

By the Committee on Transportation & Economic Development
Appropriations and Representative Gay

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

1 Division of Unemployment Compensation to the
2 Agency for Workforce Innovation; requiring a
3 contract between the Agency for Workforce
4 Innovation and the Department of Revenue for
5 unemployment tax collection services by the
6 Department of Revenue; providing a limitation
7 on certain administrative support services
8 positions; requiring the Office of Program
9 Policy Analysis and Government Accountability
10 to conduct a study regarding the feasibility of
11 privatizing unemployment tax collection
12 services; requiring the Division of Statutory
13 Revision to prepare a reviser's bill; providing
14 for a type two transfer of the Office of
15 Information Systems from the Department of
16 Labor and Employment Security to the State
17 Technology Office; providing an exception for
18 certain portions of the office to be
19 transferred to the Agency for Workforce
20 Innovation; providing for a type two transfer
21 of the Minority Business Advocacy and
22 Assistance Office from the Department of Labor
23 and Employment Security to the Department of
24 Management Services; creating the Florida Task
25 Force on Workplace Safety; prescribing
26 membership of the task force; providing the
27 purpose of the task force; providing for
28 staffing and administration of the task force;
29 providing for the sharing of information;
30 requiring a report; authorizing the Division of
31 Workers' Compensation to establish time-limited

1 positions related to workplace safety;
2 authorizing the division to establish permanent
3 positions upon completion of the task force
4 report; providing for transfer of certain
5 records and property; providing for termination
6 of the task force; amending s. 39 of ch.
7 99-240, Laws of Florida; providing for the
8 transfer of the Division of Blind Services to
9 the Department of Education on October 1, 2000,
10 rather than January 1, 2001; correcting a cross
11 reference; providing a limitation of
12 administrative support services; providing
13 legislative intent regarding the transfer of
14 functions of the Department of Labor and
15 Employment Security; providing for reemployment
16 assistance for dislocated department employees;
17 providing hiring preference for such employees;
18 providing for the transfer of certain records
19 and funds; creating the Labor and Employment
20 Security Transition Team; prescribing
21 membership of the transition team; providing
22 for staffing; requiring reports; providing for
23 the termination of the transition team;
24 authorizing the transition team to use
25 unexpended funds to settle certain claims;
26 requiring the transition team to monitor and
27 approve certain personnel hirings and
28 transfers; requiring the submission of a budget
29 amendment to allocate resources of the
30 Department of Labor and Employment Security;
31 exempting specified state agencies, on a

1 temporary basis, from provisions relating to
2 procurement of property and services and
3 leasing of space; authorizing specified state
4 agencies to develop temporary emergency rules
5 relating to the implementation of this act;
6 requiring the Department of Revenue to notify
7 businesses relating to the transfer of
8 unemployment compensation tax responsibilities;
9 authorizing the Department of Revenue to
10 perform certain duties relating to unemployment
11 compensation tax previously assigned to the
12 Department of Labor and Employment Security;
13 authorizing the Department of Revenue to
14 determine the most efficient and effective
15 method for administering, collecting,
16 enforcing, and auditing the unemployment
17 compensation tax; amending s. 287.012, F.S.;
18 revising a definition to conform to the
19 transfer of the Minority Business Advocacy and
20 Assistance Office to the Department of
21 Management Services; amending s. 287.0947,
22 F.S.; revising a reference to the Florida
23 Advisory Council on Small and Minority Business
24 Development to conform to changes made by the
25 act; amending s. 287.09451, F.S.; revising
26 provisions relating to the powers, duties, and
27 functions of the Minority Business Advocacy and
28 Assistance Office to conform to changes made by
29 the act; amending s. 20.15, F.S.; establishing
30 the Division of Occupational Access and
31 Opportunity within the Department of Education;

1 providing that the Occupational Access and
2 Opportunity Commission is the director of the
3 division; requiring the department to assign
4 certain powers, duties, responsibilities, and
5 functions to the division; excepting from
6 appointment by the Commissioner of Education
7 members of the commission, the Florida
8 Rehabilitation Council, and the Florida
9 Independent Living Council; amending s. 120.80,
10 F.S.; providing that hearings on certain
11 vocational rehabilitation determinations by the
12 Occupational Access and Opportunity Commission
13 need not be conducted by an administrative law
14 judge; amending ss. 413.034, 413.051, 413.064,
15 413.066, 413.067, 413.395, F.S.; conforming
16 departmental references to reflect the transfer
17 of the Division of Blind Services to the
18 Department of Education; expressing the intent
19 of the Legislature that the provisions of this
20 act relating to blind services not conflict
21 with federal law; providing procedures in the
22 event such conflict is asserted; amending s.
23 413.83, F.S.; specifying that appointment of
24 members to the commission is subject to Senate
25 confirmation; revising composition of and
26 appointments to the commission; eliminating a
27 requirement that the Rehabilitation Council
28 serve the commission; authorizing the
29 commission to establish an advisory council
30 composed of representatives from not-for-profit
31 organizations under certain conditions;

1 clarifying the entitlement of commission
2 members to reimbursement for certain expenses;
3 amending s. 413.84, F.S.; designating the
4 commission as the director of the Division of
5 Occupational Access and Opportunity; specifying
6 responsibilities of the commission; authorizing
7 the commission to adopt administrative rules;
8 authorizing the commission to hire a division
9 director; revising the timeframe for
10 implementation of the 5-year plan prepared by
11 the commission; expanding the authority of the
12 commission to contract with the corporation;
13 removing a requirement for federal approval to
14 contract with a direct-support organization;
15 authorizing the commission to appear on its own
16 behalf before the Legislature; amending s.
17 413.85, F.S.; eliminating limitations on the
18 tax status of the Occupational Access and
19 Opportunity Corporation; specifying that the
20 corporation is not an agency for purposes of
21 certain government procurement laws; applying
22 provisions relating to waiver of sovereign
23 immunity to the corporation; providing that the
24 board of directors of the corporation be
25 composed of no fewer than seven and no more
26 than 15 members and that a majority of its
27 members be members of the commission;
28 authorizing the corporation to hire certain
29 individuals employed by the Division of
30 Vocational Rehabilitation; providing for a
31 lease agreement governing such employees;

1 prescribing terms of such lease agreement;
2 amending s. 413.86, F.S.; conforming an
3 organizational reference; amending s. 413.87,
4 F.S.; conforming provisions relating to an
5 annual audit to changes made in the act;
6 amending s. 413.88, F.S.; conforming provisions
7 relating to an annual report to changes made in
8 the act; amending s. 413.89, F.S.; designating
9 the department the state agency effective July
10 1, 2000, and the commission the state agency
11 effective October 1, 2000, for purposes of
12 compliance with federal law; deleting an
13 obsolete reference; authorizing the department
14 and the commission to provide for continued
15 administration during the time between July 1,
16 2000, and October 1, 2000; amending s. 413.90,
17 F.S.; deleting a provision relating to
18 designation of an administrative entity;
19 designating a state agency and state unit for
20 specified purposes; transferring certain
21 components of the Division of Vocational
22 Rehabilitation to the Department of Education;
23 requiring a reduction in positions; providing
24 for a budget amendment; providing for a
25 transfer of certain administrative resources of
26 the Department of Labor and Employment Security
27 to the Department of Education; amending s.
28 413.91, F.S.; deleting reference to designated
29 administrative entity; requiring the commission
30 to assure that all contractors maintain quality
31 control and are fit to undertake

1 responsibilities; amending s. 413.92, F.S.;
2 specifying entities answerable to the Federal
3 Government in the event of a conflict with
4 federal law; repealing s. 413.93, F.S.,
5 relating to the designated state agency under
6 federal law; amending s. 440.02, F.S.;
7 conforming the definitions of "department" and
8 "division" to the transfer of the Division of
9 Workers' Compensation to the Department of
10 Insurance; amending s. 440.207, F.S.;
11 conforming a departmental reference; amending
12 s. 440.385, F.S.; deleting obsolete provisions;
13 conforming departmental references relating to
14 the Florida Self-Insurance Guaranty
15 Association, Inc.; amending s. 440.44, F.S.;
16 conforming provisions; amending s. 440.4416,
17 F.S.; reassigning the Workers' Compensation
18 Oversight Board to the Department of Insurance;
19 amending s. 440.45, F.S.; reassigning the
20 Office of the Judges of Compensation Claims to
21 the Department of Insurance; amending s.
22 440.49, F.S.; reassigning responsibility for a
23 report on the Special Disability Trust Fund to
24 the Department of Insurance; amending s.
25 443.012, F.S.; providing for the Unemployment
26 Appeals Commission to be created within the
27 Department of Management Services rather than
28 the Department of Labor and Employment
29 Security; conforming provisions; providing for
30 the transfer of the Unemployment Appeals
31 Commission to the Department of Management

1 Services by a type two transfer; amending s.
2 443.036, F.S.; conforming the definition of
3 "commission" to the transfer of the
4 Unemployment Appeals Commission to the
5 Department of Management Services; conforming
6 the definition of "division" to the transfer of
7 the Division of Unemployment Compensation to
8 the Agency for Workforce Innovation; revising
9 the definition of "employment office"; amending
10 s. 443.091, F.S.; conforming terminology;
11 amending s. 443.131, F.S.; conforming
12 terminology; amending s. 443.151, F.S.;
13 providing for unemployment compensation appeals
14 referees to be appointed by the Unemployment
15 Appeals Commission; requiring the Department of
16 Management Services to provide facilities to
17 the appeals referees and the commission;
18 requiring the Division of Unemployment
19 Compensation to post certain notices in
20 one-stop career centers; amending s. 443.171,
21 F.S.; conforming duties of the Division of
22 Unemployment Compensation and appointment of
23 the Unemployment Compensation Advisory Council
24 to reflect program transfer to the Department
25 of Revenue; conforming cross-references;
26 amending s. 443.1715, F.S.; permitting the
27 release of confidential information to agents
28 of public employees; amending s. 443.1716,
29 F.S., relating to the electronic access of
30 employer information; revising certain
31 criteria; conforming terminology; amending s.

