

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Commerce and Tourism

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BILL: CS/SB 1948

INTRODUCER: Commerce and Tourism Committee and Senators Bean and Bradley

SUBJECT: Department of Economic Opportunity

DATE: March 16, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Fav/CS
2.			AP	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 1948 modifies provisions related to the Department of Economic Opportunity (DEO), including:

- Changing the title for the head of the DEO from “Executive Director” to the “Secretary of Economic Opportunity;”
- Creating the Office of Economic Accountability and Transparency within the DEO;
- Adding the Secretary of Economic Opportunity or his or her designee to the Enterprise Florida Board of Directors and the CareerSource Board of Directors;
- Authorizing local governments applying for grants under the Community Development Block Grant (CDBG) program to participate in more than one grant category;
- Increasing the percentage of CDBG funding that the DEO may set aside annually for use in local government jurisdictions when an emergency or natural disaster has been declared by executive order;
- Removing provisions that limit the number of grant applications a local government may submit during each CDBG application cycle;
- Requiring local governments to expedite the approval of building permits applied for by contractors on behalf of a property owner participating in the CDBG-Disaster Recovery program;
- Allowing regional workforce boards to conduct level 2 background screenings;
- Modifying a provision making domestic violence claimants ineligible for RA benefits if they refuse an employer’s reasonable accommodation;

- Requiring the DEO, for fiscal year 2021-2022, to modernize the RA system as provided in the General Appropriations Act;
- Removing the requirement that RA appeals referees be Florida attorneys; and
- Imposing a 5 year statute of limitations on RA appeals.

The bill takes effect upon becoming a law.

## II. Present Situation:

### **The Department of Economic Opportunity**

The DEO was created in 2011 by combining the Agency for Workforce Innovation, the Department of Community Affairs, and the Governor's Office of Tourism, Trade, and Economic Development.<sup>1</sup> The head of the DEO is the executive director, who is appointed by the Governor and confirmed by the Senate.<sup>2</sup> The purpose of the DEO is to formulate and implement policies designed to promote economic opportunities for Floridians.<sup>3</sup>

#### ***The Community Development Block Grant Program***

The Community Development Block Grant (CDBG) Program was created by Title I of the Housing and Community Development Act of 1974.<sup>4</sup> The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.<sup>5</sup>

#### ***Florida Small Cities Community Development Block Grant Program***

The DEO administers the Small Cities CDBG program and distributes funds to eligible non-entitlement communities.<sup>6</sup> To be eligible, a city must have a population under 50,000, and a county's population must be under 200,000.<sup>7</sup> The program awards subgrants in economic development, neighborhood revitalization, housing rehabilitation, and commercial revitalization.<sup>8</sup> Currently, the DEO may annually set aside 5 percent of CDBG funds for use in local government jurisdictions for which an emergency or natural disaster has been declared by executive order.<sup>9</sup>

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<sup>1</sup> See ch. 2011-142, Laws of Fla.

<sup>2</sup> Section 20.60(2), F.S.

<sup>3</sup> See s. 20.60(4), F.S.

<sup>4</sup> The Department of Economic Opportunity, *Community Development Block Grant Program*, available at <https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/community-development-block-grant-program> (last visited March 16, 2021).

<sup>5</sup> *Id.* See also s. 290.044, F.S.

<sup>6</sup> The Department of Economic Opportunity, *Florida Small Cities Development Block Grant Program*, available at <https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program> (last visited March 16, 2021).

<sup>7</sup> The Department of Economic Opportunity, *Community Development Block Grant Program*, available at <https://floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/community-development-block-grant-program> (last visited March 16, 2021).

<sup>8</sup> *Id.*

<sup>9</sup> Section 290.044(5), F.S.

