

1 A bill to be entitled
2 An act relating to unemployment compensation; amending s.
3 443.011, F.S.; revising a short title to rename
4 "unemployment compensation" as "reemployment assistance";
5 amending s. 443.012, F.S.; renaming the Unemployment
6 Appeals Commission as the Reemployment Assistance Appeals
7 Commission; amending s. 443.036, F.S.; providing a
8 definition for the term "reemployment assistance";
9 revising references to conform to changes made by the act;
10 amending s. 443.071, F.S.; revising the requirements for
11 establishing prima facie evidence of transaction history
12 and payment; revising references to conform to changes
13 made by the act; amending s. 443.091, F.S.; providing
14 scoring requirements relating to initial skills reviews;
15 providing for workforce training for certain eligible
16 claimants; providing reporting requirements; providing
17 work search requirements for certain claimants; providing
18 for the applicability of certain exceptions relating to
19 benefits based on employment with a private employer under
20 contract with an educational institution effective July 1,
21 2013; revising references to conform to changes made by
22 this act; amending s. 443.101, F.S.; clarifying how a
23 disqualification for benefits for fraud is imposed;
24 revising references to conform to changes made by this
25 act; reviving, readopting, and amending s. 443.1117, F.S.,
26 relating to temporary extended benefits; providing for
27 retroactive application; establishing temporary state
28 extended benefits for weeks of unemployment; revising

29 definitions; providing for state extended benefits for
30 certain weeks and for periods of high unemployment;
31 providing for application of specified provisions of the
32 act; amending s. 443.131, F.S.; prohibiting benefits from
33 being charged to the employment record of an employer that
34 is forced to lay off workers as a result of a manmade
35 disaster of national significance; revising references to
36 conform to changes made by this act; amending s. 443.1216,
37 F.S.; providing that employee leasing companies may make a
38 one-time election to report leased employees under the
39 respective unemployment account of each leasing company
40 client; providing procedures and application for such
41 election; revising references to conform to changes made
42 by the act; amending s. 443.151, F.S.; revising the
43 statute of limitations related to the collection of
44 unemployment compensation benefits overpayments; revising
45 references to conform to changes made by this act;
46 amending s. 443.171, F.S.; deleting an exemption from
47 public records requirements for unemployment compensation
48 records and reports; revising references to conform to
49 changes made by this act; amending s. 443.1715, F.S.;
50 revising an exemption from public records requirements for
51 unemployment compensation records and reports; revising
52 references to conform to changes made by this act;
53 amending ss. 20.60, 27.52, 40.24, 45.031, 55.204, 57.082,
54 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,
55 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,
56 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,

57 | 288.075, 288.1045, 288.106, 288.1081, 288.1089, 334.30,
 58 | 408.809, 409.2563, 409.2576, 414.295, 435.06, 440.12,
 59 | 440.15, 440.381, 440.42, 443.051, 443.111, 443.1113,
 60 | 443.1116, 443.1215, 443.1312, 443.1313, 443.1315,
 61 | 443.1316, 443.1317, 443.141, 443.163, 443.17161, 443.181,
 62 | 443.191, 443.221, 445.009, 445.016, 446.50, 448.110,
 63 | 450.31, 450.33, 468.529, 553.791, 624.509, 679.4061,
 64 | 679.4081, 895.02, 896.101, 921.0022, 946.513, 946.523,
 65 | 985.618, 1003.496, 1008.39, and 1008.41, F.S.; revising
 66 | references to conform to changes made by the act;
 67 | providing for severability; providing a declaration of
 68 | important state interest; providing effective dates.

69 |

70 | Be It Enacted by the Legislature of the State of Florida:

71 |

72 | Section 1. Section 443.011, Florida Statutes, is amended
 73 | to read:

74 | 443.011 Short title.—This chapter may be cited as the
 75 | "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."

76 | Section 2. Subsections (1), (3), (10), and (12) of section
 77 | 443.012, Florida Statutes, are amended to read:

78 | 443.012 Reemployment Assistance ~~Unemployment~~ Appeals
 79 | Commission.—

80 | (1) There is created within the Division of Workforce
 81 | Services of the Department of Economic Opportunity a
 82 | Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
 83 | commission is composed of a chair and two other members
 84 | appointed by the Governor, subject to confirmation by the

85 Senate. Only one appointee may be a representative of employers,
 86 as demonstrated by his or her previous vocation, employment, or
 87 affiliation; and only one appointee may be a representative of
 88 employees, as demonstrated by his or her previous vocation,
 89 employment, or affiliation.

90 (a) The chair shall devote his or her entire time to
 91 commission duties and is responsible for the administrative
 92 functions of the commission.

93 (b) The chair has authority to appoint a general counsel
 94 and other personnel to carry out the duties and responsibilities
 95 of the commission.

96 (c) The chair must have the qualifications required by law
 97 for a judge of the circuit court and may not engage in any other
 98 business vocation or employment. Notwithstanding any other law,
 99 the chair shall be paid a salary equal to that paid under state
 100 law to a judge of the circuit court.

101 (d) The remaining members shall be paid a stipend of \$100
 102 for each day they are engaged in the work of the commission. The
 103 chair and other members are entitled to be reimbursed for travel
 104 expenses, as provided in s. 112.061.

105 (e) The total salary and travel expenses of each member of
 106 the commission shall be paid from the Employment Security
 107 Administration Trust Fund.

108 (3) The commission has all authority, powers, duties, and
 109 responsibilities relating to reemployment assistance
 110 ~~unemployment compensation~~ appeal proceedings under this chapter.

111 (10) The commission shall have a seal for authenticating
 112 its orders, awards, and proceedings, upon which shall be

113 inscribed the words "State of Florida-Reemployment Assistance
 114 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
 115 judicially noticed.

116 (12) Orders of the commission relating to reemployment
 117 assistance ~~unemployment compensation~~ under this chapter are
 118 subject to review only by notice of appeal to the district
 119 courts of appeal in the manner provided in s. 443.151(4)(e).

120 Section 3. Subsections (12), (14), and (26) of section
 121 443.036, Florida Statutes, are amended, present subsections (38)
 122 through (46) are renumbered as subsections (39) through (47),
 123 respectively, present subsections (38) and (42) are amended, and
 124 a new subsection (38) is added to that section, to read:

125 443.036 Definitions.—As used in this chapter, the term:

126 (12) "Commission" means the Reemployment Assistance
 127 ~~Unemployment~~ Appeals Commission.

128 (14) "Contribution" means a payment of payroll tax to the
 129 Unemployment Compensation Trust Fund which is required under
 130 this chapter to finance reemployment assistance ~~unemployment~~
 131 benefits.

132 (26) "Initial skills review" means an online education or
 133 training program, such as that established under s. 1004.99,
 134 that is approved by the Department of Economic Opportunity
 135 ~~Agency for Workforce Innovation~~ and designed to measure an
 136 individual's mastery level of workplace skills.

137 (38) "Reemployment assistance" means cash benefits payable
 138 to individuals with respect to their unemployment pursuant to
 139 the provisions of this chapter. Where the context requires,
 140 reemployment assistance also means cash benefits payable to

141 individuals with respect to their unemployment pursuant to 5
 142 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
 143 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
 144 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
 145 U.S.C. s. 503. Any reference to reemployment assistance shall
 146 mean compensation payable from an unemployment fund as defined
 147 in 26 U.S.C. s. 3306(f).

148 ~~(39)-(38)~~ "Reimbursement" means a payment of money to the
 149 Unemployment Compensation Trust Fund in lieu of a contribution
 150 which is required under this chapter to finance reemployment
 151 assistance ~~unemployment~~ benefits.

152 ~~(43)-(42)~~ "Tax collection service provider" or "service
 153 provider" means the state agency providing reemployment
 154 assistance ~~unemployment~~ tax collection services under contract
 155 with the Department of Economic Opportunity through an
 156 interagency agreement pursuant to s. 443.1316.

157 Section 4. Paragraph (a) of subsection (1) and paragraphs
 158 (b) and (d) of subsection (3) of section 443.051, Florida
 159 Statutes, are amended to read:

160 443.051 Benefits not alienable; exception, child support
 161 intercept.—

162 (1) DEFINITIONS.—As used in this section:

163 (a) "Reemployment assistance" or "unemployment
 164 compensation" means any compensation payable under state law,
 165 including amounts payable pursuant to an agreement under any
 166 federal law providing for compensation, assistance, or
 167 allowances for unemployment.

168 (3) EXCEPTION, SUPPORT INTERCEPT.—

169 (b) For support obligations established on or after July
 170 1, 2006, and for support obligations established before July 1,
 171 2006, when the support order does not address the withholding of
 172 reemployment assistance or unemployment compensation, the
 173 department shall deduct and withhold 40 percent of the
 174 reemployment assistance or unemployment compensation otherwise
 175 payable to an individual disclosed under paragraph (a). If
 176 delinquencies, arrearages, or retroactive support are owed and
 177 repayment has not been ordered, the unpaid amounts are included
 178 in the support obligation and are subject to withholding. If the
 179 amount deducted exceeds the support obligation, the Department
 180 of Revenue shall promptly refund the amount of the excess
 181 deduction to the obligor. For support obligations in effect
 182 before July 1, 2006, if the support order addresses the
 183 withholding of reemployment assistance or unemployment
 184 compensation, the department shall deduct and withhold the
 185 amount ordered by the court or administrative agency that issued
 186 the support order as disclosed by the Department of Revenue.

187 (d) Any amount deducted and withheld under this subsection
 188 shall for all purposes be treated as if it were paid to the
 189 individual as reemployment assistance or unemployment
 190 compensation and paid by the individual to the Department of
 191 Revenue for support obligations.

192 Section 5. Subsections (6), (7), and (8) of section
 193 443.071, Florida Statutes, are amended to read:

194 443.071 Penalties.—

195 (6) The entry into evidence of an application for
 196 reemployment assistance ~~unemployment~~ benefits initiated by the

197 use of the Internet claims program or the interactive voice
 198 response system telephone claims program of the Department of
 199 Economic Opportunity constitutes prima facie evidence of the
 200 establishment of a personal benefit account by or for an
 201 individual if the following information is provided: the
 202 applicant's name, residence address, date of birth, social
 203 security number, and present or former place of work.

204 (7) The entry into evidence of a transaction history
 205 generated by a personal identification number, password, or
 206 other identifying code used by the department, establishing that
 207 a certification or claim for one or more weeks of benefits was
 208 made against the benefit account of the individual, together
 209 with documentation that payment was paid by a state warrant made
 210 to the order of the person, ~~or by~~ direct deposit via electronic
 211 means, or department-issued debit card, constitutes prima facie
 212 evidence that the person claimed and received reemployment
 213 assistance ~~unemployment~~ benefits from the state.

214 (8) All records relating to investigations of reemployment
 215 assistance ~~unemployment compensation~~ fraud in the custody of the
 216 Department of Economic Opportunity or its tax collection service
 217 provider are available for examination by the Department of Law
 218 Enforcement, the state attorneys, or the Office of the Statewide
 219 Prosecutor in the prosecution of offenses under s. 817.568 or in
 220 proceedings brought under this chapter.

221 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
 222 of section 443.091, Florida Statutes, are amended, present
 223 paragraph (f) of subsection (3) of that section is redesignated
 224 as paragraph (g), and a new paragraph (f) is added to that

225 subsection, to read:

226 443.091 Benefit eligibility conditions.—

227 (1) An unemployed individual is eligible to receive
 228 benefits for any week only if the Department of Economic
 229 Opportunity finds that:

230 (c) To make continued claims for benefits, she or he is
 231 reporting to the department in accordance with this paragraph
 232 and department ~~agency~~ rules, and participating in an initial
 233 skills review, as directed by the department ~~agency~~. Department
 234 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which
 235 requires that each claimant continue to report regardless of any
 236 pending appeal relating to her or his eligibility or
 237 disqualification for benefits.