1 443.211, F.S.; conforming provisions;
2 authorizing the Unemployment Appeals Commission
3 to approve payments from the Employment
4 Security Administration Trust Fund; providing
5 for use of funds in the Special Employment
6 Security Administration Trust Fund by the
7 Unemployment Appeals Commission and the Agency
8 for Workforce Innovation; amending s. 443.221,
9 F.S.; conforming terminology; amending s.
10 443.231, F.S., relating to the Florida Training
11 Investment Program; revising eligibility
12 criteria; conforming terminology; amending ss.
13 447.02, 447.04, 447.041, 447.045, 447.06,
14 447.12, and 447.16, F.S.; providing for part I
15 of ch. 447, F.S., relating to the regulation of
16 labor organizations to be administered by the
17 Department of Insurance; deleting references to
18 the Division of Jobs and Benefits and the
19 Department of Labor and Employment Security;
20 amending s. 447.203, F.S.; clarifying the
21 definition of professional employee; amending
22 s. 447.205, F.S.; conforming provisions to
23 reflect the transfer of the Public Employees
24 Relations Commission to the Department of
25 Management Services and deleting obsolete
26 provisions; amending s. 447.208, F.S.;
27 clarifying the procedure for appeals, charges,
28 and petitions; amending s. 447.305, F.S.,
29 relating to the registration of employee
30 organizations; providing for the Public
31 Employees Relations Commission to share

1 registration information with the Department of
2 Insurance; amending s. 447.307, F.S.;
3 authorizing the commission to modify existing
4 bargaining units; amending s. 447.503, F.S.;
5 clarifying procedures; amending s. 447.504,
6 F.S.; authorizing the commission to stay
7 certain procedures; providing for the transfer
8 of the commission to the Department of
9 Management Services by a type two transfer;
10 repealing s. 447.609, F.S., relating to
11 representation in commission cases; amending
12 ss. 450.012, 450.061, 450.081, 450.095,
13 450.121, 450.132, and 450.141, F.S.; providing
14 for part I of ch. 450, F.S., relating to child
15 labor, to be administered by the Department of
16 Insurance; deleting references to the Division
17 of Jobs and Benefits and the Department of
18 Labor and Employment Security; amending s.
19 450.191, F.S., relating to the duties of the
20 Executive Office of the Governor with respect
21 to migrant labor; conforming provisions to
22 changes made by the act; amending ss. 450.28,
23 450.30, 450.31, 450.33, 450.35, 450.36, 450.37,
24 and 450.38, F.S., relating to farm labor
25 registration; providing for part III of ch.
26 450, F.S., to be administered by the Department
27 of Insurance; deleting references to the
28 Division of Jobs and Benefits and the
29 Department of Labor and Employment Security;
30 requiring the Department of Revenue to report
31 on disbursement and cost-allocation of

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

17

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

19

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

22

23 Section 2. (1) Effective July 1, 2000, the Division
24 of Workers' Compensation and the Office of the Judges of
25 Compensation Claims are transferred by a type one transfer, as
26 defined in section 20.06(1), Florida Statutes, from the
27 Department of Labor and Employment Security to the Department
28 of Insurance. The Department of Insurance, in consultation
29 with the Department of Labor and Employment Security, shall
30 determine the number of positions needed for administrative
31 support of the programs within the Division of Workers'
Compensation and the Office of the Judges of Compensation

1 Claims as transferred to the Department of Insurance. The
2 number of administrative support positions the Department of
3 Insurance determines are needed shall not exceed the number of
4 administrative support positions that, prior to the transfer,
5 were authorized to the Department of Labor and Employment
6 Security for this purpose. Upon transfer of the division of
7 Workers' Compensation and the Office of the Judges of
8 Compensation Claims, the number of required administrative
9 support positions, as determined by the Department of
10 Insurance, shall be authorized within the Department of
11 Insurance.

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

25 (3) Effective July 1, 2000, any other powers, duties,
26 functions, rules, records, property, and unexpended balances
27 of appropriations, allocations, and other funds of the
28 Department of Labor and Employment Security, not otherwise
29 transferred by this act, relating to workplace regulation and
30 enforcement, including, but not limited to, those under
31 chapter 448, Florida Statutes, are transferred by a type two

1 transfer, as defined in section 20.06(2), Florida Statutes,
2 from the Department of Labor and Employment Security to the
3 Bureau of Workplace Regulation in the Division of Workers'
4 Compensation of the Department of Insurance.

5 (4) Effective July 1, 2000, the records, property, and
6 unexpended balances of appropriations, allocations, and other
7 funds and resources of the Office of the Secretary and the
8 Office of Administrative Services of the Department of Labor
9 and Employment Security which support the activities and
10 functions transferred under subsections (1), (2), and (3) are
11 transferred as provided in s. 20.06(2), Florida Statutes, to
12 the Division of Worker's Compensation.

13 Section 3. Paragraph (k) is added to subsection (2) of
14 section 20.13, Florida Statutes, and subsection (7) is added
15 to said section, to read:

16 20.13 Department of Insurance.--There is created a
17 Department of Insurance.

18 (2) The following divisions of the Department of
19 Insurance are established:

20 (k) Division of Workers' Compensation.

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

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

25 Section 4. Effective January 1, 2001, the Division of
26 Unemployment Compensation is transferred by a type two
27 transfer, as defined in section 20.06(2), Florida Statutes,
28 from the Department of Labor and Employment Security to the
29 Agency for Workforce Innovation. The resources, data,
30 records, property, and unexpended balances of appropriations,
31 allocations, and other funds within the Office of the

1 Secretary or any other division, office, bureau, or unit
2 within the Department of Labor and Employment Security that
3 support the Division of Unemployment Compensation are
4 transferred by a type two transfer, as defined in section
5 20.06(2), Florida Statutes, from the Department of Labor and
6 Employment Security. By January 1, 2001, the Agency for
7 Workforce Innovation shall enter into a contract with the
8 Department of Revenue which shall provide for the Department
9 of Revenue to provide unemployment tax collection services.
10 The Department of Revenue, in consultation with the Department
11 of Labor and Employment Security, shall determine the number
12 of positions needed to provide unemployment tax collection
13 services within the Department of Revenue. The number of
14 unemployment tax collection service positions the Department
15 of Revenue determines are needed shall not exceed the number
16 of positions that, prior to the contract, were authorized to
17 the Department of Labor and Employment Security for this
18 purpose. Upon entering into the contract with the Agency for
19 Workforce Innovation to provide unemployment tax collection
20 services, the number of required positions, as determined by
21 the Department of Revenue, shall be authorized within the
22 Department of Revenue. Beginning January 1, 2002, the Office
23 of Program Policy Analysis and Government Accountability shall
24 conduct a feasibility study regarding privatization of
25 unemployment tax collection services. A report on the
26 conclusions of this study shall be submitted to the Governor,
27 the President of the Senate, and the Speaker of the House of
28 Representatives.

29 Section 5. The Division of Statutory Revision of the
30 Office of Legislative Services is directed to prepare a
31 reviser's bill for introduction at the 2001 Regular Session of

1 the Legislature to change "Division of Unemployment
2 Compensation" to "Agency for Workforce Innovation" and
3 "division" to "agency" wherever the terms or phrases appear in
4 chapter 443, Florida Statutes.

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

16 Section 7. Effective October 1, 2000, the Minority
17 Business Advocacy and Assistance Office is transferred by a
18 type two transfer, as defined in section 20.06(2), Florida
19 Statutes, from the Department of Labor and Employment Security
20 to the Department of Management Services.

21 Section 8. (1) Effective upon this act becoming a
22 law, the Florida Task Force on Workplace Safety is established
23 within the Department of Insurance. All members of the task
24 force shall be appointed prior to July 15, 2000, and the task
25 force shall hold its first meeting by August 15, 2000. The
26 task force shall be composed of 15 members as follows:

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

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

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

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

13 (d) One member appointed from the private sector by
14 the Insurance Commissioner.

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

17
18 The Insurance Commissioner, or the commissioner's designee
19 from the Department of Insurance, shall serve as an ex
20 officio, nonvoting member of the task force.

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

28 (a) Alternative organizational structures for the
29 delivery of workplace safety assistance services to businesses
30 following the repeal of the Division of Safety of the
31

1 Department of Labor and Employment Security by s. 14, chapter
2 99-240, Laws of Florida.

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

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

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

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

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

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

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

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

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

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

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

10 (7)(a) During fiscal year 2000-2001, the Division of
11 Workers' Compensation of the Department of Insurance is
12 authorized to establish 60 time-limited positions on July 1,
13 2000, which shall be responsible for the 21(d) federal grant
14 from the Occupational Safety and Health Administration and for
15 the core responsibilities under a program for enforcement of
16 safety and health regulations in the public sector.

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

25 (c) Effective July 1, 2000, all records, property, and
26 equipment of the Division of Safety of the Department of Labor
27 and Employment Security, repealed by s. 14, chapter 99-240,
28 Laws of Florida, shall be transferred to the Bureau of
29 Workplace Safety of the Division of Workers' Compensation of
30 the Department of Insurance for the bureau to retain, use, and
31 maintain during the deliberations of the task force.

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

3 Section 9. Effective upon this act becoming a law,
4 section 39 of chapter 99-240, Laws of Florida, is amended to
5 read:

6 Section 39. Effective October 1, 2000 ~~January 1, 2001~~,
7 the Division of Blind Services is transferred by a type two
8 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida
9 Statutes, from the Department of Labor and Employment Security
10 to the Department of Education. The Department of Education,
11 in consultation with the Department of Labor and Employment
12 Security, shall determine the number of positions needed for
13 administrative support of the programs within the Division of
14 Blind Services as transferred to the Department of Education.
15 The number of administrative support positions the Department
16 of Education determines are needed shall not exceed the number
17 of administrative support positions that, prior to the
18 transfer, were authorized to the Department of Labor and
19 Employment Security for this purpose. Upon transfer of the
20 Division of Blind Services, the number of required
21 administrative support positions, as determined by the
22 Department of Education, shall be authorized within the
23 Department of Education.

24 Section 10. (1) It is the intent of the Legislature
25 that the transfer of responsibilities from the Department of
26 Labor and Employment Security to other units of state
27 government, as prescribed by this act, be accomplished with
28 minimal disruption of services provided to the public and with
29 minimal disruption to the employees of the department. To that
30 end, the Legislature finds that a transition period during
31 which the activities of the department will be systematically

1 reduced and the activities of the other applicable units of
2 state government will be strategically increased is
3 appropriate and warranted.

