

By the Committee on Business Development & International
Trade and Representative Bradley

1 A bill to be entitled
2 An act relating to reorganization of the
3 Department of Labor and Employment Security;
4 amending s. 20.04, F.S.; authorizing an
5 exemption for the department from standard
6 internal structure of departments; amending s.
7 20.171, F.S; providing the mission of the
8 department; providing legislative intent;
9 requiring copies of requests for and rulings on
10 federal waivers be provided to the Legislature;
11 creating an advisory council; providing for
12 membership; establishing a chief information
13 officer and providing duties; authorizing
14 privatization of information technology
15 functions; establishing regional managers and
16 providing responsibilities; providing an
17 exemption from the Career Service System and
18 providing for inclusion within Senior
19 Management Service; creating the Office of
20 Program Analysis and Evaluation and providing
21 its functions; establishing program offices;
22 revising references to divisions; creating the
23 Office of Technical Assistance and Quality
24 Assurance and providing its functions;
25 establishing geographical regions for
26 administering the department's programs;
27 deleting the field offices; providing for
28 contracting of department services; conforming
29 provisions to changes made by the act; amending
30 s. 288.9951, F.S.; providing that the Workforce
31 Development Board provide policy direction

1 regarding workforce services; providing that
2 the Workforce Development Board shall supervise
3 the expenditure of certain funds; providing for
4 the reassignment of employees of the Department
5 of Labor and Employment Security to One-Stop
6 Career Centers; providing conditions; amending
7 s. 413.011, F.S.; conforming requirements with
8 respect to rehabilitation council to federal
9 law; providing for per diem for members;
10 amending s. 443.036, F.S.; permitting agents of
11 the state to operate a public employment
12 office; amending s. 443.091, F.S.; deleting the
13 requirement that claimants may report only at
14 the office; amending ss. 443.171 and 443.1715,
15 F.S.; permitting the release of confidential
16 information to agents of public employees;
17 amending s. 443.181, F.S.; permitting the
18 Office of Workforce and Employment Opportunity
19 to hire nonemployees to carry out its purposes;
20 amending s. 443.231, F.S.; revising eligibility
21 criteria for the Florida Training Investment
22 Program; repealing section 14 of chapter
23 99-240, Laws of Florida; deleting the repeal of
24 the functions of the Division of Safety;
25 amending section 39 of chapter 99-240, Laws of
26 Florida; revising the date of transfer of the
27 Division of Blind Services; providing for a
28 type two transfer of divisions within the
29 department; directing the Division of Statutory
30 Revision to conform the Florida Statutes to
31 changes made by the act; authorizing a one-time

1 voluntary reduction-in-force payment for
2 specified state employees; providing criteria;
3 providing effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 20.04, Florida Statutes, is amended
8 to read:

9 20.04 Structure of executive branch.--The executive
10 branch of state government is structured as follows:

11 (1) The department is the principal administrative
12 unit of the executive branch. Each department must bear a
13 title beginning with the words "State of Florida" and
14 continuing with "Department of"

15 (2) For field operations, departments may establish
16 district or area offices that combine division, bureau,
17 section, and subsection functions.

18 (3) For their internal structure, all departments,
19 except for the Department of Banking and Finance, the
20 Department of Children and Family Services, the Department of
21 Corrections, the Department of Labor and Employment Security,
22 the Department of Management Services, the Department of
23 Revenue, and the Department of Transportation, must adhere to
24 the following standard terms:

25 (a) The principal unit of the department is the
26 "division." Each division is headed by a "director."

27 (b) The principal unit of the division is the
28 "bureau." Each bureau is headed by a "chief."

29 (c) The principal unit of the bureau is the "section."
30 Each section is headed by an "administrator."
31

1 (d) If further subdivision is necessary, sections may
2 be divided into "subsections," which are headed by
3 "supervisors."

4 (4) Within the Department of Children and Family
5 Services there are organizational units called "program
6 offices," headed by assistant secretaries.

7 (5) Within the Department of Corrections the principal
8 policy and program development unit of the department is the
9 "office." Each "office" is headed by a director.

10 (6) Within the Department of Transportation the
11 principal policy and program development unit of the
12 department is the "office." Each "office" is headed by a
13 director.

14 (7) Within the Department of Labor and Employment
15 Security, the principal policy and program development unit of
16 the department is the "office." Each "office" is headed by a
17 director.

18 (8)(7)(a) Unless specifically authorized by law, the
19 head of a department may not reallocate duties and functions
20 specifically assigned by law to a specific unit of the
21 department. Those functions or agencies assigned generally to
22 the department without specific designation to a unit of the
23 department may be allocated and reallocated to a unit of the
24 department at the discretion of the head of the department.