238 1. For each week of unemployment claimed, each report
 239 must, at a minimum, include the name, address, and telephone
 240 number of each prospective employer contacted, or the date the
 241 claimant reported to a one-stop career center, pursuant to
 242 paragraph (d).

243 2. The administrator or operator of the initial skills
 244 review shall notify the department ~~agency~~ when the individual
 245 completes the initial skills review and report the results of
 246 the review to the regional workforce board or the one-stop
 247 career center as directed by the workforce board. The department
 248 shall prescribe a numeric score on the initial skills review
 249 that demonstrates a minimal proficiency in workforce skills. The
 250 department, workforce board, or one-stop career center shall use
 251 the initial skills review to develop a plan for referring
 252 individuals to training and employment opportunities. The

253 failure of the individual to comply with this requirement will
254 result in the individual being determined ineligible for
255 benefits for the week in which the noncompliance occurred and
256 for any subsequent week of unemployment until the requirement is
257 satisfied. However, this requirement does not apply if the
258 individual is able to affirmatively attest to being unable to
259 complete such review due to illiteracy or a language impediment
260 or is exempt from the work registration requirement pursuant to
261 paragraph (b).

262 3. Any individual that falls below the minimal proficiency
263 score prescribed by the department in subparagraph 2. shall be
264 offered training opportunities and encouraged to participate in
265 such training, at no cost to the individual, in order to improve
266 her or his workforce skills to the minimal proficiency level.

267 4. The department shall coordinate with Workforce Florida,
268 Inc., the workforce boards, and the one-stop career centers to
269 identify, develop, and use best practices for improving the
270 skills of individuals who choose to participate in training
271 opportunities with a minimal proficiency score below the score
272 prescribed in subparagraph 2.

273 5. The department, in coordination with Workforce Florida,
274 Inc., the regional workforce boards, and the one-stop career
275 centers, shall evaluate the use, effectiveness, and costs
276 associated with the training prescribed in subparagraph 3. and
277 report its findings and recommendations for training and the use
278 of best practices to the Governor, the President of the Senate,
279 and the Speaker of the House of Representatives by January 1,
280 2013.

281 (d) She or he is able to work and is available for work.
282 In order to assess eligibility for a claimed week of
283 unemployment, the department shall develop criteria to determine
284 a claimant's ability to work and availability for work. A
285 claimant must be actively seeking work in order to be considered
286 available for work. This means engaging in systematic and
287 sustained efforts to find work, including contacting at least
288 five prospective employers for each week of unemployment
289 claimed. The department ~~agency~~ may require the claimant to
290 provide proof of such efforts to the one-stop career center as
291 part of reemployment services. The department ~~agency~~ shall
292 conduct random reviews of work search information provided by
293 claimants. As an alternative to contacting at least five
294 prospective employers for any week of unemployment claimed, a
295 claimant may, for that same week, report in person to a one-stop
296 career center to meet with a representative of the center and
297 access reemployment services of the center. The center shall
298 keep a record of the services or information provided to the
299 claimant and shall provide the records to the department ~~agency~~
300 upon request by the department ~~agency~~. However:

301 1. Notwithstanding any other provision of this paragraph
302 or paragraphs (b) and (e), an otherwise eligible individual may
303 not be denied benefits for any week because she or he is in
304 training with the approval of the department, or by reason of s.
305 443.101(2) relating to failure to apply for, or refusal to
306 accept, suitable work. Training may be approved by the
307 department in accordance with criteria prescribed by rule. A
308 claimant's eligibility during approved training is contingent

309 upon satisfying eligibility conditions prescribed by rule.

310 2. Notwithstanding any other provision of this chapter, an
311 otherwise eligible individual who is in training approved under
312 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
313 determined ineligible or disqualified for benefits due to
314 enrollment in such training or because of leaving work that is
315 not suitable employment to enter such training. As used in this
316 subparagraph, the term "suitable employment" means work of a
317 substantially equal or higher skill level than the worker's past
318 adversely affected employment, as defined for purposes of the
319 Trade Act of 1974, as amended, the wages for which are at least
320 80 percent of the worker's average weekly wage as determined for
321 purposes of the Trade Act of 1974, as amended.

322 3. Notwithstanding any other provision of this section, an
323 otherwise eligible individual may not be denied benefits for any
324 week because she or he is before any state or federal court
325 pursuant to a lawfully issued summons to appear for jury duty.

326 4. Union members who customarily obtain employment through
327 a union hiring hall may satisfy the work search requirements of
328 this paragraph by reporting daily to their union hall.

329 5. The work search requirements of this paragraph do not
330 apply to persons who are unemployed as a result of a temporary
331 layoff or who are claiming benefits under an approved short-time
332 compensation plan as provided in s. 443.1116.

333 6. In small counties as defined in s. 120.52(19), a
334 claimant engaging in systematic and sustained efforts to find
335 work must contact at least three prospective employers for each
336 week of unemployment claimed.

337 (f) She or he has been unemployed for a waiting period of
 338 1 week. A week may ~~not~~ be counted as a waiting week ~~of~~
 339 ~~unemployment~~ under this subsection only if unless:

340 1. It occurs within the benefit year that includes the
 341 week for which she or he claims payment of benefits;~~;~~

342 2. Benefits have not been paid for that week; and~~;~~

343 3. The individual was eligible for benefits for that week
 344 as provided in this section and s. 443.101, except for the
 345 requirements of this subsection and s. 443.101(5).

346 (3) Benefits based on service in employment described in
 347 s. 443.1216(2) and (3) are payable in the same amount, on the
 348 same terms, and subject to the same conditions as benefits
 349 payable based on other service subject to this chapter, except
 350 that:

351 (f) Effective July 1, 2013, paragraphs (a), (b), and (c)
 352 shall apply to services provided by an individual for an
 353 educational institution while in the employ of a private
 354 employer holding a contractual relationship with such
 355 educational institution, but only if the base period wages
 356 attributable to such services are identified as such in the
 357 quarterly reports filed pursuant to s. 443.131(1).

358 Section 7. Subsections (5), (6), (9), and (11) and
 359 paragraph (b) of subsection (10) of section 443.101, Florida
 360 Statutes, are amended to read:

361 443.101 Disqualification for benefits.—An individual shall
 362 be disqualified for benefits:

363 (5) For any week with respect to which or a part of which
 364 he or she has received or is seeking reemployment assistance or

365 | unemployment benefits under a reemployment assistance or an
 366 | unemployment compensation law of another state or of the United
 367 | States. For the purposes of this subsection, a reemployment
 368 | assistance or an unemployment compensation law of the United
 369 | States is any law of the United States which provides for
 370 | payment of any type and in any amounts for periods of
 371 | unemployment due to lack of work. However, if the appropriate
 372 | agency of the other state or of the United States finally
 373 | determines that he or she is not entitled to reemployment
 374 | assistance or unemployment benefits, this disqualification does
 375 | not apply.

376 | (6) ~~For a period not to exceed 1 year from the date of the~~
 377 | ~~discovery by the Department of Economic Opportunity of the~~
 378 | ~~making of any false or fraudulent representation for the purpose~~
 379 | ~~of obtaining benefits contrary to this chapter, constituting a~~
 380 | ~~violation under s. 443.071. The disqualification imposed under~~
 381 | ~~this subsection shall begin with the week in which the false or~~
 382 | ~~fraudulent representation is made and shall continue for a~~
 383 | ~~period not to exceed 1 year after the date the Department of~~
 384 | ~~Economic Opportunity discovers the false or fraudulent~~
 385 | ~~representation and until any overpayment of benefits resulting~~
 386 | ~~from such representation has been repaid in full.~~ This
 387 | disqualification may be appealed in the same manner as any other
 388 | disqualification imposed under this section. A conviction by any
 389 | court of competent jurisdiction in this state of the offense
 390 | prohibited or punished by s. 443.071 is conclusive upon the
 391 | appeals referee and the commission of the making of the false or
 392 | fraudulent representation for which disqualification is imposed

393 under this section.

394 (9) If the individual was terminated from his or her work
395 as follows:

396 (a) If the Department of Economic Opportunity or the
397 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
398 that the individual was terminated from work for violation of
399 any criminal law, under any jurisdiction, which was in
400 connection with his or her work, and the individual was
401 convicted, or entered a plea of guilty or nolo contendere, the
402 individual is not entitled to reemployment assistance
403 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
404 adopted by the department, and until he or she has earned income
405 of at least 17 times his or her weekly benefit amount. If,
406 before an adjudication of guilt, an admission of guilt, or a
407 plea of nolo contendere, the employer proves by competent
408 substantial evidence to the department that the arrest was due
409 to a crime against the employer or the employer's business,
410 customers, or invitees, the individual is not entitled to
411 reemployment assistance ~~unemployment~~ benefits.

412 (b) If the department or the Reemployment Assistance
413 ~~Unemployment~~ Appeals Commission finds that the individual was
414 terminated from work for any dishonest act in connection with
415 his or her work, the individual is not entitled to reemployment
416 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
417 rules adopted by the department, and until he or she has earned
418 income of at least 17 times his or her weekly benefit amount. If
419 the employer terminates an individual as a result of a dishonest
420 act in connection with his or her work and the department finds

421 misconduct in connection with his or her work, the individual is
 422 not entitled to reemployment assistance ~~unemployment~~ benefits.

423
 424 If an individual is disqualified for benefits, the account of
 425 the terminating employer, if the employer is in the base period,
 426 is noncharged at the time the disqualification is imposed.

427 (10) Subject to the requirements of this subsection, if
 428 the claim is made based on the loss of employment as a leased
 429 employee for an employee leasing company or as a temporary
 430 employee for a temporary help firm.

431 (b) A temporary or leased employee is deemed to have
 432 voluntarily quit employment and is disqualified for benefits
 433 under subparagraph (1)(a)1. if, upon conclusion of his or her
 434 latest assignment, the temporary or leased employee, without
 435 good cause, failed to contact the temporary help or employee-
 436 leasing firm for reassignment, if the employer advised the
 437 temporary or leased employee at the time of hire and that the
 438 leased employee is notified also at the time of separation that
 439 he or she must report for reassignment upon conclusion of each
 440 assignment, regardless of the duration of the assignment, and
 441 that reemployment assistance ~~unemployment~~ benefits may be denied
 442 for failure to report. For purposes of this section, the time of
 443 hire for a day laborer is upon his or her acceptance of the
 444 first assignment following completion of an employment
 445 application with the labor pool. The labor pool as defined in s.
 446 448.22(1) must provide notice to the temporary employee upon
 447 conclusion of the latest assignment that work is available the
 448 next business day and that the temporary employee must report

449 for reassignment the next business day. The notice must be given
 450 by means of a notice printed on the paycheck, written notice
 451 included in the pay envelope, or other written notification at
 452 the conclusion of the current assignment.

453 (11) If an individual is discharged from employment for
 454 drug use as evidenced by a positive, confirmed drug test as
 455 provided in paragraph (1)(d), or is rejected for offered
 456 employment because of a positive, confirmed drug test as
 457 provided in paragraph (2)(c), test results and chain of custody
 458 documentation provided to the employer by a licensed and
 459 approved drug-testing laboratory is self-authenticating and
 460 admissible in reemployment assistance ~~unemployment compensation~~
 461 hearings, and such evidence creates a rebuttable presumption
 462 that the individual used, or was using, controlled substances,
 463 subject to the following conditions:

464 (a) To qualify for the presumption described in this
 465 subsection, an employer must have implemented a drug-free
 466 workplace program under ss. 440.101 and 440.102, and must submit
 467 proof that the employer has qualified for the insurance
 468 discounts provided under s. 627.0915, as certified by the
 469 insurance carrier or self-insurance unit. In lieu of these
 470 requirements, an employer who does not fit the definition of
 471 "employer" in s. 440.102 may qualify for the presumption if the
 472 employer is in compliance with equivalent or more stringent
 473 drug-testing standards established by federal law or regulation.