4 (2) The Department of Labor and Employment Security
5 and the Department of Management Services shall provide
6 coordinated reemployment assistance to employees of the
7 Department of Labor and Employment Security who are dislocated
8 as a result of this act. The state Workforce Development
9 Board, the regional workforce boards, and staff of the
10 one-stop career centers shall provide assistance to the
11 departments in carrying out the provisions of this section.

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

26 (4)(a) There is created the Labor and Employment
27 Security Transition Team, which shall be responsible for
28 coordinating and overseeing actions necessary to ensure the
29 timely, comprehensive, efficient, and effective implementation
30 of the provisions of this act, as well as implementing any
31 statutory changes affecting the Department of Labor and

1 Employment Security's provision of workforce placement and
2 development services through the Division of Workforce and
3 Employment Opportunities.
4 (b) The transition team shall consist of the following
5 members:
6 1. The Governor or the Governor's designee, who shall
7 serve as chair of the transition team and who shall convene
8 meetings of the transition team.
9 2. The Secretary of Labor and Employment Security or
10 the secretary's designee.
11 3. The Secretary of Management Services or the
12 secretary's designee.
13 4. The Commissioner of Insurance or the commissioner's
14 designee.
15 5. The executive director of the Department of Revenue
16 or the executive director's designee.
17 6. The director of the Agency for Workforce Innovation
18 or the director's designee.
19 7. The president of Workforce Florida, Inc., or the
20 president's designee.
21 8. The Chief Information Officer for the state.
22 9. Any other members deemed necessary by, and
23 appointed by, the Governor.
24 (c) Staff of the Office of Policy and Budget within
25 the Executive Office of the Governor shall serve as staff for
26 the transition team. In addition, each member of the
27 transition team shall appoint appropriate staff members from
28 the organization that he or she represents to serve as
29 liaisons to the transition team and to assist the transition
30 team as necessary. Each member of the transition team shall be
31

1 responsible for ensuring that the organization that he or she
2 represents cooperates fully in the implementation of this act.

3 (d) Between the date this act becomes a law and
4 January 1, 2001, the transition team shall submit bimonthly to
5 the Governor, the President of the Senate, and the Speaker of
6 the House of Representatives brief status reports on the
7 progress and on any significant problems in implementing this
8 act.

9 (e) By February 2, 2001, the transition team shall
10 submit to the Governor, the President of the Senate, and the
11 Speaker of the House of Representatives a comprehensive report
12 on the transition of the Department of Labor and Employment
13 Security. The report shall include any recommendations
14 regarding legislative action necessary to be taken during the
15 2001 Regular Session of the Legislature to address substantive
16 or technical issues related to the department's transition.
17 The transition team shall terminate on May 15, 2001.

18 (5) The transfer of any programs, activities, and
19 functions under this act shall include the transfer of any
20 records and unexpended balances of appropriations,
21 allocations, or other funds related to such programs,
22 activities, and functions. Any surplus records and unexpended
23 balances of appropriations, allocations, or other funds not so
24 transferred shall be transferred to the Department of
25 Management Services for proper disposition. The Department of
26 Management Services shall become the custodian of any property
27 of the Department of Labor and Employment Security which is
28 not otherwise transferred, for the purposes of chapter 273,
29 Florida Statutes. The Department of Management Services is
30 authorized to permit the use of such property by organizations
31 as necessary to implement the provisions of this act.

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

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

17 (8) The transition team may submit proposals to the
18 Governor and recommend budget amendments to ensure the
19 effective implementation of this act, maintenance of federal
20 funding, and continuation of services to customers without
21 interruption. By October 1, 2000, the transition team shall
22 recommend the provisions of a Department of Labor and
23 Employment Security budget amendment to allocate the resources
24 of the Office of the Secretary, Office of Administrative
25 Services, Division of Unemployment Compensation, and other
26 resources of the Department of Labor and Employment Security
27 not otherwise transferred by this act. The allocation of
28 resources pursuant to this budget amendment must provide for
29 the maintenance of the department until January 1, 2001, in
30 order to complete activities related to the dissolution of the
31 department, and must reserve any remaining funds or positions.

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

3 Section 11. (1) To expedite the acquisition of goods
4 and services for implementing the provisions of this act, the
5 Department of Revenue, the Department of Insurance, the
6 Department of Management Services, and the Agency for
7 Workforce Innovation are exempt from the provisions of chapter
8 287, Florida Statutes, when contracting for the purchase or
9 lease of goods or services under this act.

10 (2) This section shall take effect upon this act
11 becoming a law and shall expire January 1, 2001.

12 Section 12. (1) To expedite the leasing of facilities
13 for implementing the provisions of this act, the Department of
14 Revenue, the Department of Insurance, the Department of
15 Management Services, and the Agency for Workforce Innovation
16 are exempt from the requirements of any state laws relating to
17 the leasing of space, including, but not limited to, the
18 requirements imposed by section 255.25, Florida Statutes, and
19 any rules adopted under such laws, provided, however, that all
20 leases entered into under this act through January 1, 2001,
21 must be submitted for approval to the Department of Management
22 Services at the earliest practicable time.

23 (2) This section shall take effect upon this act
24 becoming a law and shall expire January 1, 2001.

25 Section 13. Notwithstanding the provisions of chapter
26 120, Florida Statutes, to the contrary, the Department of
27 Revenue, the Department of Insurance, the Department of
28 Management Services, and the Agency for Workforce Innovation
29 are authorized to develop emergency rules relating to and in
30 furtherance of the orderly implementation of the provisions of
31

1 this act. These emergency rules shall be valid for a period of
2 270 days after the effective date of this act.

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

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

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

25 Section 15. Effective October 1, 2000, subsection (19)
26 of section 287.012, Florida Statutes, is amended to read:

27 287.012 Definitions.--The following definitions shall
28 apply in this part:

29 (19) "Office" means the Minority Business Advocacy and
30 Assistance Office of the Department of Management Services
31 ~~Labor and Employment Security.~~

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

3 287.0947 Florida Council on Small and Minority
4 Business Development; creation; membership; duties.--

5 (1) On or after October 1, 2000 ~~1996~~, the secretary of
6 the Department of Management Services ~~Labor and Employment~~
7 ~~Security~~ may create the Florida Advisory Council on Small and
8 Minority Business Development with the purpose of advising and
9 assisting the secretary in carrying out the secretary's duties
10 with respect to minority businesses and economic and business
11 development. It is the intent of the Legislature that the
12 membership of such council include practitioners, laypersons,
13 financiers, and others with business development experience
14 who can provide invaluable insight and expertise for this
15 state in the diversification of its markets and networking of
16 business opportunities. The council shall initially consist of
17 19 persons, each of whom is or has been actively engaged in
18 small and minority business development, either in private
19 industry, in governmental service, or as a scholar of
20 recognized achievement in the study of such matters.

21 Initially, the council shall consist of members representing
22 all regions of the state and shall include at least one member
23 from each group identified within the definition of "minority
24 person" in s. 288.703(3), considering also gender and
25 nationality subgroups, and shall consist of the following:

26 (a) Four members consisting of representatives of
27 local and federal small and minority business assistance
28 programs or community development programs.

29 (b) Eight members composed of representatives of the
30 minority private business sector, including certified minority
31 business enterprises and minority supplier development

1 councils, among whom at least two shall be women and at least
2 four shall be minority persons.

3 (c) Two representatives of local government, one of
4 whom shall be a representative of a large local government,
5 and one of whom shall be a representative of a small local
6 government.

7 (d) Two representatives from the banking and insurance
8 industry.

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

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

13

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

19 Section 17. Effective October 1, 2000, subsections (2)
20 and (3) and paragraph (h) of subsection (4) of section
21 287.09451, Florida Statutes, are amended to read:

22 287.09451 Minority Business Advocacy and Assistance
23 Office; powers, duties, and functions.--

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

29 (3) The Secretary of the Department of Management
30 Services ~~secretary~~ shall appoint an executive director for the

31

1 Minority Business Advocacy and Assistance Office, who shall
2 serve at the pleasure of the secretary.

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

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

17 Section 18. Effective upon this act becoming a law,
18 subsections (4) and (6) of section 20.15, Florida Statutes,
19 are amended, paragraph (j) is added to subsection (3) of said
20 section, and paragraph (d) is added to subsection (5) of said
21 section, to read:

22 20.15 Department of Education.--There is created a
23 Department of Education.

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

26 (j) Division of Occupational Access and Opportunity.

27 (4) DIRECTORS.--The Board of Regents is the director
28 of the Division of Universities, the Occupational Access and
29 Opportunity Commission is the director of the Division of
30 Occupational Access and Opportunity, and the State Board of
31 Community Colleges is the director of the Division of

1 Community Colleges, pursuant to chapter 240. The directors of
2 all other divisions shall be appointed by the commissioner
3 subject to approval by the state board.

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

6 (d) Shall assign to the Division of Occupational
7 Access and Opportunity such powers, duties, responsibilities,
8 and functions as are necessary to ensure the coordination,
9 efficiency, and effectiveness of its programs, including, but
10 not limited to, vocational rehabilitation and independent
11 living services to persons with disabilities which services
12 are funded under the Rehabilitation Act of 1973, as amended,
13 except for:

14 1. Those duties specifically assigned to the Division
15 of Blind Services of the Department of Education.

16 2. Those duties specifically assigned to the
17 Commissioner of Education in ss. 229.512 and 229.551.

18 3. Those duties concerning physical facilities in
19 chapter 235.

20 4. Those duties assigned to the State Board of
21 Community Colleges in chapter 240.

22 5. Those duties assigned to the Division of Workforce
23 Development in chapter 239.

24
25 Effective October 1, 2000, the Occupational Access and
26 Opportunity Commission shall assume all responsibilities
27 necessary to be the designated state agency for purposes of
28 compliance with the Rehabilitation Act of 1973, as amended.

29 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
30 contained in law to the contrary, the Commissioner of
31 Education shall appoint all members of all councils and

1 committees of the Department of Education, except the Board of
2 Regents, the State Board of Community Colleges, the community
3 college district boards of trustees, the Postsecondary
4 Education Planning Commission, the Education Practices
5 Commission, the Education Standards Commission, the State
6 Board of Independent Colleges and Universities, the
7 Occupational Access and Opportunity Commission, the Florida
8 Rehabilitation Council, the Florida Independent Living
9 Council, and the State Board of Nonpublic Career Education.

