

By Senator Detert

28-00857B-14

2014726__

1 A bill to be entitled
2 An act relating to the Reemployment Assistance Appeals
3 Commission; amending s. 443.012, F.S.; revising
4 membership requirements of the commission; removing a
5 provision requiring payment of a daily stipend for
6 certain commissioners; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 443.012, Florida Statutes, is amended to
11 read:

12 443.012 Reemployment Assistance Appeals Commission.—

13 (1) CREATION.—The Reemployment Assistance Appeals
14 Commission ~~There~~ is created within the Division of Workforce
15 Services of the Department of Economic Opportunity ~~a~~
16 ~~Reemployment Assistance Appeals Commission. The commission is~~
17 ~~composed of a chair and two other members appointed by the~~
18 ~~Governor, subject to confirmation by the Senate. Only one~~
19 ~~appointee may be a representative of employers, as demonstrated~~
20 ~~by his or her previous vocation, employment, or affiliation; and~~
21 ~~only one appointee may be a representative of employees, as~~
22 ~~demonstrated by his or her previous vocation, employment, or~~
23 ~~affiliation.~~

24 (2) MEMBERS.—

25 (a) Except for the chair, the terms of the members serving
26 as of July 1, 2014, shall expire on September 30, 2014.
27 Beginning October 1, 2014, the commission shall be composed of
28 nine members, consisting of the following:

29 1. When the term of the chair serving as of July 1, 2014,

28-00857B-14

2014726__

30 expires, a chair, who shall be appointed by the Governor,
31 subject to confirmation by the Senate, for a term of 4 years.
32 The chair must have the qualifications required by law for a
33 judge of the circuit court.

34 2. Eight members appointed by the Governor, subject to
35 confirmation by the Senate, for a term of 2 years,
36 notwithstanding s. 20.052(4)(c). Four members shall be appointed
37 from a list submitted by the President of the Senate which may
38 include only members of the even-numbered regional workforce
39 boards under s. 445.007(1). Four members shall be appointed from
40 a list submitted by the Speaker of the House of Representatives
41 which may include only members of the odd-numbered regional
42 workforce boards under s. 445.007(1). Each list must include at
43 least twice the number of persons as positions required to be
44 filled. However, to stagger the terms of the initial
45 appointments, two members appointed from the list submitted by
46 the President of the Senate and two members appointed from the
47 list submitted by the Speaker of the House of Representatives
48 shall be appointed to a term of 1 year and may be reappointed
49 for an additional term of 2 years.

50 (b) Only one member may be appointed from an individual
51 regional workforce board at a time. An individual regional
52 workforce board may not be represented by an appointee more than
53 once within a 6-year period.

54 (c) A vacancy for the unexpired term of a member shall be
55 filled in the same manner as the original appointment.

56 (d)(a) The chair:

57 1. ~~Shall devote his or her entire time to commission duties~~
58 and Is responsible for the administrative functions of the

28-00857B-14

2014726__

59 commission.

60 2.(b) May ~~The chair has authority to~~ appoint a general
61 counsel and other personnel to carry out the duties and
62 responsibilities of the commission.

63 3.(e) Shall devote his or her entire time to commission
64 duties ~~The chair must have the qualifications required by law~~
65 ~~for a judge of the circuit court~~ and may not engage in any other
66 business vocation or employment.

67 4. Notwithstanding any other law, ~~the chair~~ shall be paid a
68 salary equal to that paid under state law to a judge of the
69 circuit court.

70 (e)(d) ~~The remaining members shall be paid a stipend of~~
71 ~~\$100 for each day they are engaged in the work of the~~
72 ~~commission.~~ The chair and other members are entitled to be
73 reimbursed for travel expenses, as provided in s. 112.061.

74 ~~(e)~~ The ~~total~~ salary of the chair and the travel expenses
75 of the chair and other members ~~each member of the commission~~
76 shall be paid from the Employment Security Administration Trust
77 Fund.

78 (3) HEARINGS.-

79 (a) The presence of four members, in addition to the chair,
80 constitutes a quorum of the commission.

81 (b) A member may not take part in a discussion,
82 deliberation, or action on a matter in which he or she is an
83 interested party or has a conflict of interest as defined in s.
84 112.312.

85 ~~(2) The members of the commission shall be appointed to~~
86 ~~staggered terms of 4 years each. A vacancy for the unexpired~~
87 ~~term of a member shall be filled in the same manner as the~~

28-00857B-14

2014726__

88 ~~original appointment. The presence of two members constitutes a~~
89 ~~quorum for any called meeting of the commission.~~

90 (4)~~(3)~~ AUTHORITY, POWERS, AND DUTIES.—The commission has
91 all authority, powers, and duties,~~and responsibilities~~ relating
92 to reemployment assistance appeal proceedings under this
93 chapter.

94 (a)~~(4)~~ The property, personnel, and appropriations relating
95 to the specified authority, powers, and duties,~~and~~
96 ~~responsibilities~~ of the commission shall be provided to the
97 commission by the Department of Economic Opportunity.

98 ~~(5)~~ The commission is not subject to control, supervision,
99 or direction by the Department of Economic Opportunity in
100 performing its powers or duties under this chapter.

101 (b)~~(6)~~ The commission may do any of the following:

102 1. Make expenditures, including expenditures for personal
103 services and rent, for law books, books of reference,
104 periodicals, furniture, equipment, and supplies, and for
105 printing and binding as necessary in exercising its authority
106 and powers and carrying out its duties and responsibilities. All
107 such expenditures of the commission shall be allowed and paid as
108 provided in s. 443.211 upon the presentation of itemized
109 vouchers approved by the chair.

110 2.~~(7)~~ ~~The commission may~~ Charge fees for publications,
111 subscriptions, and copies of records and documents. These fees
112 must be deposited into ~~in~~ the Employment Security Administration
113 Trust Fund.

114 3. Adopt rules under ss. 120.536(1) and 120.54 to
115 administer the provisions of law conferring duties upon it.

116 (c)~~(8)~~ The commission shall do all of the following:

28-00857B-14

2014726__

117 1. Maintain and keep open during reasonable business hours
118 an office in Tallahassee for the purpose of transacting its
119 business, at which office the commission shall keep its official
120 records and papers. The offices shall be furnished and equipped
121 by the commission. The commission may hold sessions and conduct
122 hearings at any place within the state.

123 ~~2.(9) The commission shall~~ Prepare and submit a budget
124 covering the necessary administrative cost of the commission.

125 ~~3.(10) The commission shall~~ Have a seal for authenticating
126 its orders, awards, and proceedings, upon which shall be
127 inscribed the words "State of Florida-Reemployment Assistance
128 Appeals Commission-Seal," and it shall be judicially noticed.

129 ~~(11) The commission has authority to adopt rules under ss.~~
130 ~~120.536(1) and 120.54 to administer the provisions of law~~
131 ~~conferring duties upon it.~~

132 ~~(d)(12)~~ Orders of the commission relating to reemployment
133 assistance under this chapter are subject to review only by
134 notice of appeal to the district courts of appeal in the manner
135 provided in s. 443.151(4) (e).

136 Section 2. This act shall take effect July 1, 2014.