30 the labor contractor displays to him or her a current  
31

1 certificate of registration issued by the department ~~division~~  
2 pursuant to the requirements of this part.

3 Section 90. Section 450.36, Florida Statutes, is  
4 amended to read:

5 450.36 Rules and regulations.--The department ~~division~~  
6 may adopt rules necessary to enforce and administer this part.

7 Section 91. Section 450.37, Florida Statutes, is  
8 amended to read:

9 450.37 Cooperation with federal agencies.--The  
10 department ~~division~~ shall, whenever appropriate, cooperate  
11 with any federal agency.

12 Section 92. Subsections (2), (3), and (4) of section  
13 450.38, Florida Statutes, are amended to read:

14 450.38 Enforcement of farm labor contractor laws.--

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

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

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

19           Section 93. (1) In anticipation of its assumption of  
20 responsibilities from the Department of Labor and Employment  
21 Security relating to unemployment compensation, as provided in  
22 this act, the Department of Revenue shall prepare a report  
23 with recommendations on the fiscal management of funds under  
24 the Unemployment Compensation Trust Fund and any other funds  
25 related to unemployment compensation activities conducted  
26 under state or federal law. The report shall include, but is  
27 not limited to, an analysis of options and recommendations for  
28 distributing unemployment compensation funds to units of state  
29 government with responsibilities under the unemployment  
30 compensation program and for allocating costs associated with  
31 such program and funds. The report and recommendations shall

1 be submitted to the Governor, the President of the Senate, the  
2 Speaker of the House of Representatives, and members of the  
3 Labor and Employment Security Transition Team by September 1,  
4 2000.

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

13 (3) This section shall take effect upon this act  
14 becoming a law.

15 Section 94. (1) The Department of Labor and  
16 Employment Security, in conjunction with the Department of  
17 Management Services, may offer, subject to the provisions of  
18 this section, active employees of the Department of Labor and  
19 Employment Security who have 27 or more years of creditable  
20 service in a state-administered retirement system, a one-time  
21 voluntary reduction-in-force payment. Such payment shall  
22 represent a payment of insurance costs and shall be paid as an  
23 annuity to be purchased by the Department of Labor and  
24 Employment Security within the amounts appropriated for salary  
25 and benefits in the General Appropriations Act for fiscal year  
26 2000-2001, which shall include funds derived from eliminating  
27 vacated positions. There shall be no annualization costs  
28 associated with this plan. The Secretary of Labor and  
29 Employment Security shall be deemed to be the public employer  
30 for purposes of negotiating the terms and conditions related  
31 to the reduction-in-force payments authorized by this section.

1 All persons retiring under this program must do so by  
2 September 30, 2000.

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

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

20 (4) This section shall take effect upon becoming a  
21 law.

22 Section 95. Notwithstanding any other provision of  
23 law, any binding contract or interagency agreement existing on  
24 or before January 1, 2001, between the Department of Labor and  
25 Employment Security, or an entity or agent of the department,  
26 and any other agency, entity, or person shall continue as a  
27 binding contract or agreement for the remainder of the term of  
28 such contract or agreement with the successor department,  
29 agency, or entity responsible for the program, activity, or  
30 functions relative to the contract or agreement.

31

1           Section 96. This act does not affect the validity of  
2 any judicial or administrative proceeding involving the  
3 Department of Labor and Employment Security which is pending  
4 as of the effective date of any transfer under this act. The  
5 successor department, agency, or entity responsible for the  
6 program, activity, or function relative to the proceeding  
7 shall be substituted, as of the effective date of the  
8 applicable transfer under this act, for the Department of  
9 Labor and Employment Security as a party in interest in any  
10 such proceedings.

11           Section 97. If any provision of this act or its  
12 application to any person or circumstance is held invalid, the  
13 invalidity does not affect other provisions or applications of  
14 the act which can be given effect without the invalid  
15 provision or application, and to this end the provisions of  
16 this act are severable.

17           Section 98. Except as otherwise expressly provided in  
18 this act, this act shall take effect July 1, 2000, except that  
19 this act shall not take effect unless Committee Substitute for  
20 Senate Bill 2050, or similar legislation reassigning  
21 responsibilities of the Division of Workforce and Employment  
22 Opportunities of the Department of Labor and Employment  
23 Security to another agency or entity, becomes a law.  
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