10 Section 19. Subsection (16) is added to section
11 120.80, Florida Statutes, to read:

12 120.80 Exceptions and special requirements;
13 agencies.--

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

21 Section 20. Effective October 1, 2000, subsection (1)
22 of section 413.034, Florida Statutes, is amended to read:

23 413.034 Commission established; membership.--

24 (1) There is created within the Department of
25 Management Services the Commission for Purchase from the Blind
26 or Other Severely Handicapped, to be composed of the secretary
27 of the Department of Management Services; the director of the
28 Division of Occupational Access and Opportunity ~~Vocational~~
29 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~
30 ~~Employment Security~~, who shall be an ex officio member with
31 voting rights; the director of the Division of Blind Services

1 of the Department of Education ~~Labor and Employment Security~~;
2 and four members to be appointed by the Governor, which four
3 members shall be an executive director of a nonprofit agency
4 for the blind, an executive director of a nonprofit agency for
5 other severely handicapped persons, a representative of
6 private enterprise, and a representative of other political
7 subdivisions. All appointed members shall serve for terms of 4
8 years. Appointed commission members shall serve subject to
9 confirmation by the Senate.

10 Section 21. Effective October 1, 2000, paragraph (a)
11 of subsection (2) and subsection (3) of section 413.051,
12 Florida Statutes, are amended to read:

13 413.051 Eligible blind persons; operation of vending
14 stands.--

15 (2) As used in this section:

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

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

26 Section 22. Effective October 1, 2000, section
27 413.064, Florida Statutes, is amended to read:

28 413.064 Rules.--The Department of Education ~~Labor and~~
29 ~~Employment Security~~ shall adopt all necessary rules pertaining
30 to the conduct of a solicitation for the benefit of
31

1 individuals who are blind persons, including criteria for
2 approval of an application for a permit for such solicitation.
3 Section 23. Effective October 1, 2000, section
4 413.066, Florida Statutes, is amended to read:
5 413.066 Revocation of permit.--Any failure on the part
6 of a person or organization holding a permit under the
7 provisions of ss. 413.061-413.068 to comply with the law or
8 with all rules promulgated by the Department of Education
9 ~~Labor and Employment Security~~ as authorized by s. 413.064
10 constitutes a ground for revocation of the permit by the
11 Division of Blind Services.
12 Section 24. Effective October 1, 2000, section
13 413.067, Florida Statutes, is amended to read:
14 413.067 Penalty.--Any person who violates the
15 provisions of ss. 413.061-413.068 or any rule promulgated by
16 the Department of Education ~~Labor and Employment Security~~
17 pursuant thereto commits a misdemeanor of the second degree,
18 punishable as provided in s. 775.082 or s. 775.083.
19 Section 25. Effective October 1, 2000, subsection (1)
20 of section 413.395, Florida Statutes, is amended to read:
21 413.395 Florida Independent Living Council.--
22 (1) There is created the Florida Independent Living
23 Council to assist the division and the Division of Blind
24 Services of the Department of Education ~~Labor and Employment~~
25 ~~Security~~, as well as other state agencies and local planning
26 and administrative entities assisted under Title VII of the
27 act, in the expansion and development of statewide independent
28 living policies, programs, and concepts and to recommend
29 improvements for such programs and services. The council shall
30 function independently of the division and, unless the council
31 elects to incorporate as a not-for-profit corporation, is

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

7 Section 26. 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.

18 (f) As ex officio, 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 4. The chair of the Commission for the Purchase from
24 the Blind or Other Severely Handicapped.

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

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

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

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

31

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 actions, 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 the provisions of ~~are entitled to be reimbursed for~~
30 ~~reasonable and necessary expenses of attending meetings and~~
31 ~~performing commission duties, including per diem and travel~~

1 ~~expenses, and for personal care attendants and interpreters~~
2 ~~needed by members during meetings, as provided in s.~~
3 ~~413.273(1) and (3).~~

4 Section 27. Effective upon this act becoming a law,
5 section 413.84, Florida Statutes, is amended to read:

6 413.84 Powers and duties.--The commission:

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

10 (2) Is responsible for establishing policy, planning,
11 and quality assurance for the programs assigned and funded to
12 the division, including, but not limited to, vocational
13 rehabilitation and independent living services to persons with
14 disabilities which services are funded under the federal
15 Rehabilitation Act of 1973, as amended, in a coordinated,
16 efficient, and effective manner.

17 (3) The Occupational Access and Opportunity Commission
18 has authority to adopt rules pursuant to ss. 120.536(1) and
19 120.54 to implement provisions of law conferring duties upon
20 it. Such rules and policies shall be submitted to the State
21 Board of Education for approval. If any rule is not
22 disapproved by the State Board of Education within 45 days
23 after its receipt by the State Board of Education, the rule
24 shall be filed immediately with the Department of State.
25 Effective October 1, 2000, rules adopted by the commission do
26 not require approval by the State Board of Education.

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

31

1 (5)~~(1)~~ Shall, no later than January ~~July~~ 1, 2001 ~~2000~~,
2 after consulting with stakeholders and holding public
3 hearings, develop and implement a 5-year plan to promote
4 occupational access and opportunities for Floridians with
5 disabilities, ~~and to fulfill the federal plan requirements.~~
6 The plan must be submitted to the Governor, the President of
7 the Senate, and the Speaker of the House of Representatives.
8 The commission may make amendments annually to the plan, which
9 must be submitted to the Governor, the President of the
10 Senate, and the Speaker of the House of Representatives by the
11 first of January.

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

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

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

26 (d) The plan must require that the commission enter
27 into cooperative agreements with community-based
28 rehabilitation programs by workforce region to be the service
29 providers for the program; however, state ~~career service~~
30 employees shall provide all services that may not be delegated
31 under ~~mandated by~~ federal law. The commission shall, as

1 rapidly as is feasible, increase the amount of such services
2 provided by community-based rehabilitation programs. The plan
3 must incorporate, to the maximum extent allowed by federal and
4 state law and regulation, all available funds for such
5 purposes. Funds and in-kind contributions from community and
6 private sources shall be used to enhance federal and state
7 resources.

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

19 ~~(6)(2)~~ Notwithstanding the provisions of part I of
20 chapter 287, shall contract, no later than July 1, 2000, with
21 the corporation ~~administrative entity designated in the plan~~
22 to execute the services, functions, and programs prescribed in
23 the plan. The commission shall serve as contract
24 administrator. ~~If approved by the federal Department of~~
25 ~~Education, the administrative entity may be a direct-support~~
26 ~~organization.~~The commission shall define the terms of the
27 contract.

28 ~~(7)(3)~~ Shall work with the employer community to
29 better define, address, and meet its business needs with
30 qualified Floridians with disabilities.

31

1 (8)~~(4)~~ Is responsible for the prudent use of all
2 public and private funds provided for the commission's use,
3 ensuring that the use of all funds is in accordance with all
4 applicable laws, bylaws, and contractual requirements.

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

7 (10)~~(6)~~ May appear on its own behalf before the
8 Legislature, boards, commissions, departments, or other
9 agencies of municipal, county, state, or Federal Government.

10 (11)~~(7)~~ In the performance of its duties, may
11 undertake or commission research and studies.

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

17 (13)~~(9)~~ May assign staff from the ~~office or~~ division
18 to assist in implementing the provisions of this act relating
19 to the Occupational Access and Opportunity Commission.

20 Section 28. Effective upon this act becoming a law,
21 subsections (1), (3), and (4) of section 413.85, Florida
22 Statutes, are amended to read:

23 413.85 Occupational Access and Opportunity
24 Corporation; use of property; board of directors; duties;
25 audit.--

26 (1) ESTABLISHMENT.--If the commission elects to
27 contract with the corporation to provide services ~~designate a~~
28 ~~direct support organization as its administrative entity~~, such
29 organization shall be designated the Occupational Access and
30 Opportunity Corporation:
31

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

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

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

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

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

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

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

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

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

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

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

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

24 Section 29. Effective upon this act becoming a law,
25 section 413.86, Florida Statutes, is amended to read:

26 413.86 Public-private partnerships.--The Division of
27 Occupational Access and Opportunity ~~Vocational Rehabilitation~~
28 will enter into local public-private partnerships to the
29 extent that it is beneficial to increasing employment outcomes
30 for persons with disabilities and ensuring their full
31 involvement in the comprehensive workforce investment system.

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

4 413.87 Annual audit.--

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

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

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

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

14 (d) Reviews all pertinent research findings and
15 training efforts; and

16 (e) Provides other measures of accountability as
17 requested by the commission.

18 Section 31. Effective upon this act becoming a law,
19 section 413.88, Florida Statutes, is amended to read:

20 413.88 Annual report of the Occupational Access and
21 Opportunity Commission; audits.--

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

27 (a) Its operations and accomplishments during the
28 fiscal year.

29 (b) Its business and operational plan.

30
31

1 (c) The assets and liabilities of the corporation
2 ~~designated administrative entity~~ at the end of its most recent
3 fiscal year.

4 (d) A copy of the annual financial and compliance
5 audit.

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

10 Section 32. Effective upon this act becoming a law,
11 section 413.89, Florida Statutes, is amended to read:

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

1 Rehabilitation Act of 1973, as amended, and implementing such
2 changes in order to continue to qualify and maintain federal
3 funding support. During the period of time between July 1,
4 2000, and October 1, 2000, the department and ~~the appointment~~
5 ~~of the commission and the designation of the administrative~~
6 ~~entity,~~the commission and ~~the division~~ may, by agreement,
7 provide for continued administration consistent with federal
8 and state law.

