

By Senator Hays

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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 employment
18 subject to this chapter does not apply to service performed:

19 (a) In the employ of:

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

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

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

27 (I) An institution whose governing body is elected or
28 appointed by church officials, requires its faculty to affirm
29 belief in a common religious faith consistent with that of the

11-01225A-13

20131332

30 governing body, and whose governing body requires religious
31 instruction as a component of the institution's regular
32 curriculum, including, but not limited to, a preschool, child
33 care facility, or school with students in any of grades
34 kindergarten through grade 12.

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

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

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