Except for applications for economic development, an eligible local government may only submit one application for a grant during each application cycle.<sup>10</sup> Additionally, if economic development funds remain available after the application cycle closes, the remaining funds must be awarded to eligible projects on a first-come, first served basis.<sup>11</sup>

### ***Disaster Recovery***

The Community Development Block Grant – Disaster Recovery (CDBG-DR) program is a federally funded program administered by the U.S. Department of Housing and Urban Development that is designed to address housing, infrastructure, economic development, and mitigation needs that remain after other assistance has been exhausted.<sup>12</sup>

The DEO administers the CDBG-DR program through its Division of Community Development's Office of Long-Term Resiliency.<sup>13</sup> Currently, single-family residential housing repair and replacement projects are underway for Florida residents whose homes still have unrepaired damage from Hurricanes Hermine, Matthew, Irma, and Michael.<sup>14</sup> These projects must comply with the Florida Building Code Act by applying for and receiving Florida building permits.<sup>15</sup> A building permit for a single-family residential home must be issued within 30 days of application.<sup>16</sup>

### **Enterprise Florida, Inc.**

Enterprise Florida, Inc., (EFI) serves as the principle economic development organization for the state.<sup>17</sup> Among its numerous duties, EFI markets the state for business creation, expansion, and retention.<sup>18</sup> Additionally, EFI contracts with the DEO to manage some of the various programs housed in the Division of Strategic Business Development.<sup>19</sup>

### **Workforce Development Boards**

Twenty-four local workforce development boards (local boards) deliver Florida's workforce development services through over 100 one-stop service providers.<sup>20</sup> The one-stop service providers give Floridians access to available workforce services; including job placement, career

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<sup>10</sup>See s. 290.046(2)(a), F.S. An eligible local government may apply up to three times in any one annual funding cycle for an economic development grant but may not receive more than one such grant per annual funding cycle. A local government may have more than one open economic development grant.

<sup>11</sup> Section 290.046(3)(b), F.S.

<sup>12</sup> The Department of Economic Opportunity, *Office of Disaster Recovery*, available at <https://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative> (last visited March 16, 2021).

<sup>13</sup> *Id.*

<sup>14</sup> *See Id.*

<sup>15</sup> *See* s. 553.79, F.S.

<sup>16</sup> *See* s. 553.79(14), F.S.

<sup>17</sup> Section 288.901(2), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* *See also* s. 20.60(a), F.S.

<sup>20</sup> Florida Department of Economic Opportunity, *CareerSource Florida Network Directory*, <http://lcd.floridajobs.org/> (last visited March 16, 2021).

counseling, and skills training.<sup>21</sup> Each local board formulates a local budget and oversees the one-stop delivery system within its local area.<sup>22</sup>

### ***Background Screening***

An employer<sup>23</sup> may not hire, select, or otherwise allow an employee to have contact with a vulnerable person<sup>24</sup> that would place the employee in a role that requires a background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment.<sup>25</sup> If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any vulnerable person that would place the employee in a role that requires background screening unless the employee is granted an exemption for disqualification by the agency<sup>26</sup> as provided under s. 435.07, F.S.<sup>27</sup>

Sections 435.03 and 435.04, F.S., outline the screening requirements. There are two levels of background screening.

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,<sup>28</sup> and may include criminal records checks through local law enforcement agencies.<sup>29</sup>
- Level 2 screening includes, but, is not limited to, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.<sup>30</sup>

### **Reemployment Assistance**

Florida's unemployment insurance program was created by the Legislature in 1937.<sup>31</sup> The program was rebranded as the "reemployment assistance (RA) program" in 2012.<sup>32</sup> The DEO is responsible for administering the program, and the DEO contracts with the Florida Department

<sup>21</sup> See s. 445.009, F.S.

<sup>22</sup> Section 445.007(12), F.S.

<sup>23</sup> Section 435.02(3), F.S., defines "employer" as any person or entity required by law to conduct screening of employees pursuant to ch. 435, F.S.

<sup>24</sup> Section 415.102(28), F.S., defines "vulnerable adult" as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

<sup>25</sup> Section 435.06(2)(a), F.S.

<sup>26</sup> Section 435.02(1), F.S., defines "agency" as any state, county, or municipal agency that grants licenses or registration permitting the operation of an employer, or is itself an employer, or that otherwise facilitates the screening of employees pursuant to ch.435, F.S. If there is no state agency or the municipal or county agency chooses not to conduct employment screening, "agency" means the Department of Children and Families.

<sup>27</sup> Section 435.06(2)(a), F.S.

<sup>28</sup> The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site. Available at <https://www.nsopw.gov/> (last visited March 16, 2021).