9 Section 33. Effective upon this act becoming a law,
10 section 413.90, Florida Statutes, is amended to read:

11 413.90 Designated State Agency and Designated State
12 Unit Designation of administrative entity.--Effective July 1,
13 2000 ~~The division must comply with the transitional direction~~
14 ~~of the plan. If the commission designates an administrative~~
15 ~~entity other than the division, all powers, duties, and~~
16 functions of and all related records, property, and equipment
17 and all contractual rights, obligations of, and unexpended
18 balances of appropriations and other funds or allocations of
19 the ~~division's~~ component programs of the Division of
20 Vocational Rehabilitation of the Department of Labor and
21 Employment Security shall be transferred to the Division of
22 Occupational Access and Opportunity of the Department of
23 Education ~~commission as provided in the plan, pursuant to s.~~
24 20.06(2). The commission and the Department of Education, in
25 establishing the Division of Occupational Access and
26 Opportunity, may establish no more than 700 positions,
27 inclusive of those positions leased by the corporation. These
28 positions may be filled initially by former employees of the
29 Division of Vocational Rehabilitation. By October 1, 2000, the
30 division shall reduce the number of positions to no more than
31 300. Notwithstanding the provisions of s. 110.227, if a layoff

1 becomes necessary with respect to the Division of Occupational
2 Access and Opportunity, the competitive area identified for
3 such layoff shall not include any other division of the
4 Department of Education. If unforeseen transition activities
5 occur in moving service delivery from division employees to
6 community rehabilitation providers and create situations
7 negatively affecting client services, and the remedy to those
8 temporary situations would require more than 300 positions,
9 the division may request a budget amendment to retain
10 positions. The request must provide full justification for the
11 continuation and must include the number of positions and
12 duration of time required. In no instance shall the time
13 required exceed 3 months. Effective July 1, 2000, the records,
14 property, and unexpended balances of appropriations,
15 allocations, and other funds and resources of the Office of
16 the Secretary and the Office of Administrative Services of the
17 Department of Labor and Employment Security which support the
18 activities and functions of the Division of Vocational
19 Rehabilitation are transferred as provided in s. 20.06(2) to
20 the Division of Occupational Access and Opportunity at the
21 Department of Education.The Department of Labor and
22 Employment Security shall assist the commission in carrying
23 out the intent of this chapter and achieving an orderly
24 transition. The Office of Planning and Budget shall submit the
25 necessary budget amendments to the Legislature in order to
26 bring the budget into compliance with the plan.

27 Section 34. Effective upon this act becoming a law,
28 section 413.91, Florida Statutes, is amended to read:

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

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

7 Section 35. Effective upon this act becoming a law,
8 section 413.92, Florida Statutes, is amended to read:

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

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

3 Section 36. Effective upon this act becoming a law,
4 section 413.93, Florida Statutes, is repealed.

5 Section 37. Subsections (11) and (13) of section
6 440.02, Florida Statutes, are amended to read:

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

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

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

15 Section 38. Subsection (1) of section 440.207, Florida
16 Statutes, is amended to read:

17 440.207 Workers' compensation system guide.--

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

23 Section 39. Subsections (2), (4), (5), (6), (9), and
24 (10), paragraph (c) of subsection (3), and paragraph (a) of
25 subsection (8) of section 440.385, Florida Statutes, are
26 amended to read:

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

29 (2) BOARD OF DIRECTORS.--The board of directors of the
30 association shall consist of nine persons and shall be
31 organized as established in the plan of operation. ~~With~~

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

22 (3) POWERS AND DUTIES.--

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

1 self-insurer in any one year shall not exceed 1 percent of the
2 annual normal premium during the calendar year preceding the
3 date of the assessment. Assessments shall be remitted to and
4 administered by the board of directors in the manner specified
5 by the approved plan. Each employer so assessed shall have at
6 least 30 days' written notice as to the date the assessment is
7 due and payable. The association shall levy assessments
8 against any newly admitted member of the association so that
9 the basis of contribution of any newly admitted member is the
10 same as previously admitted members, provision for which shall
11 be contained in the plan of operation.

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

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

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

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

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

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

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

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

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

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

30 ~~(b) The plan of operation, and any amendments thereto,~~
31 ~~shall take effect upon approval in writing by the department.~~

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

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

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

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

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

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

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

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

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

30
31

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

4 8. Establish the procedures whereby recommendations of
5 candidates for the board of directors shall be submitted to
6 the department.

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

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

24 (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE ~~LABOR~~
25 ~~AND EMPLOYMENT SECURITY~~.--

26 (a) The department shall:

27 1. Notify the association of the existence of an
28 insolvent employer not later than 3 days after it receives
29 notice of the determination of insolvency.

30
31

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

4 (b) The department may:

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

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

21 3. Revoke the designation of any servicing facility if
22 the department finds that claims are being handled
23 unsatisfactorily.

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

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

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

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

14 Section 40. Subsection (6) of section 440.44, Florida
15 Statutes, is amended to read:

16 440.44 Workers' compensation; staff organization.--

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

21 Section 41. Subsection (1) and paragraph (b) of
22 subsection (3) of section 440.4416, Florida Statutes, are
23 amended to read:

24 440.4416 Workers' Compensation Oversight Board.--

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

30
31

- 1 (a) Six members selected by the Governor, none of whom
2 shall be a member of the Legislature at the time of
3 appointment, consisting of the following:
- 4 1. Two representatives of employers.
 - 5 2. Four representatives of employees, one of whom must
6 be a representative of an employee's union whose members are
7 covered by workers' compensation pursuant to this chapter.
- 8 (b) Three members selected by the President of the
9 Senate, none of whom shall be members of the Legislature at
10 the time of appointment, consisting of:
- 11 1. A representative of employers who employs at least
12 10 employees in Florida for which workers' compensation
13 coverage is provided pursuant to this chapter, and who is a
14 licensed general contractor actively engaged in the
15 construction industry in this state.
 - 16 2. A representative of employers who employs fewer
17 than 10 employees in Florida for which workers' compensation
18 coverage is provided pursuant to this chapter.
 - 19 3. A representative of employees.
- 20 (c) Three members selected by the Speaker of the House
21 of Representatives, none of whom shall be members of the
22 Legislature at the time of appointment, consisting of:
- 23 1. A representative of employers who employs fewer
24 than 10 employees in Florida and who is a licensed general
25 contractor actively engaged in the construction industry in
26 this state for which workers' compensation coverage is
27 provided pursuant to this chapter.
 - 28 2. A representative of employers who employs at least
29 10 employees in Florida for which workers' compensation
30 coverage is provided pursuant to this chapter.
 - 31 3. A representative of employees.

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

4 (e) The original appointments to the board shall be
5 made on or before January 1, 1994. Vacancies in the membership
6 of the board shall be filled in the same manner as the
7 original appointments. Except as to ex officio members of the
8 board, three appointees of the Governor, two appointees of the
9 President of the Senate, and two appointees of the Speaker of
10 the House of Representatives shall serve for terms of 2 years,
11 and the remaining appointees shall serve for terms of 4 years.
12 Thereafter, all members shall serve for terms of 4 years;
13 except that a vacancy shall be filled by appointment for the
14 remainder of the term. The board shall have an organizational
15 meeting on or before March 1, 1994, the time and place of such
16 meeting to be determined by the Governor.

17 (f) Each member is accountable to the Governor for
18 proper performance of his or her duties as a member of the
19 board. The Governor may remove from office any member for
20 malfeasance, misfeasance, neglect of duty, drunkenness,
21 incompetence, permanent inability to perform official duties,
22 or for pleading guilty or nolo contendere to, or having been
23 adjudicated guilty of, a first degree misdemeanor or a felony.

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

28 (3) EXECUTIVE DIRECTOR; EXPENSES.--

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

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

12 Section 42. Subsection (1) of section 440.45, Florida
13 Statutes, is amended to read:

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

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

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

6 Section 43. Paragraph (e) of subsection (9) of section
7 440.49, Florida Statutes, is amended to read:

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

10 (9) SPECIAL DISABILITY TRUST FUND.--

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

26 Section 44. Effective January 1, 2001, subsections
27 (1), (4), and (5) of section 443.012, Florida Statutes, are
28 amended to read:

29 443.012 Unemployment Appeals Commission.--

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

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

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

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

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

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

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

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

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

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

8 Section 45. Effective January 1, 2001, all powers,
9 duties, functions, rules, records, personnel, property, and
10 unexpended balances of appropriations, allocations, and other
11 funds of the Unemployment Appeals Commission relating to the
12 commission's specified authority, powers, duties, and
13 responsibilities are transferred by a type two transfer, as
14 defined in section 20.06(2), Florida Statutes, to the
15 Department of Management Services.

16 Section 46. Effective January 1, 2001, subsections
17 (12), (15), and (22) of section 443.036, Florida Statutes, are
18 amended to read:

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

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

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

28 (22) EMPLOYMENT OFFICE.--"Employment office" means a
29 free public employment office or branch thereof operated by
30 this or any other state, or a duly authorized agent thereof,
31 as a part of a state-controlled system of public employment

1 offices or by a federal agency charged with the administration
2 of an unemployment compensation program or free public
3 employment offices.

4 Section 47. Subsection (1) of section 443.091, Florida
5 Statutes, is amended to read:

6 443.091 Benefit eligibility conditions.--

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

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

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

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

26 2. Notwithstanding any other provisions in this
27 section, no otherwise eligible individual shall be denied
28 benefits for any week because she or he is in training with
29 the approval of the division, nor shall such individual be
30 denied benefits with respect to any week in which she or he is
31 in training with the approval of the division by reason of the

1 application of provisions in subparagraph 1. relating to
2 availability for work, or the provisions of s. 443.101(2)
3 relating to failure to apply for, or refusal to accept,
4 suitable work. Training may be approved by the division in
5 accordance with criteria prescribed by rule. A claimant's
6 eligibility during approved training is contingent upon
7 satisfying eligibility conditions prescribed by rule.

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

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

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

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

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

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

8 3. Unless the individual was eligible for benefits
9 with respect thereto as provided in this section and s.
10 443.101 except for the requirements of this subsection and of
11 s. 443.101(5).

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

18 Section 48. Paragraph (a) of subsection (5) of section
19 443.131, Florida Statutes, is amended to read:

20 443.131 Contributions.--

21 (5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE
22 AND POLITICAL SUBDIVISIONS OF THE STATE.--Benefits paid to
23 employees of this state or any instrumentality of this state,
24 or to employees of any political subdivision of this state or
25 any instrumentality thereof, based upon service defined in s.
26 443.036(21)(b), shall be financed in accordance with this
27 subsection.