25 (b) Within the limitations of this subsection, the
26 head of the department may recommend the establishment of
27 additional divisions, bureaus, sections, and subsections of
28 the department to promote efficient and effective operation of
29 the department. However, additional divisions, or offices in
30 the Department of Children and Family Services, the Department
31 of Corrections, and the Department of Transportation, may be

1 established only by specific statutory enactment. New bureaus,
2 sections, and subsections of departments may be initiated by a
3 department and established as recommended by the Department of
4 Management Services and approved by the Executive Office of
5 the Governor, or may be established by specific statutory
6 enactment.

7 (c) For the purposes of such recommendations and
8 approvals, the Department of Management Services and the
9 Executive Office of the Governor, respectively, must adopt and
10 apply specific criteria for assessing the appropriateness of
11 all reorganization requests from agencies. The criteria must
12 be applied to future agency requests for reorganization and
13 must be used to review the appropriateness of bureaus
14 currently in existence. Any current bureau that does not meet
15 the criteria for a bureau must be reorganized into a section
16 or other appropriate unit.

17 (9)~~(8)~~ The Executive Office of the Governor must
18 maintain a current organizational chart of each agency of the
19 executive branch, which must identify all divisions, bureaus,
20 units, and subunits of the agency. Agencies must submit such
21 organizational charts in accordance with guidelines
22 established by the Executive Office of the Governor.

23 Section 2. Section 20.171, Florida Statutes, is
24 amended to read:

25 20.171 Department of Labor and Employment
26 Security.--There is created a Department of Labor and
27 Employment Security. The department shall operate its programs
28 in a decentralized fashion.

29 (1) The mission of the Department of Labor and
30 Employment Security is to lead in building a superior
31 workforce and economy for Floridians through enhanced customer

1 services and partnerships. It is the intent of the
2 Legislature that the department implement any of the
3 recommendations made in its strategic transformation review
4 that are consistent with state and federal law and that
5 further its mission including seeking from the secretary of
6 the United States Department of Labor or other applicable
7 agency of the Federal Government a favorable policy response
8 or waiver of any conflicting federal statutes or implementing
9 regulations governing federal programs administered by the
10 department. Copies of any such request and corresponding
11 rulings shall be submitted to the applicable substantive and
12 budget committees of the Florida Senate and House of
13 Representatives. It is further the intent of the Legislature
14 that any reorganization of the department result in further
15 advancing the unified state workforce strategy to be designed
16 and carried out by the state and regional workforce
17 development boards in full recognition of the boards'
18 authority to direct policy and plan and be accountable for the
19 state's workforce development system.

20 (2)(1) The head of the Department of Labor and
21 Employment Security is the Secretary of Labor and Employment
22 Security. The secretary shall be appointed by the Governor
23 subject to confirmation by the Senate. The secretary shall
24 serve at the pleasure of the Governor.

25 (3)(2)(a) There is established the Department of Labor
26 and Employment Security Advisory Council, whose mission shall
27 be to advise the secretary on executive matters. The council
28 shall include representatives of individuals, groups,
29 associations, or coalitions that may be affected by issues or
30 problems that the council is asked to examine. There shall be
31 two assistant secretaries who are to be appointed by and shall

1 serve at the pleasure of the secretary. The assistant
2 secretaries shall be titled: Assistant Secretary for Finance
3 and Administration and Assistant Secretary for Programs and
4 Operations. The secretary may assign either assistant
5 secretary the responsibility to supervise, coordinate, and
6 formulate policy for any ~~division, office, or~~ field office.
7 The Office of General Counsel and the Office of Inspector
8 General are established as special offices and shall be headed
9 by managers, each of whom shall be appointed by and serve at
10 the pleasure of the secretary. There shall be a chief
11 information officer who shall be appointed by or under
12 contract and serve at the pleasure of the secretary. The
13 duties of the chief information officer include, but are not
14 limited to, those duties specified in s. 282.3055.
15 Notwithstanding any other provision of law to the contrary,
16 the chief information officer may outsource any information
17 technology function upon his or her determination that such an
18 arrangement would substantially reduce the costs and be more
19 effective than the manner in which the function is being
20 administered by the department.