<sup>29</sup> Section 435.03(1), F.S.

<sup>30</sup> Section 435.04(1)(a), F.S.

<sup>31</sup> Chapter 18402, Laws of Fla.

<sup>32</sup> Chapter 2012-30, Laws of Fla.

of Revenue (DOR), as the tax collection service provider, for the collection of unemployment taxes.<sup>33</sup>

### ***Work Search Requirement***

To receive RA benefits, a claimant must meet certain monetary and non-monetary eligibility requirements. Key eligibility requirements involve a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.<sup>34</sup>

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment.<sup>35</sup> For example, each week an individual is required to contact at least five prospective employers (three prospective employers if the individual resides in a small county) or report to a One-Stop Career Center for reemployment services.<sup>36</sup>

### ***Domestic Violence<sup>37</sup> Victims***

Sometimes victims of domestic violence must leave their jobs due to the impact that the violence has had on their lives. Employers are required to permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence.<sup>38</sup>

Except in cases of imminent danger to the health or safety of the employee, or a family or household member, an employee seeking leave from work must provide his or her employer with appropriate advance notice of the leave as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.<sup>39</sup> An employer must keep all information relating to an employee's leave confidential.<sup>40</sup> Additionally, an employer may not fire, demote, suspend, retaliate, or otherwise discriminate against an individual for taking leave.<sup>41</sup>

Employees who voluntarily leave their job are not typically qualified to receive RA benefits.<sup>42</sup> However, an individual will not be disqualified for voluntarily leaving work due to circumstances directly related to domestic violence.<sup>43</sup>

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<sup>33</sup> Section 443.1316, F.S.

<sup>34</sup> See s. 443.091, F.S.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* For the entire list of requirements and exceptions. A "small county" is defined in s. 120.52(19), F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

<sup>37</sup> "'Domestic violence' means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member." s. 741.28, F.S.

<sup>38</sup> Section 741.313, F.S.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> See s. 443.101(1)(a), F.S.

<sup>43</sup> See s. 443.101(1)(a)2.c., F.S.

An individual who voluntarily leaves work due to domestic violence must:

- Make reasonable efforts to preserve employment, unless the individual establishes that such efforts are likely to be futile or increase the risk of future incidents of domestic violence;<sup>44</sup>
- Provide evidence such as an injunction, a protective order, or other documentation authorized by state law, which reasonably proves that domestic violence has occurred; and
- Reasonably believe that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment.<sup>45</sup>

### *The CONNECT System*

Florida's unemployment system is administered by the DEO using the CONNECT system, which was deployed in 2013 to provide a modernized, web-based system and to replace a mainframe system.<sup>46</sup> According to ISF, an information technology and strategy firm who completed an assessment of the CONNECT system between November 2020 and February 2021, the CONNECT system was not designed to process the volume of claims received during the COVID-19 pandemic.<sup>47</sup> ISF analyzed ways to improve the delivery of RA benefits, including a phased approach to ensure the DEO can meet current and future demands.<sup>48</sup> ISF's assessment provides an overview of the current state of the CONNECT system, and recommends the modernization of the RA system, which includes cloud migration.<sup>49</sup>

On May 4, 2020, at the request of Governor DeSantis, the Office of the Chief Inspector General (CIG) initiated a review of the CONNECT system.<sup>50</sup> The scope of the CIG's review considered available documentation and testimony about the CONNECT system from the period of 2007 to 2020.<sup>51</sup> The CIG's recommendations in the draft report included the following:

- Documenting future Information Technology (IT) system capacity requirements and expected utilization in system testing plans and test results;
- Assessing the proposed level of maturity of any state transfer or commercial off-the-shelf system relied upon for risk and properly document the risk;
- Monitoring what is being provided by the vendor and build in an escape plan and financial penalties for noncompliance;
- Requiring project management to be flat and agile, which may include considering more modular IT projects to accommodate future and rapid technological changes; and

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<sup>44</sup> Efforts to preserve employment may include seeking a protective injunction, relocating to a secure place, or seeking reasonable accommodation from the employing unit, such as a transfer or change of assignment. *See Id.*

<sup>45</sup> An individual who is otherwise eligible for RA benefits under s. 443.101, F.S., is ineligible for each week that he or she no longer meets the qualifying criteria or refuses a reasonable accommodation offered in good faith by his or her employing unit. *See Id.*

<sup>46</sup> The Florida Department of Economic Opportunity, *Improved Delivery of Reemployment Assistance Benefits – Final Report* at 1 (Feb. 26, 2021), available at <http://floridajobs.org/docs/default-source/communicationsfiles/2021-improved-delivery-of-reemployment-assistance-benefits-final-report-and-cost-benefit-analysis.pdf> (last visited March 16, 2021).

