

By the Committee on Governmental Oversight and Accountability;
and Senator Detert

585-03728-14

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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,

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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 the even-numbered regional workforce boards under s.
38 445.007(1) and four members shall be appointed from the odd-
39 numbered regional workforce boards under s. 445.007(1). However,
40 to stagger the terms of the initial appointments, two members
41 appointed from the even-numbered workforce boards and two
42 members appointed from the odd-numbered workforce boards shall
43 be appointed to a term of 1 year and may be reappointed for an
44 additional term of 2 years. In making appointments, the Governor
45 shall consider representation of labor, minorities, persons with
46 disabilities, small business, and veterans.

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

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

53 (d)-(a) The chair:

54 1. Shall devote his or her entire time to commission duties
55 and Is responsible for the administrative functions of the
56 commission.

57 2. (b) May ~~The chair has authority to~~ appoint a general
58 counsel and other personnel to carry out the duties and

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59 responsibilities of the commission.

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

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

67 ~~(e)(d) The remaining members shall be paid a stipend of~~
68 ~~\$100 for each day they are engaged in the work of the~~
69 ~~commission.~~ The chair and other members are entitled to be
70 reimbursed for travel expenses, as provided in s. 112.061.

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

75 (3) HEARINGS.-

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

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

82 ~~(2) The members of the commission shall be appointed to~~
83 ~~staggered terms of 4 years each. A vacancy for the unexpired~~
84 ~~term of a member shall be filled in the same manner as the~~
85 ~~original appointment. The presence of two members constitutes a~~
86 ~~quorum for any called meeting of the commission.~~

87 (4)(3) AUTHORITY, POWERS, AND DUTIES.-The commission has

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88 all authority, powers, and duties, ~~and responsibilities~~ relating
89 to reemployment assistance appeal proceedings under this
90 chapter.

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

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

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

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

107 2. ~~The commission may~~ Charge fees for publications,
108 subscriptions, and copies of records and documents. These fees
109 must be deposited into ~~in~~ the Employment Security Administration
110 Trust Fund.

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

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

114 1. Maintain and keep open during reasonable business hours
115 an office in Tallahassee for the purpose of transacting its
116 business, at which office the commission shall keep its official

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117 records and papers. The offices shall be furnished and equipped
118 by the commission. The commission may hold sessions and conduct
119 hearings at any place within the state.

120 2.~~(9) The commission shall~~ Prepare and submit a budget
121 covering the necessary administrative cost of the commission.

122 3.~~(10) The commission shall~~ Have a seal for authenticating
123 its orders, awards, and proceedings, upon which shall be
124 inscribed the words "State of Florida-Reemployment Assistance
125 Appeals Commission-Seal," and it shall be judicially noticed.

126 ~~(11) The commission has authority to adopt rules under ss.~~
127 ~~120.536(1) and 120.54 to administer the provisions of law~~
128 ~~conferring duties upon it.~~

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

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