21 (b) There shall be seven regional managers who shall
22 be appointed by and serve at the pleasure of the secretary and
23 who shall be directly responsible to the secretary. The
24 regional managers are responsible for regional operations and
25 contractual obligations and shall act as liaisons with local
26 communities.~~There shall be five field offices involved in the~~
27 ~~administration and management of the department's programs.~~
28 ~~These field offices shall be responsible for the~~
29 ~~administration and management of any local offices within~~
30 ~~their jurisdiction. The five field offices shall be headed by~~
31

1 ~~managers, each of whom is to be appointed by and serve at the~~
2 ~~pleasure of the secretary.~~

3 (c) The managers of all ~~divisions and~~ offices
4 specifically named in this section, and the regional managers,
5 and the chief information officer ~~directors of the five field~~
6 ~~offices~~ are exempt from part II of chapter 110 and are
7 included in the Senior Management Service in accordance with
8 s. 110.205(2)(i). ~~No other assistant secretaries or senior~~
9 ~~management positions at or above the division level, except~~
10 ~~those established in chapter 110, may be created without~~
11 ~~specific legislative authority.~~

12 (4)(3)(a) The Assistant Secretary for Finance and
13 Administration must possess a broad knowledge of the
14 administrative, financial, and technical aspects of a complete
15 cost-accounting system, budget preparation and management, and
16 management information systems. The assistant secretary must
17 be a proven, effective manager with specialized skills in
18 financial planning and management. The assistant secretary
19 shall ensure that financial information is processed in a
20 timely, accurate, and complete manner.

21 (b) The assistant secretary is responsible for
22 developing, monitoring, and enforcing policy and managing
23 major technical programs. The responsibilities and duties of
24 the position include, but are not limited to, +

25 ~~+~~ the following functional areas:

26 1.a. Financial planning and management.

27 2.b. Information systems.

28 3.c. Accounting systems.

29 4.d. Administrative functions.

30 ~~2. Implementing by no later than December 1, 1999+~~

31

1 a. ~~The preparation of detailed documentation of~~
2 ~~internal controls, including, but not limited to, general and~~
3 ~~application controls the department relies on for accurate and~~
4 ~~complete financial information.~~

5 b. ~~The monthly reconciliation of the department's~~
6 ~~accounting, planning and budgeting, cash forecasting, and~~
7 ~~grants-in-aid program.~~

8 c. ~~The development of a long-range information systems~~
9 ~~plan for the department which addresses the computing and~~
10 ~~information requirements of the five field and central~~
11 ~~offices. Financial, personnel, and technical resources must~~
12 ~~all be identified and quantified, as appropriate.~~

13 (c) The Office of Administration, the Office of
14 Management and Budget, the Office of Program Analysis and
15 Evaluation, and the Office of Information Systems are
16 established and shall be headed by managers who are supervised
17 by and responsible to the assistant secretary. The Office of
18 Program Analysis and Evaluation shall conduct program
19 evaluations, which evaluations may be provided through
20 contracts; provide operational information; guide the research
21 and collection of the Office of Technical Assistance and
22 Quality Assurance; and assist the regional managers and local
23 workforce investment boards in achieving efficiency and
24 effectiveness in various operational approaches to service
25 delivery.

26 (d)1. The secretary shall appoint a comptroller who
27 shall be responsible to the assistant secretary. This
28 position is exempt from part II of chapter 110.

29 2. The comptroller is the chief financial officer of
30 the department and shall be a proven, effective administrator
31 who, by a combination of education and experience, clearly

1 possesses a broad knowledge of the administrative, financial,
2 and technical aspects of a complex cost-accounting system.
3 The comptroller must also have a working knowledge of
4 generally accepted accounting principles. At a minimum, the
5 comptroller shall hold an active license to practice public
6 accounting in this state pursuant to chapter 473 or in any
7 other state. In addition to the requirements of the Florida
8 Fiscal Accounting Management Information System Act, the
9 comptroller is responsible for the development, maintenance,
10 and modification of an accounting system which will in a
11 timely manner accurately reflect the revenues and expenditures
12 of the department and which shall include a cost-accounting
13 system to properly identify, segregate, allocate, and report
14 department costs. The comptroller shall supervise and direct
15 preparation of a detailed 36-month forecast of cash and
16 expenditures and shall be responsible for managing cash and
17 determining cash requirements. The comptroller shall review
18 all comparative cost studies which examine the
19 cost-effectiveness and feasibility of contracting for services
20 and operations performed by the department. The review shall
21 state that the study was prepared in accordance with generally
22 accepted cost-accounting standards applied in a consistent
23 manner using valid and accurate cost data.

24 3. The comptroller may be required to give bond as
25 provided by s. 20.059(4).