28 (a)1. Unless an election is made as provided in
29 paragraph (c), the state or any political subdivision of the
30 state shall pay into the Unemployment Compensation Trust Fund
31 an amount equivalent to the amount of regular benefits,

1 short-time compensation benefits, and extended benefits paid
2 to individuals, based on wages paid by the state or the
3 political subdivision for service defined in s.
4 443.036(21)(b).

5 2. Should any state agency become more than 120 days
6 delinquent on reimbursements due to the Unemployment
7 Compensation Trust Fund, the agency division shall certify to
8 the Comptroller the amount due and the Comptroller shall
9 transfer the amount due to the Unemployment Compensation Trust
10 Fund from the funds of such agency that may legally be used
11 for such purpose. In the event any political subdivision of
12 the state or any instrumentality thereof becomes more than 120
13 days delinquent on reimbursements due to the Unemployment
14 Compensation Trust Fund, then, upon request by the agency
15 ~~division~~ after a hearing, the Department of Revenue or the
16 Department of Banking and Finance, as the case may be, shall
17 deduct the amount owed by the political subdivision or
18 instrumentality from any funds to be distributed by it to the
19 county, city, special district, or consolidated form of
20 government for further distribution to the trust fund in
21 accordance with this chapter. Should any employer for whom the
22 city or county tax collector collects taxes fail to make the
23 reimbursements to the Unemployment Compensation Trust Fund
24 required by this chapter, the tax collector after a hearing,
25 at the request of the division and upon receipt of a
26 certificate showing the amount owed by the employer, shall
27 deduct the amount so certified from any taxes collected for
28 the employer and remit same to the Agency for Workforce
29 Innovation ~~Department of Labor and Employment Security~~ for
30 further distribution to the trust fund in accordance with this
31 chapter. This subparagraph does not apply to those amounts due

1 for benefits paid prior to October 1, 1979. This subparagraph
2 does not apply to amounts owed by a political subdivision for
3 benefits erroneously paid where the claimant is required to
4 repay to the agency ~~division~~ under s. 443.151(6)(a) or (b) any
5 sum as benefits received.

6 Section 49. Effective January 1, 2001, paragraph (a)
7 of subsection (4) and subsection (8) of section 443.151,
8 Florida Statutes, are amended to read:

9 443.151 Procedure concerning claims.--

10 (4) APPEALS.--

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

27 (8) BILINGUAL REQUIREMENTS.--

28 (a) Based on the estimated total number of households
29 in a county which speak the same non-English language, a
30 single-language minority, the agency ~~division~~ shall provide
31 printed bilingual instructional and educational materials in

1 the appropriate language in those counties in which 5 percent
2 or more of the households in the county are classified as a
3 single-language minority.

4 (b) The agency ~~division~~ shall ensure that one-stop
5 career centers ~~jobs and benefits offices~~ and appeals bureaus
6 in counties subject to the requirements of paragraph (c)
7 prominently post notices in the appropriate languages that
8 translators are available in those centers ~~offices~~ and
9 bureaus.

10 (c) Single-language minority refers to households
11 which speak the same non-English language and which do not
12 contain an adult fluent in English. The agency ~~division~~ shall
13 develop estimates of the percentages of single-language
14 minority households for each county by using data made
15 available by the United States Bureau of the Census.

16 Section 50. Effective January 1, 2001, subsections
17 (1), (5), and (7) of section 443.171, Florida Statutes, are
18 amended to read:

19 443.171 Agency ~~Division~~ and commission; powers and
20 duties; rules; advisory council; records and reports.--

21 (1) POWERS AND DUTIES OF AGENCY ~~DIVISION~~.--It shall be
22 the duty of the agency ~~division~~ to administer this chapter;
23 and it shall have power and authority to employ such persons,
24 make such expenditures, require such reports, make such
25 investigations, and take such other action as it deems
26 necessary or suitable to that end. The agency ~~division~~ shall
27 determine its own organization and methods of procedure in
28 accordance with the provisions of this chapter. Not later than
29 March 15 of each year, the agency, in conjunction with the
30 Unemployment Appeals Commission ~~division~~, through the
31 ~~Department of Labor and Employment Security~~, shall submit to

1 the Governor a report covering the administration and
2 operation of this chapter during the preceding calendar year
3 and shall make such recommendations for amendment to this
4 chapter as it deems proper.

5 (5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.--There
6 is created a state Unemployment Compensation Advisory Council
7 to assist the agency ~~division~~ in reviewing the unemployment
8 insurance program and to recommend improvements for such
9 program.

10 (a) The council shall consist of 18 members, including
11 equal numbers of employer representatives and employee
12 representatives who may fairly be regarded as representative
13 because of their vocations, employments, or affiliations, and
14 representatives of the general public.

15 (b) The members of the council shall be appointed by
16 the director of the Agency for Workforce Innovation ~~secretary~~
17 ~~of the Department of Labor and Employment Security. Initially,~~
18 ~~the secretary shall appoint five members for terms of 4 years,~~
19 ~~five members for terms of 3 years, five members for terms of 2~~
20 ~~years, and three members for terms of 1 year. Thereafter,~~
21 Members shall be appointed for 4-year terms. A vacancy shall
22 be filled for the remainder of the unexpired term.

23 (c) The council shall meet at the call of its chair,
24 at the request of a majority of its membership, at the request
25 of the division, or at such times as may be prescribed by its
26 rules, but not less than twice a year. The council shall make
27 a report of each meeting, which shall include a record of its
28 discussions and recommendations. The division shall make such
29 reports available to any interested person or group.

30
31

1 (d) Members of the council shall serve without
2 compensation but shall be entitled to receive reimbursement
3 for per diem and travel expenses as provided in s. 112.061.
4 (7) RECORDS AND REPORTS.--Each employing unit shall
5 keep true and accurate work records, containing such
6 information as the agency division may prescribe. Such records
7 shall be open to inspection and be subject to being copied by
8 the agency division at any reasonable time and as often as may
9 be necessary. The agency division or an appeals referee may
10 require from any employing unit any sworn or unsworn reports,
11 with respect to persons employed by it, deemed necessary for
12 the effective administration of this chapter. However, a state
13 or local governmental agency performing intelligence or
14 counterintelligence functions need not report an employee if
15 the head of such agency has determined that reporting the
16 employee could endanger the safety of the employee or
17 compromise an ongoing investigation or intelligence mission.
18 Information revealing the employing unit's or individual's
19 identity thus obtained from the employing unit or from any
20 individual pursuant to the administration of this chapter,
21 shall, except to the extent necessary for the proper
22 presentation of a claim or upon written authorization of the
23 claimant who has a workers' compensation claim pending, be
24 held confidential and exempt from the provisions of s.
25 119.07(1). Such information shall be available only to public
26 employees or their duly authorized agents in the performance
27 of their public duties, including employees of the Department
28 of Education in obtaining information for the Florida
29 Education and Training Placement Information Program and the
30 Office of Tourism, Trade, and Economic Development ~~Department~~
31 ~~of Commerce~~ in its administration of the qualified defense

1 contractor tax refund program authorized by s. 288.1045 ~~s.~~
2 ~~288.104~~, the qualified target industry business tax refund
3 program authorized by s. 288.106. Any claimant, or the
4 claimant's legal representative, at a hearing before an
5 appeals referee or the commission shall be supplied with
6 information from such records to the extent necessary for the
7 proper presentation of her or his claim. Any employee or
8 member of the commission or any employee of the agency
9 ~~division~~, or any other person receiving confidential
10 information, who violates any provision of this subsection is
11 guilty of a misdemeanor of the second degree, punishable as
12 provided in s. 775.082 or s. 775.083. However, the agency
13 ~~division~~ may furnish to any employer copies of any report
14 previously submitted by such employer, upon the request of
15 such employer, and the agency division is authorized to charge
16 therefor such reasonable fee as the agency division may by
17 rule prescribe not to exceed the actual reasonable cost of the
18 preparation of such copies. Fees received by the agency
19 ~~division~~ for copies provided under this subsection shall be
20 deposited to the credit of the Employment Security
21 Administration Trust Fund.

22 Section 51. Subsection (1) of section 443.1715,
23 Florida Statutes, is amended to read:

24 443.1715 Disclosure of information; confidentiality.--

25 (1) RECORDS AND REPORTS.--Information revealing the
26 employing unit's or individual's identity obtained from the
27 employing unit or from any individual pursuant to the
28 administration of this chapter, and any determination
29 revealing such information, must, except to the extent
30 necessary for the proper presentation of a claim or upon
31 written authorization of the claimant who has a workers'

1 compensation claim pending, be held confidential and exempt
2 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
3 the State Constitution. Such information may be made available
4 only to public employees or their duly authorized agents in
5 the performance of their public duties, including employees of
6 the Department of Education in obtaining information for the
7 Florida Education and Training Placement Information Program
8 and the Office of Tourism, Trade, and Economic Development
9 ~~Department of Commerce~~ in its administration of the qualified
10 defense contractor tax refund program authorized by s.
11 288.104. Except as otherwise provided by law, public employees
12 receiving such information must retain the confidentiality of
13 such information. Any claimant, or the claimant's legal
14 representative, at a hearing before an appeals referee or the
15 commission shall be supplied with information from such
16 records to the extent necessary for the proper presentation of
17 her or his claim. Any employee or member of the commission or
18 any employee of the agency division, or any other person
19 receiving confidential information, who violates any provision
20 of this subsection commits a misdemeanor of the second degree,
21 punishable as provided in s. 775.082 or s. 775.083. However,
22 the agency division may furnish to any employer copies of any
23 report previously submitted by such employer, upon the request
24 of such employer, and may furnish to any claimant copies of
25 any report previously submitted by such claimant, upon the
26 request of such claimant, and the agency division is
27 authorized to charge therefor such reasonable fee as the
28 agency division may by rule prescribe not to exceed the actual
29 reasonable cost of the preparation of such copies. Fees
30 received by the agency division for copies as provided in this
31

1 subsection must be deposited to the credit of the Employment
2 Security Administration Trust Fund.

