

1 A bill to be entitled
 2 An act relating to reemployment assistance; amending
 3 s. 443.1216, F.S.; defining the term "an organization
 4 that is operated primarily for religious purposes";
 5 requiring the Department of Economic Opportunity to
 6 adopt procedural rules governing the application and
 7 review of organization requests for classification as
 8 an organization that is operated primarily for
 9 religious purposes; providing an effective date.

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

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13 Section 1. Paragraph (a) of subsection (4) of section
 14 443.1216, Florida Statutes, is amended to read:

15 443.1216 Employment.—Employment, as defined in s. 443.036,
 16 is subject to this chapter under the following conditions:

17 (4) For purposes of subsections (2) and (3), the
 18 employment subject to this chapter does not apply to service
 19 performed:

20 (a) In the employ of:

21 1. A church or a convention or association of churches.

22 2. An organization that is operated primarily for
 23 religious purposes and that is operated, supervised, controlled,
 24 or principally supported by a church or a convention or
 25 association of churches.

26 a. "An organization that is operated primarily for
 27 religious purposes" includes, but is not limited to:

28 (I) An institution whose governing body is elected or

29 appointed by church officials, requires its faculty to affirm
30 belief in a common religious faith consistent with that of the
31 governing body, and whose governing body requires religious
32 instruction as a component of the institution's regular
33 curriculum, including, but not limited to, a preschool, child
34 care facility, or school with students in any of grades
35 kindergarten through grade 12.

36 (II) An organization for which the inculcation of
37 religious values is a regular part of its activities and that
38 primarily employs persons who affirm belief in a common
39 religious faith consistent with that of the organization.

40 b. The Department of Economic Opportunity shall adopt
41 procedural rules governing the application and review of
42 organization requests to affirm exemption from covered
43 employment as an organization that operates primarily for
44 religious purposes and that is operated, supervised, controlled,
45 or principally supported by a church or a convention or
46 association of churches for purposes of this subparagraph. The
47 rules shall require the department to determine whether
48 employment subject to this chapter applies to the services
49 performed in the employ of the organization. The rules must
50 provide that the department's determination is binding on the
51 department and applicant until and unless the facts change such
52 that they are substantially different from the facts in the
53 application. The rules must provide for administrative appeal by
54 an applicant of an unfavorable determination and shall permit
55 civil action by an applicant to contest an unfavorable
56 determination. A determination is not required to establish that

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57 | employment subject to this chapter does not apply to the
58 | services performed in the employ of an organization.

59 | Section 2. This act shall take effect July 1, 2013.