26 4. The department shall, by rule or internal
27 management memoranda as required by chapter 120, provide for
28 the maintenance by the comptroller of financial records and
29 accounts of the department as will afford a full and complete
30 check against the improper payment of bills and provide a
31

1 system for the prompt payment of the just obligations of the
2 department, which records must at all times disclose:

3 a. The several appropriations available for the use of
4 the department.

5 b. The specific amounts of each such appropriation
6 budgeted by the department for each improvement or purpose.

7 c. The apportionment or division of all such
8 appropriations among the several counties and field offices,
9 when such apportionment or division is made.

10 d. The amount or portion of each such apportionment
11 against general contractual and other obligations of the
12 department.

13 e. The amount expended and still to be expended in
14 connection with each contractual and each other obligation of
15 the department.

16 f. The expense and operating costs of the various
17 activities of the department.

18 g. The receipts accruing to the department and the
19 distribution thereof.

20 h. The assets, investments, and liabilities of the
21 department.

22 i. The cash requirements of the department for a
23 36-month period.

24 5. The comptroller shall maintain a separate account
25 for each fund administered by the department.

26 6. The comptroller shall perform such other related
27 duties as may be designated by the department.

28 (5)~~(4)~~(a) The Assistant Secretary for Programs and
29 Operations must possess a broad knowledge of the
30 administrative, financial, and technical aspects of the
31 program offices ~~divisions~~ within the department.

1 (b) The assistant secretary is responsible for
2 developing, monitoring, and enforcing policy and managing
3 major technical programs and supervising the Bureau of Appeals
4 of the Office of Workforce and Employment Opportunity ~~Division~~
5 ~~of Unemployment Compensation~~. The responsibilities and duties
6 of the position include, but are not limited to, the following
7 functional areas:

8 1. Workers' compensation management and policy
9 implementation.

10 2. Workforce and employment opportunity ~~Jobs and~~
11 ~~benefits~~ management and policy information.

12 3. Unemployment compensation management and policy
13 implementation.

14 4. Occupational safety and health ~~Blind services~~
15 management and policy implementation.

16 5. Oversight of ~~the five field offices and~~ any local
17 offices.

18 ~~(6)(5)~~ The following offices ~~divisions~~ are established
19 and shall be headed by program office ~~division~~ directors who
20 shall be supervised by and shall be responsible to the
21 Assistant Secretary for Programs and Operations:

22 (a) Office ~~Division~~ of Workforce and Employment
23 Opportunity ~~Opportunities~~.

24 ~~(b) Division of Unemployment Compensation.~~

25 ~~(b)(c)~~ Office ~~Division~~ of Workers' Compensation and
26 Safety.

27 (c) Office of Technical Assistance and Quality
28 Assurance. The Office of Technical Assistance and Quality
29 Assurance shall, either directly or by contract, provide
30 assistance to the local workforce investment boards and WAGES
31 coalitions in performance measurement, contractual compliance,

1 customer satisfaction, and accountability; provide core
2 services of issues resolution and conduct annual detailed
3 visits to local communities to study complete operations; and
4 provide data for the Office of Program Analysis and Evaluation
5 to assess program effectiveness of the department. The office
6 shall also serve as an assessment resource to the regional
7 managers and local coalition managers, create templates for
8 performance contracts to be used with and by the local
9 workforce investment boards and WAGES coalitions, and provide
10 tailored training to overcome operational and technical issues
11 identified by the regional managers as needed to improve
12 operations.

13 ~~(d) Division of Blind Services.~~

14 ~~(e) Division of Safety, which is repealed July 1,~~
15 ~~2000.~~

16 ~~(f) Division of Vocational Rehabilitation.~~

17 (7)(6) It is the intent of the Legislature that the
18 functions and programs of the offices ~~divisions~~ are to be
19 coordinated and integrated to the maximum extent practicably
20 feasible. The department shall have flexibility to minimize
21 costs in managing its contractual obligations with respect to
22 existing leases. The following geographical regions through
23 which the department shall administer all its programs are
24 established:~~Further, it is the intent of the Legislature that~~
25 ~~all key programs be colocated in five field offices. The~~
26 ~~department is directed to develop a schedule to achieve this~~
27 ~~colocation, to the maximum extent feasible, by no later than~~
28 ~~July 1, 2001; provided, however, in those instances where the~~
29 ~~department has contractual obligations with respect to~~
30 ~~existing leases which expire after July 1, 2001, the~~
31 ~~department may phase in relocations to the five field offices~~

1 ~~as said leases expire. The following field offices are~~
2 ~~established and shall be headed by managers:~~

3 (a) Region I Field Office I. ~~Panama City~~, which shall
4 consist of ~~serve~~ the following counties: Escambia, Santa Rosa,
5 Okaloosa, Walton, Holmes, Washington, Bay, Jackson ~~Jefferson~~,
6 Calhoun, Gulf, Lafayette, Dixie, Union, Liberty, Franklin,
7 Wakulla, Leon, Gadsden, Madison, Taylor, Hamilton, Suwannee,
8 Columbia, Gilchrist, Alachua, Bradford, and Jefferson.