3 Section 52. Subsections (1), (2), (4), (6), (7), and
4 (8) of section 443.1716, Florida Statutes, are amended to
5 read:

6 443.1716 Authorized electronic access to employer
7 information.--

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

16 (2) Creditors must obtain written consent from the
17 credit applicant. Any such written consent from the credit
18 applicant must be signed and must include the following:

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

22 (b) Notice that such release is made for the sole
23 purpose of reviewing a specific application for credit made by
24 the individual.†

25 (c) Notice that the files of the Agency for Workforce
26 Innovation ~~Department of Labor and Employment Security~~
27 containing wage and employment history information submitted
28 by the individual or his or her employers may be accessed.†
29 ~~and~~

30 (d) A listing of the parties authorized to receive the
31 released information.

1 (e) Notice that the wage information that was supplied
2 to the creditor must be provided, upon request, to the credit
3 applicant at no cost.

4 (f) Notice that the consent to disclose is voluntary
5 and not required by law and that refusal to consent to
6 disclosure of state wage and employment information shall not
7 be a basis for denial of credit.

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

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

26 (7) In contracting with one or more consumer-reporting
27 agencies under this section, any revenues generated by such
28 contract must be used to pay the entire cost of providing
29 access to the information. Further, in accordance with federal
30 regulations, any additional revenues generated by the Agency
31 for Workforce Innovation ~~department~~ or the state under this

1 section must be paid into the agency's ~~department's~~ trust fund
2 for the administration of the unemployment compensation
3 system.

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

12 Section 53. Effective January 1, 2001, subsections (1)
13 and (2) of section 443.211, Florida Statutes, are amended to
14 read:

15 443.211 Employment Security Administration Trust Fund;
16 appropriation; reimbursement.--

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

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

1 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST
2 FUND.--There is created in the State Treasury a special fund,
3 to be known as the "Special Employment Security Administration
4 Trust Fund," into which shall be deposited or transferred all
5 interest on contributions, penalties, and fines or fees
6 collected under this chapter. Interest on contributions,
7 penalties, and fines or fees deposited during any calendar
8 quarter in the clearing account in the Unemployment
9 Compensation Trust Fund shall, as soon as practicable after
10 the close of such calendar quarter and upon certification of
11 the agency division, be transferred to the Special Employment
12 Security Administration Trust Fund. However, there shall be
13 withheld from any such transfer the amount certified by the
14 agency division to be required under this chapter to pay
15 refunds of interest on contributions, penalties, and fines or
16 fees collected and erroneously deposited into the clearing
17 account in the Unemployment Compensation Trust Fund. Such
18 amounts of interest and penalties so certified for transfer
19 shall be deemed to have been erroneously deposited in the
20 clearing account, and the transfer thereof to the Special
21 Employment Security Administration Trust Fund shall be deemed
22 to be a refund of such erroneous deposits. All moneys in this
23 fund shall be deposited, administered, and disbursed in the
24 same manner and under the same conditions and requirements as
25 are provided by law for other special funds in the State
26 Treasury. These moneys shall not be expended or be available
27 for expenditure in any manner which would permit their
28 substitution for, or permit a corresponding reduction in,
29 federal funds which would, in the absence of these moneys, be
30 available to finance expenditures for the administration of
31 the Unemployment Compensation Law. But nothing in this

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

30 Section 54. Subsection (3) of section 443.221, Florida
31 Statutes, is amended to read:

1 443.221 Reciprocal arrangements.--
2 (3) The administration of this chapter and of other
3 state and federal unemployment compensation and public
4 employment service laws will be promoted by cooperation
5 between this state and such other states and the appropriate
6 federal agencies and therefore the agency division is
7 authorized to enter into reciprocal arrangements with
8 appropriate and duly authorized agencies of other states or
9 the Federal Government or both in exchanging services,
10 determining and enforcing payment obligations, and making
11 available facilities and information. The Agency for
12 Workforce Innovation is, ~~Division of Unemployment Compensation~~
13 ~~and Division of Jobs and Benefits are each~~, therefore,
14 authorized to make such investigations, secure and transmit
15 such information, make available such services and facilities,
16 and exercise such of the other powers provided herein with
17 respect to the administration of this chapter as deemed each
18 ~~deems~~ necessary or appropriate to facilitate the
19 administration of any such unemployment compensation or public
20 employment service law and, in like manner, to accept and
21 utilize information, services, and facilities made available
22 to this state by the agency charged with the administration of
23 any such other unemployment compensation or public employment
24 service law.

25 Section 55. Paragraphs (b) and (c) of subsection (2),
26 subsection (3), paragraphs (b), (g), and (h) of subsection
27 (4), and paragraphs (b), (c), and (d) of subsection (6) of
28 section 443.231, Florida Statutes, are amended to read:

29 443.231 Florida Training Investment Program.--The
30 Florida Training Investment Program is designed to extend
31 additional benefit eligibility to dislocated workers

1 throughout Florida who have lost their jobs, have limited
2 marketable skills, and enroll in vocational training intended
3 to lead to employment in a recognized occupation for which
4 there is labor market demand. Pursuant thereto:
5 (2) DEFINITIONS.--As used in this section:
6 (b) "Authorized training" means training which meets
7 the following criteria:
8 1. Claimant must possess the aptitude and skills that
9 can be usefully supplemented by training.
10 2. The labor market demands for the claimant's present
11 skills must be minimal.
12 3. The training programs in vocational or technical
13 schools or classes must be designed to prepare the participant
14 for gainful employment in a recognized occupation. Authorized
15 training shall consist of a practical curriculum for
16 development of vocational, rather than avocational, skills.
17 The agency ~~division~~ may not approve as training programs,
18 educational or academic programs primarily intended to lead
19 toward a baccalaureate or higher degree. However, a basic
20 education program which is a prerequisite for skilled training
21 or other short-term, vocational-directed academic courses may
22 be approved.
23 4. There must be reasonable expectations that the
24 claimant will be employable upon completion of the training in
25 the area of the state where the applicant expressed a
26 willingness to work.
27 5. The training course or school must be approved by
28 the Department of Education or other official government
29 approving agency within the state where the training is being
30 conducted.
31

1 6. The agency ~~division~~ may approve training programs
2 established under s. 302 of the Job Training Partnership Act
3 for claimants who are dislocated workers.

4 (c) "Authorized training institution" means a
5 vocational, technical, Job Training Partnership Act, or
6 vocational-directed basic education program or training
7 institution approved by the division to provide authorized
8 training to individuals participating in the Florida Training
9 Investment Program.

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

17 (4) ELIGIBILITY CRITERIA.--

18 (b) The applicant must also:

19 1. Complete such forms as required by the agency
20 ~~division~~. The forms promulgated by the agency ~~division~~ are
21 exempt from the requirements of chapter 120.

22 2. Attend all classes for each week of benefits
23 claimed. Absences from class shall result in the ineligibility
24 for benefits for the week in which the absence occurs unless
25 the authorized training institution excuses the absence for
26 good cause as determined by the authorized training
27 institution.

28 3. Maintain satisfactory progress in the authorized
29 training program, as determined by the authorized training
30 institution.

31

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

8 5. Possess the qualifications or aptitude required to
9 successfully complete the selected training program.

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

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

19 (h) That reasonable employment opportunities in
20 occupations for which the claimant is qualified either do not
21 exist or have been substantially diminished in the labor
22 market area making a change in occupation necessary for
23 reemployment in the labor market area. If the applicant has a
24 skill in an occupation with an average wage that is the same
25 or more than the average wage of the occupation from which the
26 applicant is displaced, that applicant will not be eligible
27 for benefits if there are reasonable employment opportunities
28 in the local labor market. The agency ~~division~~ may use labor
29 market projections, in conjunction with local job information
30 data, to make a determination of the existence of a reasonable
31 employment opportunity for an occupation.

1 (6) PROCEDURE.--

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

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

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

25 Section 56. Subsection (3) of section 447.02, Florida
26 Statutes, is amended to read:

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

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

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

3 Section 57. Subsections (2), (3), and (4) of section
4 447.04, Florida Statutes, are amended to read:

5 447.04 Business agents; licenses, permits.--

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

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

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

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

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

14 Section 58. Section 447.041, Florida Statutes, is
15 amended to read:

16 447.041 Hearings.--

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

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

26 Section 59. Section 447.045, Florida Statutes, is
27 amended to read:

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

1 fingerprint cards, and such information is confidential and
2 exempt from the provisions of s. 119.07(1).
3 Section 60. Section 447.06, Florida Statutes, is
4 amended to read:
5 447.06 Registration of labor organizations required.--
6 (1) Every labor organization operating in the state
7 shall make a report under oath, in writing, to ~~the Division of~~
8 ~~Jobs and Benefits of the department of Labor and Employment~~
9 ~~Security~~ annually, on or before December 31. Such report shall
10 be filed by the secretary or business agent of such labor
11 organization, shall be in such form as the department
12 prescribes ~~division may prescribe~~, and shall show the
13 following facts:
14 (a) The name of the labor organization;
15 (b) The location of its office; and
16 (c) The name and address of the president, secretary,
17 treasurer, and business agent.
18 (2) At the time of filing such report, it shall be the
19 duty of every such labor organization to pay the department
20 ~~division~~ an annual fee therefor in the sum of \$1.
21 Section 61. Section 447.12, Florida Statutes, is
22 amended to read:
23 447.12 Fees for registration.--All fees collected by
24 ~~the Division of Jobs and Benefits of the department~~ under this
25 part of Labor and Employment Security hereunder shall be paid
26 to the Treasurer and credited to the General Revenue Fund.
27 Section 62. Section 447.16, Florida Statutes, is
28 amended to read:
29 447.16 Applicability of chapter ~~when effective~~--Any
30 labor business agent licensed on July 1, 1965, may renew such
31 license each year on forms provided by ~~the Division of Jobs~~

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

8 Section 63. Paragraph (a) of subsection (13) of
9 section 447.203, Florida Statutes, is amended to read:

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

11 (13) "Professional employee" means:

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

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

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

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

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

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

4 Section 64. Effective October 1, 2000, subsections
5 (1), (3), and (4) of section 447.205, Florida Statutes, are
6 amended to read:

7 447.205 Public Employees Relations Commission.--

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

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

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

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

22 Section 65. Subsections (1) and (3) of section
23 447.208, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

29 Section 66. Subsection (4) of section 447.305, Florida
30 Statutes, is amended to read:

31 447.305 Registration of employee organization.--

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

7 Section 67. Paragraph (b) of subsection (3) of section
8 447.307, Florida Statutes, is amended to read:

9 447.307 Certification of employee organization.--

10 (3)