474 (b) Only laboratories licensed and approved as provided in
 475 s. 440.102(9), or as provided by equivalent or more stringent
 476 licensing requirements established by federal law or regulation

477 may perform the drug tests.

478 (c) Disclosure of drug test results and other information
 479 pertaining to drug testing of individuals who claim or receive
 480 compensation under this chapter shall be governed by s.
 481 443.1715.

482 Section 8. Paragraph (b) of subsection (1), subsection
 483 (2), and paragraph (a) of subsection (5) of section 443.111,
 484 Florida Statutes, are amended to read:

485 443.111 Payment of benefits.—

486 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
 487 in accordance with rules adopted by the Department of Economic
 488 Opportunity, subject to the following requirements:

489 (b) As required under s. 443.091(1), each claimant must
 490 report at least biweekly to receive reemployment assistance
 491 ~~unemployment~~ benefits and to attest to the fact that she or he
 492 is able and available for work, has not refused suitable work,
 493 is seeking work and has met the requirements of s. 443.091(d).
 494 ~~contacted at least five prospective employers or reported in~~
 495 ~~person to a one-stop career center for reemployment services for~~
 496 ~~each week of unemployment claimed, and, if she or he has worked,~~
 497 to report earnings from that work. Each claimant must continue
 498 to report regardless of any appeal or pending appeal relating to
 499 her or his eligibility or disqualification for benefits.

500 (2) QUALIFYING REQUIREMENTS.—To establish a benefit year
 501 for reemployment assistance ~~unemployment~~ benefits, an individual
 502 must have:

503 (a) Wage credits in two or more calendar quarters of the
 504 individual's base period.

505 (b) Minimum total base period wage credits equal to the
 506 high quarter wages multiplied by 1.5, but at least \$3,400 in the
 507 base period.

508 (5) DURATION OF BENEFITS.—

509 (a) As used in this section, the term "Florida average
 510 unemployment rate" means the average of the 3 months for the
 511 most recent third calendar year quarter of the seasonally
 512 adjusted statewide unemployment rates as published by the
 513 Department of Economic Opportunity Agency for Workforce
 514 Innovation.

515 Section 9. Section 443.1113, Florida Statutes, is amended
 516 to read:

517 443.1113 Reemployment Assistance Unemployment Compensation
 518 Claims and Benefits Information System.—

519 (1) To the extent that funds are appropriated for each
 520 phase of the Reemployment Assistance Unemployment Compensation
 521 Claims and Benefits Information System by the Legislature, the
 522 Department of Economic Opportunity shall replace and enhance the
 523 functionality provided in the following systems with an
 524 integrated Internet-based system that is known as the
 525 "Reemployment Assistance Unemployment Compensation Claims and
 526 Benefits Information System":

- 527 (a) Claims and benefit mainframe system.
- 528 (b) Florida unemployment Internet direct.
- 529 (c) Florida continued claim Internet directory.
- 530 (d) Call center interactive voice response system.
- 531 (e) Benefit overpayment screening system.
- 532 (f) Internet and Intranet appeals system.

533 (2) The Reemployment Assistance ~~Unemployment Compensation~~
 534 Claims and Benefits System shall accomplish the following main
 535 business objectives:

536 (a) Wherever cost-effective and operationally feasible,
 537 eliminate or automate existing paper processes and enhance any
 538 existing automated workflows in order to expedite customer
 539 transactions and eliminate redundancy.

540 (b) Enable online, self-service access to claimant and
 541 employer information and federal and state reporting.

542 (c) Integrate benefit payment control with the
 543 adjudication program and collection system in order to improve
 544 the detection of fraud.

545 (d) Comply with all requirements established in federal
 546 and state law for reemployment assistance ~~unemployment~~
 547 ~~compensation~~.

548 (e) Integrate with the Department of Revenue's statewide
 549 unified tax system that collects reemployment assistance
 550 ~~unemployment compensation~~ taxes.

551 (3) The scope of the Reemployment Assistance ~~Unemployment~~
 552 ~~Compensation~~ Claims and Benefits Information System does not
 553 include any of the following functionalities:

554 (a) Collection of reemployment assistance ~~unemployment~~
 555 ~~compensation~~ taxes.

556 (b) General ledger, financial management, or budgeting
 557 capabilities.

558 (c) Human resource planning or management capabilities.

559 (4) The project to implement the Reemployment Assistance
 560 ~~Unemployment Compensation~~ Claims and Benefits Information System

561 shall be comprised of the following phases and corresponding
562 implementation timeframes:

563 (a) No later than the end of fiscal year 2009-2010
564 completion of the business re-engineering analysis and
565 documentation of both the detailed system requirements and the
566 overall system architecture.

567 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
568 Benefits Internet portal that replaces the Florida Unemployment
569 Internet Direct and the Florida Continued Claims Internet
570 Directory systems, the Call Center Interactive Voice Response
571 System, the Benefit Overpayment Screening System, the Internet
572 and Intranet Appeals System, and the Claims and Benefits
573 Mainframe System shall be deployed to full operational status no
574 later than the end of fiscal year 2012-2013.

575 (5) The Department of Economic Opportunity shall implement
576 the following project governance structure until such time as
577 the project is completed, suspended, or terminated:

578 (a) The project sponsor for the Reemployment Assistance
579 ~~Unemployment Compensation~~ Claims and Benefits Information System
580 project is the department.

581 (b) The project shall be governed by an executive steering
582 committee composed of the following voting members or their
583 designees:

- 584 1. The executive director of the department.
- 585 2. The executive director of the Department of Revenue.
- 586 3. The director of the Division of Workforce Services
587 within the department.
- 588 4. The program director of the General Tax Administration

589 Program Office within the Department of Revenue.

590 5. The chief information officer of the department.

591 (c) The executive steering committee has the overall
 592 responsibility for ensuring that the project meets its primary
 593 objectives and is specifically responsible for:

594 1. Providing management direction and support to the
 595 project management team.

596 2. Assessing the project's alignment with the strategic
 597 goals of the department for administering the reemployment
 598 assistance ~~unemployment compensation~~ program.

599 3. Reviewing and approving or disapproving any changes to
 600 the project's scope, schedule, and costs.

601 4. Reviewing, approving or disapproving, and determining
 602 whether to proceed with any major project deliverables.

603 5. Recommending suspension or termination of the project
 604 to the Governor, the President of the Senate, and the Speaker of
 605 the House of Representatives if it determines that the primary
 606 objectives cannot be achieved.

607 (d) The project management team shall work under the
 608 direction of the executive steering committee and shall be
 609 minimally comprised of senior managers and stakeholders from the
 610 department and the Department of Revenue. The project management
 611 team is responsible for:

612 1. Providing daily planning, management, and oversight of
 613 the project.

614 2. Submitting an operational work plan and providing
 615 quarterly updates to that plan to the executive steering
 616 committee. The plan must specify project milestones,

617 deliverables, and expenditures.

618 3. Submitting written monthly project status reports to
619 the executive steering committee which include:

620 a. Planned versus actual project costs;

621 b. An assessment of the status of major milestones and
622 deliverables;

623 c. Identification of any issues requiring resolution, the
624 proposed resolution for these issues, and information regarding
625 the status of the resolution;

626 d. Identification of risks that must be managed; and

627 e. Identification of and recommendations regarding
628 necessary changes in the project's scope, schedule, or costs.

629 All recommendations must be reviewed by project stakeholders
630 before submission to the executive steering committee in order
631 to ensure that the recommendations meet required acceptance
632 criteria.

633 Section 10. Paragraph (b) of subsection (8) of section
634 443.1116, Florida Statutes, is amended to read:

635 443.1116 Short-time compensation.—

636 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
637 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

638 (b) An individual who receives all of the short-time
639 compensation or combined reemployment assistance or unemployment
640 compensation and short-time compensation available in a benefit
641 year is considered an exhaustee for purposes of the extended
642 benefits program in s. 443.1115 and, if otherwise eligible under
643 those provisions, is eligible to receive extended benefits.

644 Section 11. Notwithstanding the expiration date contained
 645 in section 13 of chapter 2011-235, Laws of Florida, effective
 646 upon this act becoming a law and operating retroactive to
 647 January 4, 2012, and expiring March 11, 2012, section 443.1117,
 648 Florida Statutes, is revived, readopted, and amended to read:

649 443.1117 Temporary extended benefits.—

650 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if
 651 the result is inconsistent with other provisions of this
 652 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
 653 claims covered by this section.

654 (2) DEFINITIONS.—As used in this section, the term:

655 (a) "Regular benefits" and "extended benefits" have the
 656 same meaning as in s. 443.1115.

657 (b) "Eligibility period" means the weeks in an
 658 individual's benefit year or emergency benefit period which
 659 begin in an extended benefit period and, if the benefit year or
 660 emergency benefit period ends within that extended benefit
 661 period, any subsequent weeks beginning in that period.

662 (c) "Emergency benefits" means benefits ~~Emergency~~
 663 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252
 664 and any subsequent federal law that provides for the payment of
 665 Emergency Unemployment Compensation, ~~Pub. L. No. 110-449, Pub.~~
 666 ~~L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L.~~
 667 ~~No. 111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub.~~
 668 ~~L. No. 111-312.~~

669 (d) "Extended benefit period" means a period that:

670 1. Begins with the third week after a week for which there
 671 is a state "on" indicator; and

672 2. Ends with any of the following weeks, whichever occurs
673 later:

674 a. The third week after the first week for which there is
675 a state "off" indicator; or

676 b. The 13th consecutive week of that period.

677

678 However, an extended benefit period may not begin by reason of a
679 state "on" indicator before the 14th week after the end of a
680 prior extended benefit period that was in effect for this state.

681 (e) "Emergency benefit period" means the period during
682 which an individual receives emergency benefits.

683 (f) "Exhaustee" means an individual who, for any week of
684 unemployment in her or his eligibility period:

685 1. Has received, before that week, all of the regular
686 benefits and emergency benefits, if any, available under this
687 chapter or any other law, including dependents' allowances and
688 benefits payable to federal civilian employees and ex-
689 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
690 benefit year or emergency benefit period that includes that
691 week. For the purposes of this subparagraph, an individual has
692 received all of the regular benefits and emergency benefits, if
693 any, available even if, as a result of a pending appeal for
694 wages paid for insured work which were not considered in the
695 original monetary determination in the benefit year, she or he
696 may subsequently be determined to be entitled to added regular
697 benefits;

698 2. Had a benefit year that expired before that week, and
699 was paid no, or insufficient, wages for insured work on the

700 basis of which she or he could establish a new benefit year that
 701 includes that week; and

702 3.a. Has no right to unemployment benefits or allowances
 703 under the Railroad Unemployment Insurance Act or other federal
 704 laws as specified in regulations issued by the United States
 705 Secretary of Labor; and

706 b. Has not received and is not seeking unemployment
 707 benefits under the unemployment compensation law of Canada; but
 708 if an individual is seeking those benefits and the appropriate
 709 agency finally determines that she or he is not entitled to
 710 benefits under that law, she or he is considered an exhaustee.

711 (g) "State 'on' indicator" means, with respect to weeks of
 712 unemployment ending on or before February 11, 2012 ~~December 10,~~
 713 ~~2011~~, the occurrence of a week in which the average total
 714 unemployment rate, seasonally adjusted, as determined by the
 715 United States Secretary of Labor, for the most recent 3 months
 716 for which data for all states are published by the United States
 717 Department of Labor:

718 1. Equals or exceeds 110 percent of the average of those
 719 rates for the corresponding 3-month period ending in any or all
 720 of the preceding 3 calendar years; and

721 2. Equals or exceeds 6.5 percent.