9 (b) Region II Field Office II. ~~Lake City~~, which shall
10 consist of ~~serve~~ the following counties: ~~Madison, Taylor,~~
11 ~~Dixie, Lafayette, Suwannee, Hamilton, Columbia, Baker, Union,~~
12 ~~Bradford, Clay, St. Johns, Duval, Nassau, Alachua, Putnam,~~
13 ~~Marion, Levy, Citrus, Hernando, Pasco, Volusia~~ Gilchrist, and
14 Flagler.

15 (c) Region III Field Office III. ~~Orlando~~, which shall
16 consist of ~~serve~~ the following counties: Pinellas,
17 Hillsborough, Manatee, and Sarasota ~~Volusia, Lake, Seminole,~~
18 ~~Orange, Sumter, Brevard, Osceola, Indian River, Highlands, St.~~
19 ~~Lucie, Okeechobee, and Martin.~~

20 (d) Region IV Field Office IV. ~~Tampa~~, which shall
21 consist of ~~serve~~ the following counties: Sumter, Lake,
22 Seminole, Orange, Osceola, Highlands, Citrus, Hernando, Pasco,
23 ~~Pinellas, Hillsborough, Polk, Hardee, and Manatee, Sarasota,~~
24 ~~DeSoto, Charlotte, and Lee.~~

25 (e) Region V Field Office V. ~~Miami~~, which shall
26 consist of ~~serve~~ the following counties: Charlotte, Lee, Palm
27 ~~Beach, Glades, Hendry, Collier, and Broward, Monroe, and Dade.~~

28 (f) Region VI, which shall consist of the following
29 counties: Brevard, Indian River, Okeechobee, St. Lucie,
30 Martin, and Palm Beach.
31

1 (g) Region VII, which shall consist of the following
2 counties: Miami-Dade and Monroe.

3 (8) Whenever possible, the department, in accordance
4 with established program objectives and performance criteria,
5 shall contract for the provision of services by counties,
6 municipalities, not-for-profit corporations, for-profit
7 corporations, and other entities capable of providing needed
8 services, if services so provided are more cost-efficient than
9 those provided by the department.

10 (9)~~(7)~~ The following commissions are established
11 within the Department of Labor and Employment Security:

12 (a) Public Employees Relations Commission.

13 (b) Unemployment Appeals Commission.

14 Section 3. Subsections (10) and (11) are added to
15 section 288.9951, Florida Statutes, to read:

16 288.9951 One-Stop Career Centers.--

17 (10) The Department of Labor and Employment Security
18 and the regional workforce development boards shall take
19 policy direction from the Workforce Development Board with
20 regard to the delivery and integration of workforce services.
21 To ensure that state expenditure of federal workforce funds
22 are in keeping with the requirements of federal guidelines and
23 the purposes of this state's overall workforce development
24 goals, the Workforce Development Board shall supervise the
25 Department of Labor and Employment Security with regard to the
26 expenditure of Title I Workforce Investment Act of 1998 funds
27 and Wagner-Peyser funds received by this state from the
28 Federal Government for purposes of workforce development.

29 (11) As deemed necessary by regional workforce
30 development boards and the department, upon approval by the
31 Workforce Development Board, employees of the department that

1 provide direct customer services may be assigned to the
2 One-Stop Career Centers, subject to the following:

3 (a) The terms and conditions of the assignment shall
4 be contained in a memorandum of understanding to be negotiated
5 by the regional workforce development board and the
6 department.

7 (b) Notwithstanding any provisions in chapter 110 to
8 the contrary, a department employee assigned to a One-Stop
9 Career Center shall retain the position classification as a
10 state employee that he or she held on the day before the
11 assignment takes effect, as well as any state employee
12 personnel rights or benefits associated with that position
13 classification.

14 (c) While on assignment, the employee shall receive
15 the same salary, benefits, and rights as if he or she were not
16 on assignment and shall remain the employee of the department
17 for all purposes, except that during the period of assignment
18 the employee of the department shall be under the day-to-day
19 supervision of the One-Stop Career Center operator, or the
20 designee of the operator.