<sup>47</sup> *Id.* at 2.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Office of the Chief Inspector General, *Review of the Department of Economic Opportunity Florida CONNECT System* at iii (March 4, 2021), available at [https://www.flgov.com/wp-content/uploads/2021/03/202005040015-Draft-Report-3.4.21\\_2.05pm.pdf](https://www.flgov.com/wp-content/uploads/2021/03/202005040015-Draft-Report-3.4.21_2.05pm.pdf) (last visited March 16, 2021).

<sup>51</sup> *Id.*

- Strengthening administrative and physical infrastructure needs, which may include moving the future CONNECT system to the cloud to allow for greater scalability.<sup>52</sup>

### *Appeals Process*

The DEO issues determinations and redeterminations on the monetary and non-monetary eligibility requirements of RA benefits.<sup>53</sup> Determinations and redeterminations are statements by the DEO regarding the application of law to an individual's eligibility for benefits or the effect of the benefits on an employer's tax account.<sup>54</sup> A party who believes a determination is inaccurate may request reconsideration and the DEO must review the information on which the request is based and issue a redetermination.<sup>55</sup>

If a party disagrees with either the determination or redetermination, the applicant or employer may request an administrative hearing before an appeals referee.<sup>56</sup> An appeals referee must be an attorney in good standing with the Florida Bar.<sup>57</sup> Appeals referees in the DEO's Office of Appeals hold hearings and issue decisions to resolve disputes related to eligibility for RA benefits and the payment and collection of RA taxes.<sup>58</sup>

A decision by an appeals referee can be appealed to the RA Appeals Commission.<sup>59</sup> The commission may affirm, modify, remand with instructions, or reverse the determination made by the appeals referee based on evidence previously submitted in the case or additional evidence taken at the direction of the commission.<sup>60</sup> However, the commission may also assume jurisdiction of a case prior to completion of proceedings by an appeals referee.<sup>61</sup>

A party to an appeal who disagrees with the commission's order may seek review of the decision in the Florida district courts of appeal.<sup>62</sup> The notice of appeal should be filed either in the district court of appeal in the appellate district in which a claimant resides or the job separation arose or in the appellate district where the order was issued.<sup>63</sup> If the notice of appeal is filed with the commission, then the appeal will be filed in the district court of appeal in the appellate district where the order was issued.<sup>64</sup>

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<sup>52</sup> *Id.*

<sup>53</sup> Section 443.151(3), F.S. The Social Security Act requires states to offer "an opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied." 42 U.S.C. 503(a)(3).

<sup>54</sup> *See* s. 443.151, F.S.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *See* s. 443.151(4), F.S.

<sup>59</sup> *See* s. 443.151(c), F.S.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *See* s. 443.151(e), F.S.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

### III. Effect of Proposed Changes:

#### The Department of Economic Opportunity

**Section 1** amends s. 20.60, F.S., to change the title for the head of the DEO from “Executive Director” to the “Secretary of Economic Opportunity.”

The bill provides that the secretary may appoint deputy and assistant secretaries as necessary. The bill establishes the Office of the Secretary and the Office of Economic Accountability and Transparency.

The bill provides that the Office of Economic Accountability and Transparency must do the following:

- Oversee the DEO’s critical objectives and make sure the DEO’s key objectives are clearly communicated to the public;
- Organize the DEO’s resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state;
- Provide leadership for the DEO’s priority issues that require integration of policy, managements, and critical objectives from multiple programs and organizations internal and external to the department;
- Promote and facilitate key DEO initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues; and
- Promote strategic planning for the DEO.