722 (h) "High unemployment period" means, with respect to
 723 weeks of unemployment ending on or before February 11, 2012
 724 ~~December 10, 2011~~, any week in which the average total
 725 unemployment rate, seasonally adjusted, as determined by the
 726 United States Secretary of Labor, for the most recent 3 months
 727 for which data for all states are published by the United States

728 Department of Labor:

729 1. Equals or exceeds 110 percent of the average of those
730 rates for the corresponding 3-month period ending in any or all
731 of the preceding 3 calendar years; and

732 2. Equals or exceeds 8 percent.

733 (i) "State 'off' indicator" means the occurrence of a week
734 in which there is no state "on" indicator or which does not
735 constitute a high unemployment period.

736 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
737 subsection (4):

738 (a) For any week for which there is an "on" indicator
739 pursuant to paragraph (2)(g), the total extended benefit amount
740 payable to an eligible individual for her or his applicable
741 benefit year is the lesser of:

742 1. Fifty percent of the total regular benefits payable
743 under this chapter in the applicable benefit year; or

744 2. Thirteen times the weekly benefit amount payable under
745 this chapter for a week of total unemployment in the applicable
746 benefit year.

747 (b) For any high unemployment period, the total extended
748 benefit amount payable to an eligible individual for her or his
749 applicable benefit year is the lesser of:

750 1. Eighty percent of the total regular benefits payable
751 under this chapter in the applicable benefit year; or

752 2. Twenty times the weekly benefit amount payable under
753 this chapter for a week of total unemployment in the applicable
754 benefit year.

755 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any

756 other provision of this chapter, if the benefit year of an
 757 individual ends within an extended benefit period, the number of
 758 weeks of extended benefits the individual is entitled to receive
 759 in that extended benefit period for weeks of unemployment
 760 beginning after the end of the benefit year, except as provided
 761 in this section, is reduced, but not to below zero, by the
 762 number of weeks for which the individual received, within that
 763 benefit year, trade readjustment allowances under the Trade Act
 764 of 1974, as amended.

765 Section 12. The provisions of s. 443.1117, Florida
 766 Statutes, as revived, readopted, and amended by this act, apply
 767 only to claims for weeks of unemployment in which an exhaustee
 768 establishes entitlement to extended benefits pursuant to that
 769 section which are established for the period between January 4,
 770 2012, and March 11, 2012. This section shall take effect upon
 771 this act becoming a law.

772 Section 13. Subsection (3) of section 443.1215, Florida
 773 Statutes, is amended to read:

774 443.1215 Employers.—

775 (3) An employing unit that fails to keep the records of
 776 employment required by this chapter and by the rules of the
 777 Department of Economic Opportunity and the state agency
 778 providing reemployment assistance ~~unemployment~~ tax collection
 779 services is presumed to be an employer liable for the payment of
 780 contributions under this chapter, regardless of the number of
 781 individuals employed by the employing unit. However, the tax
 782 collection service provider shall make written demand that the
 783 employing unit keep and maintain required payroll records. The

784 demand must be made at least 6 months before assessing
 785 contributions against an employing unit determined to be an
 786 employer that is subject to this chapter solely by reason of
 787 this subsection.

788 Section 14. Paragraphs (a) and (d) of subsection (1),
 789 subsections (8) and (12), and paragraphs (f), (h), and (p) of
 790 subsection (13) of section 443.1216, Florida Statutes, are
 791 amended to read:

792 443.1216 Employment.—Employment, as defined in s. 443.036,
 793 is subject to this chapter under the following conditions:

794 (1) (a) The employment subject to this chapter includes a
 795 service performed, including a service performed in interstate
 796 commerce, by:

797 1. An officer of a corporation.

798 2. An individual who, under the usual common-law rules
 799 applicable in determining the employer-employee relationship, is
 800 an employee. However, whenever a client, as defined in s.
 801 443.036(18), which would otherwise be designated as an employing
 802 unit has contracted with an employee leasing company to supply
 803 it with workers, those workers are considered employees of the
 804 employee leasing company. An employee leasing company may lease
 805 corporate officers of the client to the client and other workers
 806 to the client, except as prohibited by regulations of the
 807 Internal Revenue Service. Employees of an employee leasing
 808 company must be reported under the employee leasing company's
 809 tax identification number and contribution rate for work
 810 performed for the employee leasing company.

811 a. However, except for the internal employees of an

812 employee leasing company, each employee leasing company may make
813 a separate one-time election to report and pay contributions
814 under the tax identification number and contribution rate for
815 each client of the employee leasing company. Under the client
816 method, an employee leasing company choosing this option must
817 assign leased employees to the client company that is leasing
818 the employees. The client method is solely a method to report
819 and pay unemployment contributions and, whichever method is
820 chosen, such election does not impact any other aspect of
821 general law. An employee leasing company that elects the client
822 method shall pay contributions at the rates assigned to each
823 client company.

824 (I) The election applies to all of the employee leasing
825 company's current and future clients.

826 (II) The employee leasing company must notify the
827 Department of Revenue of its election by July 1, 2012, and such
828 election applies to reports and contributions for the first
829 quarter of the next calendar year. The notification must
830 include:

831 (A) A list of each client company and the unemployment
832 account number or, if one has not yet been issued, the federal
833 employer's identification number, as established by the employee
834 leasing company upon the election to file by client method;

835 (B) A list of each client company's current and previous
836 employees and their respective social security numbers for the
837 prior 3 state fiscal years or, if the client company has not
838 been a client for the prior 3 state fiscal years, such portion
839 of the prior 3 state fiscal years that the client company has

840 been a client shall be supplied;

841 (C) All wage data and benefit charges associated with each
842 client company for the prior 3 state fiscal years. However, if
843 the client company has not been a client for the prior 3 state
844 fiscal years, such portion of the prior 3 state fiscal years
845 that the client company has been a client shall be supplied. If
846 the client company's employment record is chargeable with
847 benefits for less than 8 calendar quarters while being a client
848 of the employee leasing company, the client company shall pay
849 contributions at the initial rate of 2.7 percent; and

850 (D) All wage data and benefit charges for the prior 3
851 state fiscal years that cannot be associated with a client
852 company must be reported and charged to the employee leasing
853 company.

854 (III) Subsequent to choosing the client method, the
855 employee leasing company may not change its reporting method.

856 (IV) The employee leasing company must file a Florida
857 Department of Revenue Employer's Quarterly Report (UCT-6) for
858 each client company by approved electronic means, and pay all
859 contributions by approved electronic means.

860 (V) For the purposes of calculating experience rates when
861 the client method is chosen, each client's own benefit charges
862 and wage data experience while with the employee leasing company
863 shall determine each client's tax rate where the client has been
864 a client of the employee leasing company for at least 8 calendar
865 quarters before the election. The client company shall continue
866 to report the nonleased employees under its tax rate.

867 (VI) The election is binding on all clients of the

868 employee leasing company, for as long as a written agreement is
 869 in effect between the client and the employee leasing company
 870 pursuant to s. 468.525(3) (a). If the relationship between the
 871 employee leasing company and the client terminates, the client
 872 retains the wage and benefit history experienced under the
 873 employee leasing company.

874 (VII) No matter which election method has been chosen by
 875 the employee leasing company, the applicable client company
 876 shall be considered an employing unit for purposes of s.
 877 443.071. The employee leasing company or any of its officers or
 878 agents shall be liable for any violation of s. 443.071 engaged
 879 in by such persons or entities. The applicable client company or
 880 any of its officers or agents shall be liable for any violation
 881 of s. 443.071 engaged in by such persons or entities. Neither
 882 the employee leasing company nor its applicable client company
 883 shall be liable for any violation of s. 443.071 engaged in by
 884 the other party or by the other party's officers or agents.

885 (VIII) The failure of an employee leasing company to
 886 select the client method of reporting no later than July 1,
 887 2012, shall result in such entity being required to report under
 888 the employee leasing company's tax identification number and
 889 contribution rate.

890 (IX) After licensure of an employee leasing company,
 891 pursuant to chapter 468, such newly licensed entity shall have
 892 30 days from the date of licensure to notify the tax collection
 893 service provider in writing of its selection of the client
 894 method. The failure of a newly licensed employee leasing company
 895 to timely select reporting pursuant to the client method of

896 reporting shall result in such entity being required to report
 897 under the employee leasing company's tax identification number
 898 and contribution rate.

899 (X) Irrespective of the election, all transfers of trade
 900 or business, including workforce, or a portion thereof, between
 901 employee leasing companies are subject to s. 443.131(3)(g) if,
 902 at the time of the transfer, there is common ownership,
 903 management, or control between the entities.

904 b.a. In addition to any other report required to be filed
 905 by law, an employee leasing company shall submit a report to the
 906 Labor Market Statistics Center within the Department of Economic
 907 Opportunity which includes each client establishment and each
 908 establishment of the employee leasing company, or as otherwise
 909 directed by the department. The report must include the
 910 following information for each establishment:

- 911 (I) The trade or establishment name;
- 912 (II) The former reemployment assistance ~~unemployment~~
 913 ~~compensation~~ account number, if available;
- 914 (III) The former federal employer's identification number
 915 (FEIN), if available;
- 916 (IV) The industry code recognized and published by the
 917 United States Office of Management and Budget, if available;
- 918 (V) A description of the client's primary business
 919 activity in order to verify or assign an industry code;
- 920 (VI) The address of the physical location;
- 921 (VII) The number of full-time and part-time employees who
 922 worked during, or received pay that was subject to reemployment
 923 assistance ~~unemployment compensation~~ taxes for, the pay period

924 including the 12th of the month for each month of the quarter;
 925 (VIII) The total wages subject to reemployment assistance
 926 ~~unemployment compensation~~ taxes paid during the calendar
 927 quarter;
 928 (IX) An internal identification code to uniquely identify
 929 each establishment of each client;
 930 (X) The month and year that the client entered into the
 931 contract for services; and
 932 (XI) The month and year that the client terminated the
 933 contract for services.
 934 ~~c.b.~~ The report shall be submitted electronically or in a
 935 manner otherwise prescribed by the Department of Economic
 936 Opportunity in the format specified by the Bureau of Labor
 937 Statistics of the United States Department of Labor for its
 938 Multiple Worksite Report for Professional Employer
 939 Organizations. The report must be provided quarterly to the
 940 Labor Market Statistics Center within the department, or as
 941 otherwise directed by the department, and must be filed by the
 942 last day of the month immediately following the end of the
 943 calendar quarter. The information required in sub-sub-
 944 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided
 945 only in the quarter in which the contract to which it relates
 946 was entered into or terminated. The sum of the employment data
 947 and the sum of the wage data in this report must match the
 948 employment and wages reported in the reemployment assistance
 949 ~~unemployment compensation~~ quarterly tax and wage report. A
 950 report is not required for any calendar quarter preceding the
 951 third calendar quarter of 2010.

952 ~~d.e.~~ The department shall adopt rules as necessary to
953 administer this subparagraph, and may administer, collect,
954 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
955 the report required by this subparagraph.

956 ~~e.d.~~ For the purposes of this subparagraph, the term
957 "establishment" means any location where business is conducted
958 or where services or industrial operations are performed.

959 3. An individual other than an individual who is an
960 employee under subparagraph 1. or subparagraph 2., who performs
961 services for remuneration for any person:

962 a. As an agent-driver or commission-driver engaged in
963 distributing meat products, vegetable products, fruit products,
964 bakery products, beverages other than milk, or laundry or
965 drycleaning services for his or her principal.

966 b. As a traveling or city salesperson engaged on a full-
967 time basis in the solicitation on behalf of, and the
968 transmission to, his or her principal of orders from
969 wholesalers, retailers, contractors, or operators of hotels,
970 restaurants, or other similar establishments for merchandise for
971 resale or supplies for use in their business operations. This
972 sub-subparagraph does not apply to an agent-driver or a
973 commission-driver and does not apply to sideline sales
974 activities performed on behalf of a person other than the
975 salesperson's principal.