21 (d) The department shall retain ultimate authority
22 over personnel matters relating to an employee assigned to a
23 One-Stop Career Center operator. The One-Stop Career Center
24 operator shall submit to the department information relating
25 to the job performance of department employees. The
26 department shall consider that information submitted by the
27 One-Stop Career Center operator in conducting performance
28 appraisals of the employee.

29 (e) A department employee assigned to a One-Stop
30 Career Center operator for the purpose of providing
31

1 Wagner-Peyser Act employment services shall be paid using
2 Wagner-Peyser Act funds.

3 Section 4. Effective July 1, 2000, subsections (2) and
4 (3) of section 413.011, Florida Statutes, are amended to read:

5 413.011 Division of Blind Services, internal
6 organizational structure; Advisory Council for the Blind.--

7 (2) As used in this section:

8 (a) "Act," unless the context indicates otherwise,
9 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797.

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

13 (c) "Department" means the Department of Education
14 ~~Labor and Employment Security.~~

15 (3) There is hereby created in the department the
16 Florida Rehabilitation Advisory Council for the Blind. The
17 council shall be established in accordance with the act.
18 Members of the council shall serve without compensation, but
19 may be reimbursed for per diem and travel expenses pursuant to
20 s. 112.061. to assist the division in the planning and
21 ~~development of statewide rehabilitation programs and services,~~
22 ~~to recommend improvements to such programs and services, and~~
23 ~~to perform the functions provided in this section.~~

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

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

28 2. ~~At least one representative of a parent training~~
29 ~~and information center established pursuant to s. 631(c)(9) of~~
30 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~
31 ~~1431(c)(9);~~

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

1 2. ~~Not employed by the division.~~
2 (d) ~~The council shall select a chair from among its~~
3 ~~membership.~~
4 (e) ~~Each member of the council shall serve for a term~~
5 ~~of not more than 3 years, except that:~~
6 1. ~~A member appointed to fill a vacancy occurring~~
7 ~~prior to the expiration of the term for which a predecessor~~
8 ~~was appointed shall be appointed for the remainder of such~~
9 ~~term; and~~
10 2. ~~The terms of service of the members initially~~
11 ~~appointed shall be, as specified by the Governor, for such~~
12 ~~fewer number of years as will provide for the expiration of~~
13 ~~terms on a staggered basis.~~
14 (f) ~~No member of the council may serve more than two~~
15 ~~consecutive full terms.~~
16 (g) ~~Any vacancy occurring in the membership of the~~
17 ~~council shall be filled in the same manner as the original~~
18 ~~appointment. A vacancy does not affect the power of the~~
19 ~~remaining members to execute the duties of the council.~~
20 (h) ~~In addition to the other functions specified in~~
21 ~~this section, the council shall:~~
22 1. ~~Review, analyze, and advise the division regarding~~
23 ~~the performance of the responsibilities of the division under~~
24 ~~Title I of the act, particularly responsibilities relating to:~~
25 a. ~~Eligibility, including order of selection;~~
26 b. ~~The extent, scope, and effectiveness of services~~
27 ~~provided; and~~
28 c. ~~Functions performed by state agencies that affect~~
29 ~~or potentially affect the ability of individuals who are blind~~
30 ~~to achieve rehabilitation goals and objectives under Title I.~~
31

1 ~~2. Advise the department and the division, and, at the~~
2 ~~discretion of the department or division, assist in the~~
3 ~~preparation of applications, the state plan, the strategic~~
4 ~~plan, and amendments to the plans, reports, needs assessments,~~
5 ~~and evaluations required by Title I.~~
6 ~~3. To the extent feasible, conduct a review and~~
7 ~~analysis of the effectiveness of, and consumer satisfaction~~
8 ~~with:~~
9 ~~a. The functions performed by state agencies and other~~
10 ~~public and private entities responsible for performing~~
11 ~~functions for individuals who are blind.~~
12 ~~b. Vocational rehabilitation services:~~
13 ~~(I) Provided or paid for from funds made available~~
14 ~~under the act or through other public or private sources.~~
15 ~~(II) Provided by state agencies and other public and~~
16 ~~private entities responsible for providing vocational~~
17 ~~rehabilitation services to individuals who are blind.~~
18 ~~4. Prepare and submit an annual report on the status~~
19 ~~of vocational rehabilitation services for the blind in the~~
20 ~~state to the Governor and the Commissioner of the~~
21 ~~Rehabilitative Services Administration, established under s.~~
22 ~~702 of the act, and make the report available to the public.~~
23 ~~5. Coordinate with other councils within the state,~~
24 ~~including the Independent Living Council, the advisory panel~~
25 ~~established under s. 613(a)(12) of the Individuals with~~
26 ~~Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State~~
27 ~~Planning Council described in s. 124 of the Developmental~~
28 ~~Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.~~
29 ~~6024, and the state mental health planning council established~~
30 ~~under s. 1916(e) of the Public Health Service Act, 42 U.S.C.~~
31 ~~300X-4(e).~~

