STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY

EMERGENCY ORDER 20-034

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, as of March 15, 2020, numerous counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the Governor issued Executive Order 20-52 on March 9, 2020, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management Act, section 252.31, Florida Statutes, *et al.*, as amended, and all other applicable laws, and declared a state of emergency for the State of Florida; and

WHEREAS, the Governor, in Executive Order Number 20-52, authorized each State agency to suspend the provisions of any regulatory statute of that agency, if strict compliance with that statute would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

WHEREAS, on March 20, 2020, I executed Emergency Order 20-011, on March 26, 2020, I executed Emergency Order 20-014, and on March 31, 2020, I executed Emergency Order 20-016, all of which suspend certain provisions of regulatory statutes that may prevent, hinder, or delay necessary actions to assist Florida's Reemployment Assistance Program; and

WHEREAS, on May 1, 2020, I executed Emergency Order 20-019 which modified and extended Emergency Order 20-011 through May 9, 2020; and

WHEREAS, on May 8, 2020, I executed Emergency Order 20-020 which extended Emergency Orders 20-019, 20-014, and 20-016 through May 30, 2020; and

WHEREAS, on May 29, 2020, I executed Emergency Order 20-024 which extended, until June 13, 2020, the suspensions related to the online work registration requirement of section 443.091(1)(b), Florida Statutes, and the "actively seeking work" requirement of section 443.091(1)(d), Florida Statutes; and which extended, until August 1, 2020, the suspensions related to the license requirement for Appeals Referees in section 443.151(4)(a)2., Florida Statutes, the requirements of section 287.057, Florida Statutes, related to purchases, and the waiting week requirement of section 443.091(1)(f), Florida Statutes; and

WHEREAS, on June 11, 2020, I executed Emergency Order 20-026 which extended, until July 4, 2020, the suspensions related to the online work registration requirement of section 443.091(1)(b), Florida Statutes, and the "actively seeking work" requirement of section 443.091(1)(d), Florida Statutes.

WHEREAS, on July 1, 2020, I executed Emergency Order 20-028 which extended, until August 1, 2020, the suspensions related to the online work registration requirement of section 443.091(1)(b), Florida Statutes, and the "actively seeking work" requirement of section 443.091(1)(d), Florida Statutes.

NOW, THEREFORE, I, KEN LAWSON, Executive Director of Florida's Department of Economic Opportunity, pursuant to the authority granted by Executive Order No. 20-52, and in consultation with Secretary Jonathan Satter of the Department of Management Services, find the timely execution of the mitigation, response, and recovery aspects of the State's emergency

management plan, as it relates to COVID-19, is negatively impacted by the application of certain regulatory statutes related to the Department of Economic Opportunity ("the Department"). Therefore, I order the following:

1. The online work registration requirement in section 443.091(1)(b), Florida Statutes, is hereby suspended. This paragraph modifies the Department's Emergency Order 20-028 and shall remain in effect through September 5, 2020.

2. The "actively seeking work" requirement in section 443.091(1)(d), Florida Statutes, is hereby suspended consistent with the "emergency flexibility" provision of Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020, Public Law 116-127, section 4102(b) and the Department of Labor's related guidance set forth in Unemployment Insurance Program Letter No. 13-20. This paragraph modifies the Department's Emergency Order 20-028 and shall remain in effect through September 5, 2020.

3. The requirement in section 443.151(4)(a)2., Florida Statutes, providing that each Appeals Referee appointed by the Department be an attorney in good standing with The Florida Bar or be successfully admitted to The Florida Bar within eight months of employment is hereby suspended. This paragraph modifies the Department's Emergency Order 20-024 and shall remain in effect through September 5, 2020.

4 Strict compliance with the requirements of section 287.057, Florida Statutes, would prevent, hinder, or delay necessary action in coping with the emergency; therefore, the requirements of section 287.057, Florida Statutes, applicable to the Department for purposes of making purchases necessary to address the increase in reemployment assistance claims, are

suspended. This paragraph modifies the Department's Emergency Order 20-024 and shall remain in effect through September 5, 2020.

5. Strict compliance with the requirements of section 443.091(1)(f), Florida Statutes, would prevent, hinder, or delay necessary action in coping with the emergency; therefore, the requirements of section 443.091(1)(f), Florida Statutes, are suspended. This suspension shall apply retroactively for Reemployment Assistance claims filed the week beginning March 29, 2020. This paragraph modifies the Department's Emergency Order 20-024 and shall remain in effect through September 5, 2020.

6. Nothing herein shall be construed to effect or implicate any other requirements under federal law.

Executed this 28th day of July, 2020, in Tallahassee, Leon County, Florida.

FLORIDA DEPARTMENT OF
ECONOMIC OPPORTUNITY

Ken Lawson, Executive Director
107 E. Madison St.
Tallahassee, Florida 32399

Filed on this 28th day of July, 2020, with the designated Agency Clerk,
receipt of which is hereby acknowledged.

Agency Clerk

NOTICE OF RIGHT TO APPEAL

THIS FINAL ORDER CONSTITUTES FINAL AGENCY ACTION UNDER CHAPTER 120, FLORIDA STATUTES. A PARTY WHO IS ADVERSELY AFFECTED BY FINAL AGENCY ACTION IS ENTITLED TO JUDICIAL REVIEW IN ACCORDANCE WITH SECTION 120.68, FLORIDA STATUTES, AND FLORIDA RULES OF APPELLATE PROCEDURE 9.030(B)(1)(c) AND 9.110.

TO INITIATE JUDICIAL REVIEW OF THIS FINAL AGENCY ACTION, A NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL WITHIN THIRTY (30) CALENDAR DAYS AFTER THE DATE THE FINAL AGENCY ACTION WAS FILED BY THE AGENCY CLERK. THE NOTICE OF APPEAL MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22, FLORIDA STATUTES. A COPY OF THE NOTICE OF APPEAL MUST ALSO BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 107 EAST MADISON STREET, CALDWELL BUILDING, MSC 110, TALLAHASSEE, FLORIDA 32399-4128, AGENCY.CLERK@DEO.MYFLORIDA.COM. A DOCUMENT IS FILED WHEN IT IS RECEIVED. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(A).

AN ADVERSELY AFFECTED PARTY WAIVES THE RIGHT TO JUDICIAL REVIEW IF THE NOTICE OF APPEAL IS NOT TIMELY FILED WITH BOTH THE DEPARTMENT'S AGENCY CLERK AND THE APPROPRIATE DISTRICT COURT OF APPEAL.