976 4. The services described in subparagraph 3. are
977 employment subject to this chapter only if:

978 a. The contract of service contemplates that substantially
979 all of the services are to be performed personally by the

980 individual;

981 b. The individual does not have a substantial investment
 982 in facilities used in connection with the services, other than
 983 facilities used for transportation; and

984 c. The services are not in the nature of a single
 985 transaction that is not part of a continuing relationship with
 986 the person for whom the services are performed.

987 (d) If two or more related corporations concurrently
 988 employ the same individual and compensate the individual through
 989 a common paymaster, each related corporation is considered to
 990 have paid wages to the individual only in the amounts actually
 991 disbursed by that corporation to the individual and is not
 992 considered to have paid the wages actually disbursed to the
 993 individual by another of the related corporations. The
 994 department and the state agency providing reemployment
 995 assistance ~~unemployment~~ tax collection services may adopt rules
 996 necessary to administer this paragraph.

997 1. As used in this paragraph, the term "common paymaster"
 998 means a member of a group of related corporations that disburses
 999 wages to concurrent employees on behalf of the related
 1000 corporations and that is responsible for keeping payroll records
 1001 for those concurrent employees. A common paymaster is not
 1002 required to disburse wages to all the employees of the related
 1003 corporations; however, this subparagraph does not apply to wages
 1004 of concurrent employees which are not disbursed through a common
 1005 paymaster. A common paymaster must pay concurrently employed
 1006 individuals under this subparagraph by one combined paycheck.

1007 2. As used in this paragraph, the term "concurrent

1008 employment" means the existence of simultaneous employment
1009 relationships between an individual and related corporations.
1010 Those relationships require the performance of services by the
1011 employee for the benefit of the related corporations, including
1012 the common paymaster, in exchange for wages that, if deductible
1013 for the purposes of federal income tax, are deductible by the
1014 related corporations.

1015 3. Corporations are considered related corporations for an
1016 entire calendar quarter if they satisfy any one of the following
1017 tests at any time during the calendar quarter:

1018 a. The corporations are members of a "controlled group of
1019 corporations" as defined in s. 1563 of the Internal Revenue Code
1020 of 1986 or would be members if s. 1563(a)(4) and (b) did not
1021 apply.

1022 b. In the case of a corporation that does not issue stock,
1023 at least 50 percent of the members of the board of directors or
1024 other governing body of one corporation are members of the board
1025 of directors or other governing body of the other corporation or
1026 the holders of at least 50 percent of the voting power to select
1027 those members are concurrently the holders of at least 50
1028 percent of the voting power to select those members of the other
1029 corporation.

1030 c. At least 50 percent of the officers of one corporation
1031 are concurrently officers of the other corporation.

1032 d. At least 30 percent of the employees of one corporation
1033 are concurrently employees of the other corporation.

1034 4. The common paymaster must report to the tax collection
1035 service provider, as part of the reemployment assistance

1036 ~~unemployment compensation~~ quarterly tax and wage report, the
 1037 state reemployment assistance ~~unemployment compensation~~ account
 1038 number and name of each related corporation for which concurrent
 1039 employees are being reported. Failure to timely report this
 1040 information shall result in the related corporations being
 1041 denied common paymaster status for that calendar quarter.

1042 5. The common paymaster also has the primary
 1043 responsibility for remitting contributions due under this
 1044 chapter for the wages it disburses as the common paymaster. The
 1045 common paymaster must compute these contributions as though it
 1046 were the sole employer of the concurrently employed individuals.
 1047 If a common paymaster fails to timely remit these contributions
 1048 or reports, in whole or in part, the common paymaster remains
 1049 liable for the full amount of the unpaid portion of these
 1050 contributions. In addition, each of the other related
 1051 corporations using the common paymaster is jointly and severally
 1052 liable for its appropriate share of these contributions. Each
 1053 related corporation's share equals the greater of:

1054 a. The liability of the common paymaster under this
 1055 chapter, after taking into account any contributions made.

1056 b. The liability under this chapter which, notwithstanding
 1057 this section, would have existed for the wages from the other
 1058 related corporations, reduced by an allocable portion of any
 1059 contributions previously paid by the common paymaster for those
 1060 wages.

1061 (8) Services not covered under paragraph (7) (b) which are
 1062 performed entirely outside of this state, and for which
 1063 contributions are not required or paid under a reemployment

1064 assistance or ~~an~~ unemployment compensation law of any other
 1065 state or of the Federal Government, are deemed to be employment
 1066 subject to this chapter if the individual performing the
 1067 services is a resident of this state and the tax collection
 1068 service provider approves the election of the employing unit for
 1069 whom the services are performed, electing that the entire
 1070 service of the individual is deemed to be employment subject to
 1071 this chapter.

1072 (12) The employment subject to this chapter includes
 1073 services covered by a reciprocal arrangement under s. 443.221
 1074 between the Department of Economic Opportunity or its tax
 1075 collection service provider and the agency charged with the
 1076 administration of another state reemployment assistance or
 1077 unemployment compensation law or a federal reemployment
 1078 assistance or unemployment compensation law, under which all
 1079 services performed by an individual for an employing unit are
 1080 deemed to be performed entirely within this state, if the
 1081 department or its tax collection service provider approved an
 1082 election of the employing unit in which all of the services
 1083 performed by the individual during the period covered by the
 1084 election are deemed to be insured work.

1085 (13) The following are exempt from coverage under this
 1086 chapter:

1087 (f) Service performed in the employ of a public employer
 1088 as defined in s. 443.036, except as provided in subsection (2),
 1089 and service performed in the employ of an instrumentality of a
 1090 public employer as described in s. 443.036(36)(b) or (c)
 1091 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is

1092 immune under the United States Constitution from the tax imposed
 1093 by s. 3301 of the Internal Revenue Code for that service.

1094 (h) Service for which reemployment assistance ~~unemployment~~
 1095 ~~compensation~~ is payable under a reemployment assistance or an
 1096 unemployment compensation system established by the United
 1097 States Congress, of which this chapter is not a part.

1098 (p) Service covered by an arrangement between the
 1099 Department of Economic Opportunity, or its tax collection
 1100 service provider, and the agency charged with the administration
 1101 of another state or federal reemployment assistance or
 1102 unemployment compensation law under which all services performed
 1103 by an individual for an employing unit during the period covered
 1104 by the employing unit's duly approved election is deemed to be
 1105 performed entirely within the other agency's state or under the
 1106 federal law.

1107 Section 15. Paragraph (a) and (f) of subsection (3) of
 1108 section 443.131, Florida Statutes, are amended to read:

1109 443.131 Contributions.—

1110 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 1111 EXPERIENCE.—

1112 (a) *Employment records.*—The regular and short-time
 1113 compensation benefits paid to an eligible individual shall be
 1114 charged to the employment record of each employer who paid the
 1115 individual wages of at least \$100 during the individual's base
 1116 period in proportion to the total wages paid by all employers
 1117 who paid the individual wages during the individual's base
 1118 period. Benefits may not be charged to the employment record of
 1119 an employer who furnishes part-time work to an individual who,

1120 because of loss of employment with one or more other employers,
1121 is eligible for partial benefits while being furnished part-time
1122 work by the employer on substantially the same basis and in
1123 substantially the same amount as the individual's employment
1124 during his or her base period, regardless of whether this part-
1125 time work is simultaneous or successive to the individual's lost
1126 employment. Further, as provided in s. 443.151(3), benefits may
1127 not be charged to the employment record of an employer who
1128 furnishes the Department of Economic Opportunity with notice, as
1129 prescribed in rules of the department, that any of the following
1130 apply:

1131 1. If an individual leaves his or her work without good
1132 cause attributable to the employer or is discharged by the
1133 employer for misconduct connected with his or her work, benefits
1134 subsequently paid to the individual based on wages paid by the
1135 employer before the separation may not be charged to the
1136 employment record of the employer.

1137 2. If an individual is discharged by the employer for
1138 unsatisfactory performance during an initial employment
1139 probationary period, benefits subsequently paid to the
1140 individual based on wages paid during the probationary period by
1141 the employer before the separation may not be charged to the
1142 employer's employment record. As used in this subparagraph, the
1143 term "initial employment probationary period" means an
1144 established probationary plan that applies to all employees or a
1145 specific group of employees and that does not exceed 90 calendar
1146 days following the first day a new employee begins work. The
1147 employee must be informed of the probationary period within the

1148 first 7 days of work. The employer must demonstrate by
1149 conclusive evidence that the individual was separated because of
1150 unsatisfactory work performance and not because of lack of work
1151 due to temporary, seasonal, casual, or other similar employment
1152 that is not of a regular, permanent, and year-round nature.

1153 3. Benefits subsequently paid to an individual after his
1154 or her refusal without good cause to accept suitable work from
1155 an employer may not be charged to the employment record of the
1156 employer if any part of those benefits are based on wages paid
1157 by the employer before the individual's refusal to accept
1158 suitable work. As used in this subparagraph, the term "good
1159 cause" does not include distance to employment caused by a
1160 change of residence by the individual. The department shall
1161 adopt rules prescribing for the payment of all benefits whether
1162 this subparagraph applies regardless of whether a
1163 disqualification under s. 443.101 applies to the claim.

1164 4. If an individual is separated from work as a direct
1165 result of a natural disaster declared under the Robert T.
1166 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1167 ss. 5121 et seq., benefits subsequently paid to the individual
1168 based on wages paid by the employer before the separation may
1169 not be charged to the employment record of the employer.

1170 5. If an individual is separated from work as a direct
1171 result of an oil spill, terrorist attack, or other similar
1172 disaster of national significance not subject to a declaration
1173 under the Robert T. Stafford Disaster Relief and Emergency
1174 Assistance Act, benefits subsequently paid to the individual
1175 based on wages paid by the employer before the separation may

1176 not be charged to the employment record of the employer.
 1177 (f) Transfer of employment records.—
 1178 1. For the purposes of this subsection, two or more
 1179 employers who are parties to a transfer of business or the
 1180 subject of a merger, consolidation, or other form of
 1181 reorganization, effecting a change in legal identity or form,
 1182 are deemed a single employer and are considered to be one
 1183 employer with a continuous employment record if the tax
 1184 collection service provider finds that the successor employer
 1185 continues to carry on the employing enterprises of all of the
 1186 predecessor employers and that the successor employer has paid
 1187 all contributions required of and due from all of the
 1188 predecessor employers and has assumed liability for all
 1189 contributions that may become due from all of the predecessor
 1190 employers. In addition, an employer may not be considered a
 1191 successor under this subparagraph if the employer purchases a
 1192 company with a lower rate into which employees with job
 1193 functions unrelated to the business endeavors of the predecessor
 1194 are transferred for the purpose of acquiring the low rate and
 1195 avoiding payment of contributions. As used in this paragraph,
 1196 notwithstanding s. 443.036(14), the term "contributions" means
 1197 all indebtedness to the tax collection service provider,
 1198 including, but not limited to, interest, penalty, collection
 1199 fee, and service fee. A successor employer must accept the
 1200 transfer of all of the predecessor employers' employment records
 1201 within 30 days after the date of the official notification of
 1202 liability by succession. If a predecessor employer has unpaid
 1203 contributions or outstanding quarterly reports, the successor

1204 employer must pay the total amount with certified funds within
 1205 30 days after the date of the notice listing the total amount
 1206 due. After the total indebtedness is paid, the tax collection
 1207 service provider shall transfer the employment records of all of
 1208 the predecessor employers to the successor employer's employment
 1209 record. The tax collection service provider shall determine the
 1210 contribution rate of the combined successor and predecessor
 1211 employers upon the transfer of the employment records, as
 1212 prescribed by rule, in order to calculate any change in the
 1213 contribution rate resulting from the transfer of the employment
 1214 records.