The bill authorizes the secretary to create offices within the Office of the Secretary and within the divisions established in s. 20.60(3)(a), F.S., to promote efficient and effective operation of the DEO.

The bill provides that the secretary must appoint and oversee a director for each division established in s. 20.60(3)(a), F.S.

#### Enterprise Florida

**Section 2** amends s. 288.901, F.S., to add the secretary or his or her designee to the Enterprise Florida Board of Directors.

#### Florida Small Cities Community Development Block Grant Program

**Section 3** amends s. 290.042, F.S., to provide that the definition of “administrative costs” has the same meaning as defined in the Housing and Community Development Act of 1974.<sup>65</sup>

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<sup>65</sup> See 42 U.S.C. § 5305, which describes activities that are eligible for assistance under the Community Development section of the act. The section provides that reasonable administrative costs related to establishing and administering federally approved enterprise zones and payment of reasonable administrative costs and carrying charges related to administering the HOME program under Title II of the Cranston-Gonzalez National Affordable Housing Act and the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of

**Section 4** amends s. 290.044, F.S., to provide that applicants applying for CDBGs are authorized to participate in more than one grant category.<sup>66</sup>

The bill increases the percentage of CDBG funds that the DEO may set aside annually for use in local government jurisdictions for which an emergency or natural disaster has been declared by executive order from 5 percent to 15 percent.

The bill removes the requirement that in the last quarter of the state fiscal year, the DEO must distribute any funds not allocated under the emergency-related set-aside to unfunded applications.

**Section 5** amends s. 290.046, F.S., to remove provisions that limit the number of grant applications a local government may submit during each CDBG cycle.

The bill removes the requirement that unused economic development grant funds be awarded on a first come first serve basis.

The bill provides that the DEO may prohibit an applicant from receiving a grant or may penalize an applicant in the rating of a current application if the DEO determines that any applicant has failed to substantially accomplish the results it proposed in previously funded applications.

**Section 13** amends s. 553.79, F.S., to require local governments to issue a building permit for a single-family residential home within 15 working days after receipt of the application when the permit is applied for by a contractor licensed in Florida on behalf of a property owner who participates in a CDBG-DR program.

### **Workforce Development Boards and CareerSource**

**Section 7** amends s. 435.02, F.S., to change the definition of “specified agency” to include regional workforce boards providing services defined in s. 445.002(3), F.S.,<sup>67</sup> which will allow regional workforce development boards to conduct level 2 background screenings.

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such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 are eligible for assistance. *See also* s. 290.047, F.S., which provides that the maximum percentage of block grant funds that can be spent on administrative costs by an eligible local government is 15 percent for the housing rehabilitation program, 8 percent for both the neighborhood and the commercial revitalization program categories, and 8 percent for the economic development program category.

<sup>66</sup> The bill provides that the applicable grant categories include housing rehabilitation, economic development, neighborhood revitalization, commercial revitalization, and any other activity authorized by federal law.

<sup>67</sup> Section 445.002(3), F.S., defines “services and one-time payments” or “services,” when used in reference to individuals who are not receiving temporary cash assistance, as meaning nonrecurrent, short-term benefits designed to deal with specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care information referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; teen pregnancy prevention; two-parent family support, including noncustodial parent employment; court-ordered supervised visitation, and responsible fatherhood services; and any other services that are reasonably calculated to further the purposes of the welfare transition program.

**Section 12** amends s. 445.004, F.S., to add the secretary or his or her designee to the CareerSource Florida, Inc. Board of Directors.

### **Reemployment Assistance**

**Section 8** amends s. 443.091, F.S., to remove the requirement that RA claimants must include phone numbers of prospective employers in their weekly work search report.

The bill clarifies that the term “address” means a website address, a physical address, or an email address.

**Section 9** amends s. 443.101, F.S., to remove a provision providing that a domestic violence claimant is ineligible to receive RA benefits for each week that he or she no longer meets the criteria under s.443.101(1)(a)2.c., F.S., or if they refuse an employer’s reasonable accommodation.

**Section 10** amends s. 443.1113, F.S., to require the DEO, for Fiscal Year 2021-2022, to modernize the RA system as provided in the General Appropriations Act.

The bill provides that the system may be cited as the “Reemployment Assistance Claims and Benefits Information System” (system).