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

25 Section 68. Paragraph (a) of subsection (5) of section
26 447.503, Florida Statutes, is amended to read:

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

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

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

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

18 Section 69. Subsection (4) of section 447.504, Florida
19 Statutes, is amended to read:

20 447.504 Judicial review.--

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

27 Section 70. Effective October 1, 2000, all powers,
28 duties, functions, rules, records, personnel, property, and
29 unexpended balances of appropriations, allocations, and other
30 funds of the Public Employees Relations Commission relating to
31 the commission's specified authority, powers, duties, and

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

4 Section 71. Section 447.609, Florida Statutes, is
5 repealed.

6 Section 72. Subsection (4) of section 450.012, Florida
7 Statutes, is amended to read:

8 450.012 Definitions.--For the purpose of this chapter,
9 the word, phrase, or term:

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

14 Section 73. Subsection (3) of section 450.061, Florida
15 Statutes, is amended to read:

16 450.061 Hazardous occupations prohibited;
17 exemptions.--

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

28 Section 74. Paragraph (c) of subsection (5) of section
29 450.081, Florida Statutes, is amended to read:

30 450.081 Hours of work in certain occupations.--

31

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

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

10 Section 75. Section 450.095, Florida Statutes, is
11 amended to read:

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

20 Section 76. Subsections (1), (2), and (5) of section
21 450.121, Florida Statutes, are amended to read:

22 450.121 Enforcement of Child Labor Law.--

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

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

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

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

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

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

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

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

31

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

4 Section 77. Subsections (1), (2), (3), (4), and (5) of
5 section 450.132, Florida Statutes, are amended to read:

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

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

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

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

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

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

18 Section 78. Subsections (2) and (3) of section
19 450.141, Florida Statutes, are amended to read:

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

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

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

11 Section 79. Paragraph (j) of subsection (1) of section
12 450.191, Florida Statutes, is amended to read:

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

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

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

22 Section 80. Subsection (2) of section 450.28, Florida
23 Statutes, is amended to read:

24 450.28 Definitions.--

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

29 Section 81. Section 450.30, Florida Statutes, is
30 amended to read:

31

1 450.30 Requirement of certificate of registration;
2 education and examination program.--

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

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

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

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

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

31

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

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

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

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

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

18 Section 82. Subsections (1), (2), and (4) of section
19 450.31, Florida Statutes, are amended to read:

20 450.31 Issuance, revocation, and suspension of, and
21 refusal to issue or renew, certificate of registration.--

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

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

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

1 (c) Such person pays to the department ~~division~~, in
2 cash, certified check, or money order, a nonrefundable
3 application fee of \$75. Fees collected by the department
4 ~~division~~ under this subsection shall be deposited in the State
5 Treasury into the Crew Chief Registration Trust Fund, which is
6 hereby created, and shall be utilized for administration of
7 this part.

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

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

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

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

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

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

28 Section 83. Subsections (1), (4), (5), (6), (8), (9),
29 and (10) of section 450.33, Florida Statutes, are amended to
30 read:

31

1 450.33 Duties of farm labor contractor.--Every farm
2 labor contractor must:

3 (1) Carry his or her certificate of registration with
4 him or her at all times and exhibit it to all persons with
5 whom the farm labor contractor intends to deal in his or her
6 capacity as a farm labor contractor prior to so dealing and,
7 upon request, to persons designated by the department
8 division.

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

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

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

- 1 (8) File, within such time as the department ~~division~~
2 may prescribe, a set of his or her fingerprints.
- 3 (9) Produce evidence to the department ~~division~~ that
4 each vehicle he or she uses for the transportation of
5 employees complies with the requirements and specifications
6 established in chapter 316, s. 316.620, or Pub. L. No. 93-518
7 as amended by Pub. L. No. 97-470 meeting Department of
8 Transportation requirements or, in lieu thereof, bears a valid
9 inspection sticker showing that the vehicle has passed the
10 inspection in the state in which the vehicle is registered.
- 11 (10) Comply with all applicable statutes, rules, and
12 regulations of the United States and of the State of Florida
13 for the protection or benefit of labor, including, but not
14 limited to, those providing for wages, hours, fair labor
15 standards, social security, workers' compensation,
16 unemployment compensation, child labor, and transportation.
17 The department ~~division~~ shall not suspend or revoke a
18 certificate of registration pursuant to this subsection
19 unless:
- 20 (a) A court or agency of competent jurisdiction
21 renders a judgment or other final decision that a violation of
22 one of the laws, rules, or regulations has occurred and, if
23 invoked, the appellate process is exhausted;
- 24 (b) An administrative hearing pursuant to ss. 120.569
25 and 120.57 is held on the suspension or revocation and the
26 administrative law judge finds that a violation of one of the
27 laws, rules, or regulations has occurred and, if invoked, the
28 appellate process is exhausted; or
- 29 (c) The holder of a certificate of registration
30 stipulates that a violation has occurred or defaults in the
31

1 administrative proceedings brought to suspend or revoke his or
2 her registration.

3 Section 84. Section 450.35, Florida Statutes, is
4 amended to read:

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

11 Section 85. Section 450.36, Florida Statutes, is
12 amended to read:

13 450.36 Rules and regulations.--The department ~~division~~
14 may adopt rules necessary to enforce and administer this part.

15 Section 86. Section 450.37, Florida Statutes, is
16 amended to read:

17 450.37 Cooperation with federal agencies.--The
18 department ~~division~~ shall, whenever appropriate, cooperate
19 with any federal agency.

20 Section 87. Subsections (2), (3), and (4) of section
21 450.38, Florida Statutes, are amended to read:

22 450.38 Enforcement of farm labor contractor laws.--

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

1 section which results in a criminal penalty being imposed, or
2 of a criminal, civil, or administrative proceeding by the
3 United States government or an agency thereof which results in
4 a criminal or civil penalty being imposed. The department
5 ~~division~~ may adopt rules prescribing the criteria to be used
6 to determine the amount of the civil penalty and to provide
7 notification to persons assessed a civil penalty under this
8 section.

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

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

27 Section 88. (1) In anticipation of its assumption of
28 responsibilities from the Department of Labor and Employment
29 Security relating to unemployment compensation, as provided in
30 this act, the Agency for Workforce Innovation shall prepare a
31 report with recommendations on the fiscal management of funds

1 under the Unemployment Compensation Trust Fund and any other
2 funds related to unemployment compensation activities
3 conducted under state or federal law. The report shall
4 include, but not be limited to, an analysis of options and
5 recommendations for distributing unemployment compensation
6 funds to units of state government with responsibilities under
7 the unemployment compensation program and for allocating costs
8 associated with such program and funds. The report and
9 recommendations shall be submitted to the Governor, the
10 President of the Senate, the Speaker of the House of
11 Representatives, and members of the Labor and Employment
12 Security Transition Team by January 1, 2001.

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

21 (3) This section shall take effect upon this act
22 becoming a law.

23 Section 89. (1) The Department of Labor and
24 Employment Security, in conjunction with the Department of
25 Management Services, may offer, subject to the provisions of
26 this section, active employees of the Department of Labor and
27 Employment Security who have 27 or more years of creditable
28 service in a state-administered retirement system, a one-time
29 voluntary reduction-in-force payment during the 2000-2001
30 fiscal year, not to exceed \$20,000. However, for those
31 employees with 27 or more years but less than 30 years of

1 creditable service, the payment will be reduced by the amount
2 required to be paid by the Department of labor and Employment
3 Security to the Division of Retirement for reimbursement of
4 the normal retirement contributions and any penalties. The
5 length of the period upon which such reimbursement is paid
6 shall not exceed 36 months. The remaining balance of the
7 reduction-in-force payment, after all required contributions
8 are made to the Division of Retirement, will be paid to the
9 employee. Employees of the department within the Senior
10 Executive Service or the Senior Management Service are
11 eligible for the reduction-in-force payment; however, any
12 contribution by the department for such employees to the
13 Division of Retirement exceeding \$20,000 shall be paid by such
14 employees. All employees who elect to retire under this
15 program must do so be September 30, 2000, with the exception
16 of employees of the Division of Vocational Rehabilitation and
17 the Division of Safety, who must retire by June 30, 2000.

18 (2) The department, in consultation with the
19 Department of Management Services, shall prepare a plan to
20 implement the reduction-in-force payment authority for
21 approval by the Office of Policy and Budget. The plan must
22 meet all applicable federal requirements regarding the
23 expenditure of federal funds; all applicable federal tax laws;
24 and all other federal and state laws regarding special
25 compensation to employees, including the Age Discrimination in
26 Employment Act and the Older Workers' Benefit Protection Act.
27 The plan must specify the savings created through the payment
28 mechanism and the reduction-in-force, specify the source of
29 funding of the payments, and delineate a timetable for
30 implementation.

31

1 (3) If approved by the Office of Policy and Budget,
2 the plan shall be submitted to the Legislature subject to the
3 notice, review, and objection process authorized in section
4 216.177, Florida Statutes.

5 (4) This section shall take effect upon becoming a
6 law.

7 Section 90. Notwithstanding any other provision of
8 law, any binding contract or interagency agreement existing on
9 or before January 1, 2001, between the Department of Labor and
10 Employment Security, or an entity or agent of the department,
11 and any other agency, entity, or person shall continue as a
12 binding contract or agreement for the remainder of the term of
13 such contract or agreement with the successor department,
14 agency, or entity responsible for the program, activity, or
15 functions relative to the contract or agreement.

16 Section 91. This act does not affect the validity of
17 any judicial or administrative proceeding involving the
18 Department of Labor and Employment Security which is pending
19 as of the effective date of any transfer under this act. The
20 successor department, agency, or entity responsible for the
21 program, activity, or function relative to the proceeding
22 shall be substituted, as of the effective date of the
23 applicable transfer under this act, for the Department of
24 Labor and Employment Security as a party in interest in any
25 such proceedings.

26 Section 92. If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 invalidity does not affect other provisions or applications of
29 the act which can be given effect without the invalid
30 provision or application, and to this end the provisions of
31 this act are severable.

1 Section 93. Except as otherwise provided herein, this
2 act shall take effect July 1, 2000.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31