1215 2. Regardless of whether a predecessor employer's
 1216 employment record is transferred to a successor employer under
 1217 this paragraph, the tax collection service provider shall treat
 1218 the predecessor employer, if he or she subsequently employs
 1219 individuals, as an employer without a previous employment record
 1220 or, if his or her coverage is terminated under s. 443.121, as a
 1221 new employing unit.

1222 3. The state agency providing reemployment assistance
 1223 ~~unemployment~~ tax collection services may adopt rules governing
 1224 the partial transfer of experience rating when an employer
 1225 transfers an identifiable and segregable portion of his or her
 1226 payrolls and business to a successor employing unit. As a
 1227 condition of each partial transfer, these rules must require the
 1228 following to be filed with the tax collection service provider:
 1229 an application by the successor employing unit, an agreement by
 1230 the predecessor employer, and the evidence required by the tax
 1231 collection service provider to show the benefit experience and

1232 payrolls attributable to the transferred portion through the
1233 date of the transfer. These rules must provide that the
1234 successor employing unit, if not an employer subject to this
1235 chapter, becomes an employer as of the date of the transfer and
1236 that the transferred portion of the predecessor employer's
1237 employment record is removed from the employment record of the
1238 predecessor employer. For each calendar year after the date of
1239 the transfer of the employment record in the records of the tax
1240 collection service provider, the service provider shall compute
1241 the contribution rate payable by the successor employer or
1242 employing unit based on his or her employment record, combined
1243 with the transferred portion of the predecessor employer's
1244 employment record. These rules may also prescribe what
1245 contribution rates are payable by the predecessor and successor
1246 employers for the period between the date of the transfer of the
1247 transferred portion of the predecessor employer's employment
1248 record in the records of the tax collection service provider and
1249 the first day of the next calendar year.

1250 4. This paragraph does not apply to an employee leasing
1251 company and client contractual agreement as defined in s.
1252 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1253 collection service provider shall, if the contractual agreement
1254 is terminated or the employee leasing company fails to submit
1255 reports or pay contributions as required by the service
1256 provider, treat the client as a new employer without previous
1257 employment record unless the client is otherwise eligible for a
1258 variation from the standard rate.

1259 Section 16. Paragraph (d) of subsection (2) of section

1260 443.1312, Florida Statutes, is amended to read:

1261 443.1312 Reimbursements; nonprofit organizations.—Benefits
 1262 paid to employees of nonprofit organizations shall be financed
 1263 in accordance with this section.

1264 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
 1265 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
 1266 subject to this chapter under s. 443.1215(1)(c) or s.
 1267 443.121(3)(a) must pay contributions under s. 443.131 unless it
 1268 elects, in accordance with this subsection, to reimburse the
 1269 Unemployment Compensation Trust Fund for all of the regular
 1270 benefits, short-time compensation benefits, and one-half of the
 1271 extended benefits paid, which are attributable to service in the
 1272 employ of the nonprofit organization, to individuals for weeks
 1273 of unemployment which begin during the effective period of the
 1274 election.

1275 (d) In accordance with rules adopted by the Department of
 1276 Economic Opportunity or the state agency providing reemployment
 1277 assistance ~~unemployment~~ tax collection services, the tax
 1278 collection service provider shall notify each nonprofit
 1279 organization of any determination of the organization's status
 1280 as an employer, the effective date of any election the
 1281 organization makes, and the effective date of any termination of
 1282 the election. Each determination is subject to reconsideration,
 1283 appeal, and review under s. 443.141(2)(c).

1284 Section 17. Subsection (3) and paragraph (a) of subsection
 1285 (4) of section 443.1313, Florida Statutes, are amended to read:

1286 443.1313 Public employers; reimbursements; election to pay
 1287 contributions.—Benefits paid to employees of a public employer,

1288 as defined in s. 443.036, based on service described in s.
 1289 443.1216(2) shall be financed in accordance with this section.

1290 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
 1291 or contributing employer under this section, a public employer
 1292 may not change this election for at least 2 calendar years. This
 1293 subsection does not prevent a public employer subject to this
 1294 subsection from changing its election after completing 2
 1295 calendar years under another financing method if the new
 1296 election is timely filed. The state agency providing
 1297 reemployment assistance ~~unemployment~~ tax collection services may
 1298 adopt rules prescribing procedures for changing methods of
 1299 reporting.

1300 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
 1301 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1302 (a) There is established within the Unemployment
 1303 Compensation Trust Fund a Public Employers Reemployment
 1304 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
 1305 be maintained as a separate account within the trust fund. All
 1306 benefits paid to the employees of a public employer that elects
 1307 to become a contributing employer under paragraph (b) must be
 1308 charged to the Public Employers Unemployment Compensation
 1309 Benefit Account.

1310 Section 18. Subsection (7) of section 443.1315, Florida
 1311 Statutes, is amended to read:

1312 443.1315 Treatment of Indian tribes.—

1313 (7) The Department of Economic Opportunity and the state
 1314 agency providing reemployment assistance ~~unemployment~~ tax
 1315 collection services shall adopt rules necessary to administer

1316 this section.

1317 Section 19. Section 443.1316, Florida Statutes, is amended
 1318 to read:

1319 443.1316 Reemployment assistance ~~Unemployment~~ tax
 1320 collection services; interagency agreement.—

1321 (1) The Department of Economic Opportunity shall contract
 1322 with the Department of Revenue, through an interagency
 1323 agreement, to perform the duties of the tax collection service
 1324 provider and provide other reemployment assistance ~~unemployment~~
 1325 tax collection services under this chapter. Under the
 1326 interagency agreement, the tax collection service provider may
 1327 only implement:

1328 (a) The provisions of this chapter conferring duties upon
 1329 the tax collection service provider.

1330 (b) The provisions of law conferring duties upon the
 1331 department which are specifically delegated to the tax
 1332 collection service provider in the interagency agreement.

1333 (2) (a) The Department of Revenue is considered to be
 1334 administering a revenue law of this state when the department
 1335 implements this chapter, or otherwise provides reemployment
 1336 assistance ~~unemployment~~ tax collection services, under contract
 1337 with the department through the interagency agreement.

1338 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
 1339 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
 1340 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
 1341 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
 1342 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
 1343 213.757 apply to the collection of reemployment assistance

1344 ~~unemployment~~ contributions and reimbursements by the Department
 1345 of Revenue unless prohibited by federal law.

1346 Section 20. Paragraph (a) of subsection (1) and
 1347 subsections (2) and (3) of section 443.1317, Florida Statutes,
 1348 are amended to read:

1349 443.1317 Rulemaking authority; enforcement of rules.—

1350 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1351 (a) Except as otherwise provided in s. 443.012, the
 1352 Department of Economic Opportunity has ultimate authority over
 1353 the administration of the Reemployment Assistance ~~Unemployment~~
 1354 ~~Compensation~~ Program.

1355 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
 1356 providing reemployment assistance ~~unemployment~~ tax collection
 1357 services under contract with the Department of Economic
 1358 Opportunity through an interagency agreement pursuant to s.
 1359 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
 1360 subject to approval by the department, to administer the
 1361 provisions of law described in s. 443.1316(1) (a) and (b) which
 1362 are within this chapter. These rules must not conflict with the
 1363 rules adopted by the department or with the interagency
 1364 agreement.

1365 (3) ENFORCEMENT OF RULES.—The Department of Economic
 1366 Opportunity may enforce any rule adopted by the state agency
 1367 providing reemployment assistance ~~unemployment~~ tax collection
 1368 services to administer this chapter. The tax collection service
 1369 provider may enforce any rule adopted by the department to
 1370 administer the provisions of law described in s. 443.1316(1) (a)
 1371 and (b).

1372 Section 21. Paragraphs (b) and (g) of subsection (1),
 1373 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
 1374 subsection (4) of section 443.141, Florida Statutes, are amended
 1375 to read:

1376 443.141 Collection of contributions and reimbursements.—

1377 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 1378 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1379 (b) *Penalty for delinquent, erroneous, incomplete, or*
 1380 *insufficient reports.*—

1381 1. An employing unit that fails to file any report
 1382 required by the Department of Economic Opportunity or its tax
 1383 collection service provider, in accordance with rules for
 1384 administering this chapter, shall pay to the service provider
 1385 for each delinquent report the sum of \$25 for each 30 days or
 1386 fraction thereof that the employing unit is delinquent, unless
 1387 the department ~~agency~~ or its service provider, whichever
 1388 required the report, finds that the employing unit has good
 1389 reason for failing to file the report. The department or its
 1390 service provider may assess penalties only through the date of
 1391 the issuance of the final assessment notice. However, additional
 1392 penalties accrue if the delinquent report is subsequently filed.

1393 2.a. An employing unit that files an erroneous,
 1394 incomplete, or insufficient report with the department or its
 1395 tax collection service provider shall pay a penalty. The amount
 1396 of the penalty is \$50 or 10 percent of any tax due, whichever is
 1397 greater, but no more than \$300 per report. The penalty shall be
 1398 added to any tax, penalty, or interest otherwise due.

1399 b. The department or its tax collection service provider

1400 shall waive the penalty if the employing unit files an accurate,
 1401 complete, and sufficient report within 30 days after a penalty
 1402 notice is issued to the employing unit. The penalty may not be
 1403 waived pursuant to this subparagraph more than one time during a
 1404 12-month period.

1405 c. As used in this subsection, the term "erroneous,
 1406 incomplete, or insufficient report" means a report so lacking in
 1407 information, completeness, or arrangement that the report cannot
 1408 be readily understood, verified, or reviewed. Such reports
 1409 include, but are not limited to, reports having missing wage or
 1410 employee information, missing or incorrect social security
 1411 numbers, or illegible entries; reports submitted in a format
 1412 that is not approved by the department or its tax collection
 1413 service provider; and reports showing gross wages that do not
 1414 equal the total of the wages of each employee. However, the term
 1415 does not include a report that merely contains inaccurate data
 1416 that was supplied to the employer by the employee, if the
 1417 employer was unaware of the inaccuracy.

1418 3. Penalties imposed pursuant to this paragraph shall be
 1419 deposited in the Special Employment Security Administration
 1420 Trust Fund.

1421 4. The penalty and interest for a delinquent, erroneous,
 1422 incomplete, or insufficient report may be waived if the penalty
 1423 or interest is inequitable. The provisions of s. 213.24(1) apply
 1424 to any penalty or interest that is imposed under this section.

1425 (g) *Adoption of rules.*—The department and the state agency
 1426 providing reemployment assistance ~~unemployment~~ tax collection
 1427 services may adopt rules to administer this subsection.

1428 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1429 (c) *Appeals.*—The department and the state agency providing
 1430 reemployment assistance ~~unemployment~~ tax collection services
 1431 shall adopt rules prescribing the procedures for an employing
 1432 unit determined to be an employer to file an appeal and be
 1433 afforded an opportunity for a hearing on the determination.
 1434 Pending a hearing, the employing unit must file reports and pay
 1435 contributions in accordance with s. 443.131.

1436 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
 1437 CONTRIBUTIONS AND REIMBURSEMENTS.—

1438 (c) Any agent or employee designated by the Department of
 1439 Economic Opportunity or its tax collection service provider may
 1440 administer an oath to any person for any return or report
 1441 required by this chapter or by the rules of the department or
 1442 the state agency providing reemployment assistance ~~unemployment~~
 1443 tax collection services, and an oath made before the department
 1444 or its service provider or any authorized agent or employee has
 1445 the same effect as an oath made before any judicial officer or
 1446 notary public of the state.