1 ~~6. Advise the department and division and provide for~~
2 ~~coordination and the establishment of working relationships~~
3 ~~among the department, the division, the Independent Living~~
4 ~~Council, and centers for independent living in the state.~~

5 ~~7. Perform such other functions consistent with the~~
6 ~~purposes of the act as the council determines to be~~
7 ~~appropriate that are comparable to functions performed by the~~
8 ~~council.~~

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

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

20 ~~3. The council shall, consistent with law, supervise~~
21 ~~and evaluate such staff and other personnel as may be~~
22 ~~necessary to carry out its functions.~~

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

27 ~~(j) No council member shall cast a vote on any matter~~
28 ~~that would provide direct financial benefit to the member or~~
29 ~~otherwise give the appearance of a conflict of interest under~~
30 ~~state law.~~

31

1 ~~(k) The council shall convene at least four meetings~~
2 ~~each year. These meetings shall occur in such places as the~~
3 ~~council deems necessary to conduct council business. The~~
4 ~~council may conduct such forums or hearings as the council~~
5 ~~considers appropriate. The meetings, hearings, and forums~~
6 ~~shall be publicly announced. The meetings shall be open and~~
7 ~~accessible to the public. The council shall make a report of~~
8 ~~each meeting which shall include a record of its discussions~~
9 ~~and recommendations, all of which reports shall be made~~
10 ~~available to the public.~~

11 Section 5. Subsections (15) and (22) of section
12 443.036, Florida Statutes, are amended to read:

13 443.036 Definitions.--As used in this chapter, unless
14 the context clearly requires otherwise:

15 (15) DIVISION.--"Division" means the Office of
16 Workforce and Employment Opportunity ~~Division of Unemployment~~
17 ~~Compensation~~ of the Department of Labor and Employment
18 Security.

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

26 Section 6. Paragraph (b) of subsection (1) of section
27 443.091, Florida Statutes, is amended to read:

28 443.091 Benefit eligibility conditions.--

29 (1) An unemployed individual shall be eligible to
30 receive benefits with respect to any week only if the division
31 finds that:

1 (b) She or he has registered for work at, and
2 thereafter continued to report as instructed by ~~at~~, the
3 division, which shall be responsible for notification of the
4 Division of Jobs and Benefits in accordance with such rules as
5 the division may prescribe; except that the division may, by
6 rule not inconsistent with the purposes of this law, waive or
7 alter either or both of the requirements of this subsection as
8 to individuals attached to regular jobs; but no such rule
9 shall conflict with s. 443.111(1).

10 Section 7. Subsection (7) of section 443.171, Florida
11 Statutes, is amended to read:

12 443.171 Division and commission; powers and duties;
13 rules; advisory council; records and reports.--

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

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

1 Section 8. Subsection (1) of section 443.1715, Florida
2 Statutes, is amended to read:

3 443.1715 Disclosure of information; confidentiality.--

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

1 775.082 or s. 775.083. However, the division may furnish to
2 any employer copies of any report previously submitted by such
3 employer, upon the request of such employer, and may furnish
4 to any claimant copies of any report previously submitted by
5 such claimant, upon the request of such claimant, and the
6 division is authorized to charge therefor such reasonable fee
7 as the division may by rule prescribe not to exceed the actual
8 reasonable cost of the preparation of such copies. Fees
9 received by the division for copies as provided in this
10 subsection must be deposited to the credit of the Employment
11 Security Administration Trust Fund.

12 Section 9. Subsection (1) of section 443.181, Florida
13 Statutes, is amended to read:

14 443.181 State Employment Service.--

15 (1) A state public employment service is hereby
16 established in the Division of Jobs and Benefits. The
17 division shall establish and maintain free public employment
18 offices in such number and in such places as may be necessary
19 for the proper administration of this chapter and for the
20 purposes of performing such duties as are within the purview
21 of the Act of Congress entitled "An Act to provide for the
22 establishment of a national employment system and for
23 cooperation with the states in the promotion of such system
24 and for other purposes," approved June 6, 1933 (48 Stat. 113;
25 29 U.S.C. s. 49(c)), as amended. It shall be the duty of the
26 division to cooperate with any official or agency of the
27 United States having power or duties under the provisions of
28 the Act of Congress, as amended, and to do and perform all
29 things necessary to secure to this state the benefits of said
30 Act of Congress, as amended, in the promotion and maintenance
31 of a system of public employment offices. The provisions of

