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CHAMBER ACTION

<u>Senate</u>   <u>House</u>

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11 The Committee on Commerce and Consumer Services (King)

12 recommended the following amendment:

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14 **Senate Amendment**

15 On page 26, line 24, through page 27, line 31, delete

16 those lines

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18 and insert:

19 Section 8. Paragraph (b) of subsection (4), and

20 paragraph (b) of subsection (6), of section 443.151, Florida

21 Statutes, are amended to read:

22 443.151 Procedure concerning claims.--

23 (4) APPEALS.--

24 (b) Filing and hearing.--

25 1. The claimant or any other party entitled to notice

26 of a determination may appeal an adverse determination to an

27 appeals referee within 20 days after the date of mailing of

28 the notice to her or his last known address or, if the notice

29 is not mailed, within 20 days after the date of delivery of

30 the notice.

31 2. Unless the appeal is <u>untimely,</u> withdrawn or review

1 is initiated by the commission, the appeals referee, after

2 mailing all parties and attorneys of record a notice of

3 hearing at least 10 days before the date of hearing,

4 notwithstanding the 14-day notice requirement in s.

5 120.569(2)(b), may only affirm, modify, or reverse the

6 determination. An appeal may not be withdrawn without the

7 permission of the appeals referee.

8   3. However, when an appeal appears to have been filed

9 after the permissible time limit, the Office of Appeals may

10 issue an order to show cause to the appellant, requiring the

11 appellant to show why the appeal should not be dismissed as

12 untimely. If the appellant does not, within 15 days after the

13 mailing date of the order to show cause, provide written

14 evidence of timely filing or good cause for failure to appeal

15 timely, the appeal shall be dismissed.

16   4.3. When an appeal involves a question of whether

17 services were performed by a claimant in employment or for an

18 employer, the referee must give special notice of the question

19 and of the pendency of the appeal to the employing unit and to

20 the Agency for Workforce Innovation, both of which become

21 parties to the proceeding.

22   5.4. The parties must be notified promptly of the

23 referee's decision. The referee's decision is final unless

24 further review is initiated under paragraph (c) within 20 days

25 after the date of mailing notice of the decision to the

26 party's last known address or, in lieu of mailing, within 20

27 days after the delivery of the notice.

28   (6) RECOVERY AND RECOUPMENT.--

29   (b) Any person who, by reason other than her or his

30 fraud, receives benefits under this chapter to which, under a

31 redetermination or decision pursuant to this section, she or

1 he is found not entitled, is liable to repay those benefits to

2 the Agency for Workforce Innovation on behalf of the trust

3 fund or, in the agency's discretion, to have those benefits

4 deducted from any future benefits payable to her or him under

5 this chapter. Any recovery or recoupment of benefits must be

6 effected within 3 2 years after the redetermination or

7 decision.

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