1447 (e) The tax collection service provider may commence an
 1448 action in any other state to collect reemployment assistance
 1449 ~~unemployment compensation~~ contributions, reimbursements,
 1450 penalties, and interest legally due this state. The officials of
 1451 other states that extend a like comity to this state may sue for
 1452 the collection of contributions, reimbursements, interest, and
 1453 penalties in the courts of this state. The courts of this state
 1454 shall recognize and enforce liability for contributions,
 1455 reimbursements, interest, and penalties imposed by other states

1456 that extend a like comity to this state.

1457 Section 22. Paragraph (b) of subsection (1), paragraph (b)
 1458 of subsection (2), paragraph (c) of subsection (3), and
 1459 paragraphs (a) and (b) of subsection (6) of section 443.151,
 1460 Florida Statutes, are amended to read:

1461 443.151 Procedure concerning claims.—

1462 (1) POSTING OF INFORMATION.—

1463 (b)1. The department shall advise each individual filing a
 1464 new claim for reemployment assistance ~~unemployment compensation~~,
 1465 at the time of filing the claim, that:

1466 a. Reemployment assistance ~~unemployment compensation~~ is
 1467 subject to federal income tax.

1468 b. Requirements exist pertaining to estimated tax
 1469 payments.

1470 c. The individual may elect to have federal income tax
 1471 deducted and withheld from the individual's payment of
 1472 reemployment assistance ~~unemployment compensation~~ at the amount
 1473 specified in the federal Internal Revenue Code.

1474 d. The individual is not permitted to change a previously
 1475 elected withholding status more than twice per calendar year.

1476 2. Amounts deducted and withheld from reemployment
 1477 assistance ~~unemployment compensation~~ must remain in the
 1478 Unemployment Compensation Trust Fund until transferred to the
 1479 federal taxing authority as payment of income tax.

1480 3. The department shall follow all procedures specified by
 1481 the United States Department of Labor and the federal Internal
 1482 Revenue Service pertaining to the deducting and withholding of
 1483 income tax.

1484 4. If more than one authorized request for deduction and
 1485 withholding is made, amounts must be deducted and withheld in
 1486 accordance with the following priorities:

1487 a. Reemployment assistance ~~Unemployment~~ overpayments have
 1488 first priority;

1489 b. Child support payments have second priority; and

1490 c. Withholding under this subsection has third priority.

1491 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
 1492 CLAIMANTS AND EMPLOYERS.—

1493 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
 1494 ~~Compensation~~ Claims and Benefits Information System described in
 1495 s. 443.1113 is fully operational, the process for filing claims
 1496 must incorporate the process for registering for work with the
 1497 workforce information systems established pursuant to s.
 1498 445.011. A claim for benefits may not be processed until the
 1499 work registration requirement is satisfied. The department may
 1500 adopt rules as necessary to administer the work registration
 1501 requirement set forth in this paragraph.

1502 (3) DETERMINATION OF ELIGIBILITY.—

1503 (c) *Nonmonetary determinations.*—If the department receives
 1504 information that may result in a denial of benefits, the
 1505 department must complete an investigation of the claim required
 1506 by subsection (2) and provide notice of a nonmonetary
 1507 determination to the claimant and the employer from whom the
 1508 claimant's reason for separation affects his or her entitlement
 1509 to benefits. The determination must state the reason for the
 1510 determination and whether the reemployment assistance
 1511 ~~unemployment~~ tax account of the contributing employer is charged

1512 for benefits paid on the claim. The nonmonetary determination is
 1513 final unless within 20 days after the mailing of the notices to
 1514 the parties' last known addresses, or in lieu of mailing, within
 1515 20 days after the delivery of the notices, an appeal or written
 1516 request for reconsideration is filed by the claimant or other
 1517 party entitled to notice. The department may adopt rules as
 1518 necessary to implement the processes described in this paragraph
 1519 relating to notices of nonmonetary determination and the appeals
 1520 or reconsideration requests filed in response to such notices,
 1521 and may adopt rules prescribing the manner and procedure by
 1522 which employers within the base period of a claimant become
 1523 entitled to notice of nonmonetary determination.

1524 (6) RECOVERY AND RECOUPMENT.—

1525 (a) Any person who, by reason of her or his fraud,
 1526 receives benefits under this chapter to which she or he is not
 1527 entitled is liable for repaying those benefits to the Department
 1528 of Economic Opportunity on behalf of the trust fund or, in the
 1529 discretion of the department, to have those benefits deducted
 1530 from future benefits payable to her or him under this chapter.
 1531 To enforce this paragraph, the department must find the
 1532 existence of fraud through a redetermination or decision under
 1533 this section within 2 years after the fraud was committed. Any
 1534 recovery or recoupment of benefits must be commenced ~~effected~~
 1535 within 7 ~~5~~ years after the redetermination or decision.

1536 (b) Any person who, by reason other than her or his fraud,
 1537 receives benefits under this chapter to which, under a
 1538 redetermination or decision pursuant to this section, she or he
 1539 is not entitled, is liable for repaying those benefits to the

1540 department on behalf of the trust fund or, in the discretion of
 1541 the department, to have those benefits deducted from any future
 1542 benefits payable to her or him under this chapter. Any recovery
 1543 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
 1544 years after the redetermination or decision.

1545 Section 23. Subsection (1) and paragraph (c) of subsection
 1546 (3) of section 443.163, Florida Statutes, are amended to read:

1547 443.163 Electronic reporting and remitting of
 1548 contributions and reimbursements.—

1549 (1) An employer may file any report and remit any
 1550 contributions or reimbursements required under this chapter by
 1551 electronic means. The Department of Economic Opportunity or the
 1552 state agency providing reemployment assistance ~~unemployment~~ tax
 1553 collection services shall adopt rules prescribing the format and
 1554 instructions necessary for electronically filing reports and
 1555 remitting contributions and reimbursements to ensure a full
 1556 collection of contributions and reimbursements due. The
 1557 acceptable method of transfer, the method, form, and content of
 1558 the electronic means, and the method, if any, by which the
 1559 employer will be provided with an acknowledgment shall be
 1560 prescribed by the department or its tax collection service
 1561 provider. However, any employer who employed 10 or more
 1562 employees in any quarter during the preceding state fiscal year
 1563 must file the Employers Quarterly Reports (UCT-6) for the
 1564 current calendar year and remit the contributions and
 1565 reimbursements due by electronic means approved by the tax
 1566 collection service provider. A person who prepared and reported
 1567 for 100 or more employers in any quarter during the preceding

1568 state fiscal year must file the Employers Quarterly Reports
 1569 (UCT-6) for each calendar quarter in the current calendar year,
 1570 beginning with reports due for the second calendar quarter of
 1571 2003, by electronic means approved by the tax collection service
 1572 provider.

1573 (3) The tax collection service provider may waive the
 1574 requirement to file an Employers Quarterly Report (UCT-6) by
 1575 electronic means for employers that are unable to comply despite
 1576 good faith efforts or due to circumstances beyond the employer's
 1577 reasonable control.

1578 (c) The department or the state agency providing
 1579 reemployment assistance ~~unemployment~~ tax collection services may
 1580 establish by rule the length of time a waiver is valid and may
 1581 determine whether subsequent waivers will be authorized, based
 1582 on this subsection.

1583 Section 24. Subsections (2) and (5) and paragraphs (a) and
 1584 (c) of subsection (9) of section 443.171, Florida Statutes, are
 1585 amended to read:

1586 443.171 Department of Economic Opportunity and commission;
 1587 powers and duties; records and reports; proceedings; state-
 1588 federal cooperation.—

1589 (2) PUBLICATION OF ACTS AND RULES.—The Department of
 1590 Economic Opportunity shall cause to be printed and distributed
 1591 to the public, or otherwise distributed to the public through
 1592 the Internet or similar electronic means, the text of this
 1593 chapter and of the rules for administering this chapter adopted
 1594 by the department or the state agency providing reemployment
 1595 assistance ~~unemployment~~ tax collection services and any other

1596 matter relevant and suitable. The department shall furnish this
 1597 information to any person upon request. However, any pamphlet,
 1598 rules, circulars, or reports required by this chapter may not
 1599 contain any matter except the actual data necessary to complete
 1600 them or the actual language of the rule, together with the
 1601 proper notices.

1602 (5) RECORDS AND REPORTS.—Each employing unit shall keep
 1603 true and accurate work records, containing the information
 1604 required by the Department of Economic Opportunity or its tax
 1605 collection service provider. These records must be open to
 1606 inspection and are subject to being copied by the department or
 1607 its tax collection service provider at any reasonable time and
 1608 as often as necessary. The department or its tax collection
 1609 service provider may require from any employing unit any sworn
 1610 or unsworn reports, for persons employed by the employing unit,
 1611 necessary for the effective administration of this chapter.
 1612 However, a state or local governmental agency performing
 1613 intelligence or counterintelligence functions need not report an
 1614 employee if the head of that agency determines that reporting
 1615 the employee could endanger the safety of the employee or
 1616 compromise an ongoing investigation or intelligence mission.
 1617 ~~Information revealing the employing unit's or individual's~~
 1618 ~~identity obtained from the employing unit or from any individual~~
 1619 ~~through the administration of this chapter, is, except to the~~
 1620 ~~extent necessary for the proper presentation of a claim or upon~~
 1621 ~~written authorization of the claimant who has a workers'~~
 1622 ~~compensation claim pending, confidential and exempt from s.~~
 1623 ~~119.07(1). This confidential information is available only to~~

1624 ~~public employees in the performance of their public duties. Any~~
 1625 ~~claimant, or the claimant's legal representative, at a hearing~~
 1626 ~~before an appeals referee or the commission must be supplied~~
 1627 ~~with information from these records to the extent necessary for~~
 1628 ~~the proper presentation of her or his claim. Any employee or~~
 1629 ~~member of the commission, any employee of the department or its~~
 1630 ~~tax collection service provider, or any other person receiving~~
 1631 ~~confidential information who violates this subsection commits a~~
 1632 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1633 ~~775.082 or s. 775.083. However, the department or its tax~~
 1634 ~~collection service provider may furnish to any employer copies~~
 1635 ~~of any report previously submitted by that employer, upon the~~
 1636 ~~request of the employer. The department or its tax collection~~
 1637 ~~service provider may charge a reasonable fee for copies of~~
 1638 ~~reports, which may not exceed the actual reasonable cost of the~~
 1639 ~~preparation of the copies as prescribed by rules adopted by the~~
 1640 ~~department or the state agency providing tax collection~~
 1641 ~~services. Fees received by the department or its tax collection~~
 1642 ~~service provider for copies furnished under this subsection must~~
 1643 ~~be deposited in the Employment Security Administration Trust~~
 1644 ~~Fund.~~

1645 (9) STATE-FEDERAL COOPERATION.—

1646 (a)1. In the administration of this chapter, the
 1647 Department of Economic Opportunity and its tax collection
 1648 service provider shall cooperate with the United States
 1649 Department of Labor to the fullest extent consistent with this
 1650 chapter and shall take those actions, through the adoption of
 1651 appropriate rules, administrative methods, and standards,

1652 necessary to secure for this state all advantages available
 1653 under the provisions of federal law relating to reemployment
 1654 assistance ~~unemployment compensation~~.

1655 2. In the administration of the provisions in s. 443.1115,
 1656 which are enacted to conform with the Federal-State Extended
 1657 Unemployment Compensation Act of 1970, the department shall take
 1658 those actions necessary to ensure that those provisions are
 1659 interpreted and applied to meet the requirements of the federal
 1660 act as interpreted by the United States Department of Labor and
 1661 to secure for this state the full reimbursement of the federal
 1662 share of extended benefits paid under this chapter which is
 1663 reimbursable under the federal act.

1664 3. The department and its tax collection service provider
 1665 shall comply with the regulations of the United States
 1666 Department of Labor relating to the receipt or expenditure by
 1667 this state of funds granted under federal law; shall submit the
 1668 reports in the form and containing the information the United
 1669 States Department of Labor requires; and shall comply with
 1670 directions of the United States Department of Labor necessary to
 1671 assure the correctness and verification of these reports.