1 the said Act of Congress, as amended, are hereby accepted by
2 this state, in conformity with s. 4 of that act, and this
3 state will observe and comply with the requirements thereof.
4 The Division of Jobs and Benefits of the Department of Labor
5 and Employment Security is hereby designated and constituted
6 the agency of this state for the purpose of that act. The
7 division is authorized and directed to appoint sufficient
8 employees and such other persons as it deems necessary to
9 carry out the purposes of this section. The division may
10 cooperate with or enter into agreements with the Railroad
11 Retirement Board with respect to the establishment,
12 maintenance, and use of free employment service facilities.

13 Section 10. Paragraph (b) of subsection (4) of section
14 443.231, Florida Statutes, is amended to read:

15 443.231 Florida Training Investment Program.--The
16 Florida Training Investment Program is designed to extend
17 additional benefit eligibility to dislocated workers
18 throughout Florida who have lost their jobs, have limited
19 marketable skills, and enroll in vocational training intended
20 to lead to employment in a recognized occupation for which
21 there is labor market demand. Pursuant thereto:

22 (4) ELIGIBILITY CRITERIA.--

23 (b) The applicant must also:

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

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

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

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

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

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

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

16 Section 11. Section 14 of chapter 99-240, Laws of
17 Florida, is repealed.

18 Section 12. Section 39 of chapter 99-240, Laws of
19 Florida, is amended to read:

20 Section 39. Effective July 1, 2000 ~~January 1, 2001~~,
21 the Division of Blind Services is transferred by a type two
22 transfer as defined in section 20.06(5), Florida Statutes,
23 from the Department of Labor and Employment Security to the
24 Department of Education.

25 Section 13. Within the Department of Labor and
26 Employment Security, all powers, duties, functions, rules,
27 records, personnel, property, and unexpended balances of
28 appropriations, allocations, or other funds of the Division of
29 Workers' Compensation and the Division of Safety are
30 transferred by a type two transfer, as defined in section
31 20.06(2), Florida Statutes, to the Office of Workers'

1 Compensation and Safety, and all powers, duties, functions,
2 rules, records, personnel, property, and unexpended balances
3 of appropriations, allocations, or other funds of the Division
4 of Workforce and Employment Opportunities and the Division of
5 Unemployment Compensation are transferred by a type two
6 transfer, as defined in section 20.06(2), Florida Statutes, to
7 the Office of Workforce and Employment Opportunity, as created
8 by this act.

9 Section 14. The Division of Statutory Revision of the
10 Office of Legislative Services is directed to make the
11 necessary changes in the next official version of the Florida
12 Statutes to provide that all references in the Florida
13 Statutes to the Division of Workers' Compensation and to the
14 Division of Safety of the Department of Labor and Employment
15 Security shall be changed to read "Office of Workers'
16 Compensation and Safety" and all references to the Division of
17 Jobs and Benefits and to the Division of Unemployment
18 Compensation shall read "Office of Workforce and Employment
19 Opportunity."

20 Section 15. (1) The Department of Labor and
21 Employment Security may offer, subject to the provisions of
22 this section, active employees with 30 or more years of
23 creditable service in a state-administered retirement system,
24 or who are at least 62 years of age and are eligible for
25 retirement in a state-administered retirement system, a
26 one-time voluntary reduction-in-force payment during the
27 2000-2001 fiscal year. Such payment shall represent a payment
28 of insurance costs and shall be paid as an annuity to be
29 purchased by the department within funds appropriated for
30 salary and benefits in the General Appropriations Act for
31 fiscal year 2000-2001, which shall include funds derived from

1 eliminating vacated positions. There shall be no
2 annualization costs associated with this plan. The Secretary
3 of Labor and Employment Security shall be deemed to be the
4 public employer for purposes of negotiating the terms and
5 conditions related to the reduction-in-force payments
6 authorized by this section. All persons retiring under this
7 program shall do so no later than January 1, 2001.

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

21 (3) If approved by the Office of Planning and
22 Budgeting, such plan shall be submitted to the Legislature
23 subject to the notice, review, and objection process
24 authorized in section 216.177, Florida Statutes.

25 Section 16. Except as otherwise provided herein, this
26 act shall take effect upon becoming a law.

27
28 *****

29 HOUSE SUMMARY

30 Provides for the reorganization of the Department of
31 Labor and Employment Security. See bill for details.