The bill establishes that the system must do the following:

- Be accessible through the Internet;
- Be accessible on mobile devices and personal computers;
- Process RA claims;
- Process benefit payment;
- Monitor for and manage the collection of overpayments;
- Perform adjudication functions;
- Process appeals and manage appeal hearings; and
- Manage and process employer charging.

The bill provides that wherever cost effective and operationally feasible, the system must enable and enhance online, self-service capabilities. The DEO must seek input and recommendations on RA system enhancements from the following entities:

- The Florida Digital Service with the Department of Management Services;
- The General Tax Administration Program Office with the Department of Revenue; and
- The Division of Accounting and Auditing within the Department of Financial Services.

The bill requires that by October 1, 2023, the DEO must submit a RA Claims and Benefits Information System report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, which must include, a summary of maintenance, enhancement, and modernization efforts over the last fiscal year and a 3-year outlook of recommended enhancements or modernization efforts that includes projected costs and timeframes for completion.

The bill removes obsolete language.

**Section 11** amends s. 443.151, F.S., to require an employer<sup>68</sup> to respond to a notice of claim within 14 days after the mailing date of the notice, or in lieu of mailing, within 14 days after the delivery of the notice.<sup>69</sup>

The bill provides that a RA claimant may file a request for the DEO to reconsider a monetary determination within 20 days after the DEO mails the notice to the claimant's last known address, or in lieu of mailing, within 20 days after delivery of the notice.

The bill provides that a monetary redetermination is final for a claimant unless within 20 days after the mailing of the notice of monetary redetermination to the claimant's last known address, or in lieu of mailing, within 20 days after delivery of the notice, the claimant files an appeal. The monetary determination or monetary redetermination is final for an employer or other party entitled to notice unless within 20 days after the mailing or, in lieu of mailing, within 20 days after delivery of the notice, an appeal is filed by an employer or other party.

The bill removes the requirement that an appeals referee be an attorney in good standing with the Florida bar.

The bill establishes a 5 year statute of limitations on appeals.<sup>70</sup>

### **Miscellaneous**

**Section 6** amends s. 331.3081, F.S., to update a cross reference.

**Sections 14-52** amends ss. 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, 1004.015, F.S., respectively, to make conforming changes to provisions made by the bill.

### **Effective Date**

**Section 53** provides that the bill takes effect upon becoming a law.

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<sup>68</sup> "Employer" is referring to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination.

<sup>69</sup> Currently, under s. 443.151(a), F.S., employers are given 20 days to respond to a notice of claim.

<sup>70</sup> The bill provides that an appeal may not be filed more than 5 years after the date of the mailing of a determination or, if the determination is not mailed, more than 5 years after the date of the delivery of the determination.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None Identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Section 1 of the bill authorizes the secretary of the DEO to create offices within the Office of the Secretary established in the bill, and offices within the divisions established in s. 20.60(3), F.S. Section 20.04(3), F.S., provides that departments in the executive branch are internally structured as follows: department, division, bureau, section. Section 20.04(7)(b), F.S., provides that new bureaus, sections, and subsections of departments may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment. Though

some of the new offices are established by specific statutory enactment in the bill, the ability to create other offices may be subject to the provisions of s. 20.04(7)(b), F.S.

#### **VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 20.60, 288.901, 290.042, 290.044, 290.046, 331.3081, 435.02, 443.091, 443.101, 443.1113, 443.151, 445.004, 553.79, 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, 1004.015.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on March 15, 2021:**

The committee substitute requires the DEO, for Fiscal Year 2021-2022, to modernize the reemployment assistance (RA) system as provided in the General Appropriations Act. It clarifies that the RA system must efficiently distribute benefits and effectively manage and operate the RA program, which includes monitoring and managing the collection of overpayments.

The committee substitute clarifies that the DEO must perform an annual review of the RA system and identify ways to improve the delivery of services, and requires a summary of maintenance, enhancement, and modernization efforts over the last fiscal year and a 3-year outlook of recommended changes to be included in the RA Claims and Benefits Information System report. The committee substitute provides that the DEO must seek input and recommendations on RA system enhancements from specified entities.

- B. **Amendments:**

None.