1672 (c) The department and its tax collection service provider
 1673 shall cooperate with the agencies of other states, and shall
 1674 make every proper effort within their means, to oppose and
 1675 prevent any further action leading to the complete or
 1676 substantial federalization of state reemployment assistance
 1677 ~~unemployment compensation~~ funds or state employment security
 1678 programs. The department and its tax collection service provider
 1679 may make, and may cooperate with other appropriate agencies in

1680 making, studies as to the practicability and probable cost of
 1681 possible new state-administered social security programs and the
 1682 relative desirability of state, rather than federal, action in
 1683 that field of study.

1684 Section 25. Subsections (1) and (2) of section 443.1715,
 1685 Florida Statutes, are amended to read:

1686 443.1715 Disclosure of information; confidentiality.—

1687 (1) RECORDS AND REPORTS.—Information revealing an
 1688 employing unit's or individual's identity obtained from the
 1689 employing unit or any individual under the administration of
 1690 this chapter, and any determination revealing that information,
 1691 ~~except to the extent necessary for the proper presentation of a~~
 1692 ~~claim or upon written authorization of the claimant who has a~~
 1693 ~~workers' compensation claim pending or is receiving compensation~~
 1694 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
 1695 24(a), Art. I of the State Constitution. This confidential
 1696 information may be released in accordance with the provisions in
 1697 20 C.F.R. part 603 ~~only to public employees in the performance~~
 1698 ~~of their public duties. Except as otherwise provided by law,~~
 1699 ~~public employees receiving this confidential information must~~
 1700 ~~maintain the confidentiality of the information. Any claimant,~~
 1701 ~~or the claimant's legal representative, at a hearing before an~~
 1702 ~~appeals referee or the commission is entitled to information~~
 1703 ~~from these records to the extent necessary for the proper~~
 1704 ~~presentation of her or his claim. A person receiving~~
 1705 ~~confidential information who violates this subsection commits a~~
 1706 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1707 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or

1708 its tax collection service provider may, however, furnish to any
 1709 employer copies of any report submitted by that employer upon
 1710 the request of the employer and may furnish to any claimant
 1711 copies of any report submitted by that claimant upon the request
 1712 of the claimant. The department or its tax collection service
 1713 provider may charge a reasonable fee for copies of these reports
 1714 as prescribed by rule, which may not exceed the actual
 1715 reasonable cost of the preparation of the copies. Fees received
 1716 for copies under this subsection must be deposited in the
 1717 Employment Security Administration Trust Fund.

1718 (2) DISCLOSURE OF INFORMATION.—

1719 (a) Subject to restrictions the Department of Economic
 1720 Opportunity or the state agency providing reemployment
 1721 assistance ~~unemployment~~ tax collection services adopts by rule,
 1722 information declared confidential under this section is
 1723 available to any agency of this or any other state, or any
 1724 federal agency, charged with the administration of any
 1725 reemployment assistance or unemployment compensation law or the
 1726 maintenance of the one-stop delivery system, or the Bureau of
 1727 Internal Revenue of the United States Department of the
 1728 Treasury, or the Florida Department of Revenue. Information
 1729 obtained in connection with the administration of the one-stop
 1730 delivery system may be made available to persons or agencies for
 1731 purposes appropriate to the operation of a public employment
 1732 service or a job-preparatory or career education or training
 1733 program. The department shall, on a quarterly basis, furnish the
 1734 National Directory of New Hires with information concerning the
 1735 wages and reemployment assistance ~~unemployment~~ benefits paid to

1736 individuals, by the dates, in the format, and containing the
 1737 information specified in the regulations of the United States
 1738 Secretary of Health and Human Services. Upon request, the
 1739 department shall furnish any agency of the United States charged
 1740 with the administration of public works or assistance through
 1741 public employment, and may furnish to any state agency similarly
 1742 charged, the name, address, ordinary occupation, and employment
 1743 status of each recipient of benefits and the recipient's rights
 1744 to further benefits under this chapter. Except as otherwise
 1745 provided by law, the receiving agency must retain the
 1746 confidentiality of this information as provided in this section.
 1747 The tax collection service provider may request the Comptroller
 1748 of the Currency of the United States to examine the correctness
 1749 of any return or report of any national banking association
 1750 rendered under this chapter and may in connection with that
 1751 request transmit any report or return for examination to the
 1752 Comptroller of the Currency of the United States as provided in
 1753 s. 3305(c) of the federal Internal Revenue Code.

1754 (b) The employer or the employer's workers' compensation
 1755 carrier against whom a claim for benefits under chapter 440 has
 1756 been made, or a representative of either, may request from the
 1757 department records of wages of the employee reported to the
 1758 department by any employer for the quarter that includes the
 1759 date of the accident that is the subject of such claim and for
 1760 subsequent quarters.

1761 1. The request must be made with the authorization or
 1762 consent of the employee or any employer who paid wages to the
 1763 employee after the date of the accident.

1764 2. The employer or carrier shall make the request on a
 1765 form prescribed by rule for such purpose by the department
 1766 ~~agency~~. Such form shall contain a certification by the
 1767 requesting party that it is a party entitled to the information
 1768 requested.

1769 3. The department shall provide the most current
 1770 information readily available within 15 days after receiving the
 1771 request.

1772 Section 26. Subsections (1), (4), (5), (6), and (7) and
 1773 paragraph (c) of subsection (2) of section 443.17161, Florida
 1774 Statutes, are amended to read:

1775 443.17161 Authorized electronic access to employer
 1776 information.-

1777 (1) Notwithstanding any other provision of this chapter,
 1778 the Department of Economic Opportunity ~~Agency for Workforce~~
 1779 ~~Innovation~~ shall contract with one or more consumer reporting
 1780 agencies to provide users with secured electronic access to
 1781 employer-provided information relating to the quarterly wages
 1782 report submitted in accordance with the state's reemployment
 1783 assistance ~~unemployment compensation~~ law. The access is limited
 1784 to the wage reports for the appropriate amount of time for the
 1785 purpose the information is requested.

1786 (2) Users must obtain consent in writing or by electronic
 1787 signature from an applicant for credit, employment, or other
 1788 permitted purposes. Any written or electronic signature consent
 1789 from an applicant must be signed and must include the following:

1790 (c) Notice that the files of the Department of Economic
 1791 Opportunity ~~Agency for Workforce Innovation~~ or its tax

1792 collection service provider containing information concerning
 1793 wage and employment history which is submitted by the applicant
 1794 or his or her employers may be accessed; and

1795 (4) If a consumer reporting agency or user violates this
 1796 section, the Department of Economic Opportunity ~~Agency for~~
 1797 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
 1798 consumer reporting agency, terminate the contract established
 1799 between the department ~~Agency for Workforce Innovation~~ and the
 1800 consumer reporting agency or require the consumer reporting
 1801 agency to terminate the contract established between the
 1802 consumer reporting agency and the user under this section.

1803 (5) The Department of Economic Opportunity ~~Agency for~~
 1804 ~~Workforce Innovation~~ shall establish minimum audit, security,
 1805 net worth, and liability insurance standards, technical
 1806 requirements, and any other terms and conditions considered
 1807 necessary in the discretion of the state agency to safeguard the
 1808 confidentiality of the information released under this section
 1809 and to otherwise serve the public interest. The department
 1810 ~~Agency for Workforce Innovation~~ shall also include, in
 1811 coordination with any necessary state agencies, necessary audit
 1812 procedures to ensure that these rules are followed.

1813 (6) In contracting with one or more consumer reporting
 1814 agencies under this section, any revenues generated by the
 1815 contract must be used to pay the entire cost of providing access
 1816 to the information. Further, in accordance with federal
 1817 regulations, any additional revenues generated by the Department
 1818 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
 1819 state under this section must be paid into the Administrative

1820 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
 1821 the administration of the unemployment compensation system or be
 1822 used as program income.

1823 (7) The Department of Economic Opportunity ~~Agency for~~
 1824 ~~Workforce Innovation~~ may not provide wage and employment history
 1825 information to any consumer reporting agency before the consumer
 1826 reporting agency or agencies under contract with the department
 1827 ~~Agency for Workforce Innovation~~ pay all development and other
 1828 startup costs incurred by the state in connection with the
 1829 design, installation, and administration of technological
 1830 systems and procedures for the electronic access program.

1831 Section 27. Subsection (2) of section 443.181, Florida
 1832 Statutes, is amended to read:

1833 443.181 Public employment service.—

1834 (2) All funds received by this state under 29 U.S.C. ss.
 1835 49-491-1 must be paid into the Employment Security
 1836 Administration Trust Fund, and these funds are available to the
 1837 Department of Economic Opportunity for expenditure as provided
 1838 by this chapter or by federal law. For the purpose of
 1839 establishing and maintaining one-stop career centers, the
 1840 department may enter into agreements with the Railroad
 1841 Retirement Board or any other agency of the United States
 1842 charged with the administration of a reemployment assistance or
 1843 ~~an~~ unemployment compensation law, with any political subdivision
 1844 of this state, or with any private, nonprofit organization. As a
 1845 part of any such agreement, the department may accept moneys,
 1846 services, or quarters as a contribution to the Employment
 1847 Security Administration Trust Fund.

1848 Section 28. Subsection (6) of section 443.191, Florida
 1849 Statutes, is amended to read:

1850 443.191 Unemployment Compensation Trust Fund;
 1851 establishment and control.—

1852 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
 1853 Compensation Trust Fund is the sole and exclusive source for
 1854 paying reemployment assistance ~~unemployment~~ benefits, and these
 1855 benefits are due and payable only to the extent that
 1856 contributions or reimbursements, with increments thereon,
 1857 actually collected and credited to the fund and not otherwise
 1858 appropriated or allocated, are available for payment. The state
 1859 shall administer the fund without any liability on the part of
 1860 the state beyond the amount of moneys received from the United
 1861 States Department of Labor or other federal agency.

1862 Section 29. Paragraphs (b), (c), and (d) of subsection (1)
 1863 and subsections (3) and (4) of section 443.221, Florida
 1864 Statutes, are amended to read:

1865 443.221 Reciprocal arrangements.—

1866 (1)

1867 (b) For services to be considered as performed within a
 1868 state under a reciprocal agreement, the employing unit must have
 1869 an election in effect for those services, which is approved by
 1870 the agency charged with the administration of such state's
 1871 reemployment assistance or unemployment compensation law, under
 1872 which all the services performed by the individual for the
 1873 employing unit are deemed to be performed entirely within that
 1874 state.

1875 (c) The department shall participate in any arrangements

1876 | for the payment of compensation on the basis of combining an
 1877 | individual's wages and employment covered under this chapter
 1878 | with her or his wages and employment covered under the
 1879 | reemployment assistance or unemployment compensation laws of
 1880 | other states, which are approved by the United States Secretary
 1881 | of Labor, in consultation with the state reemployment assistance
 1882 | or unemployment compensation agencies, as reasonably calculated
 1883 | to assure the prompt and full payment of compensation in those
 1884 | situations and which include provisions for:

1885 | 1. Applying the base period of a single state law to a
 1886 | claim involving the combining of an individual's wages and
 1887 | employment covered under two or more state reemployment
 1888 | assistance or unemployment compensation laws; and

1889 | 2. Avoiding the duplicate use of wages and employment
 1890 | because of the combination.

1891 | (d) Contributions or reimbursements due under this chapter
 1892 | with respect to wages for insured work are, for the purposes of
 1893 | ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
 1894 | to the fund as of the date payment was made as contributions or
 1895 | reimbursements therefor under another state or federal
 1896 | reemployment assistance or unemployment compensation law, but an
 1897 | arrangement may not be entered into unless it contains
 1898 | provisions for reimbursement to the fund of the contributions or
 1899 | reimbursements and the actual earnings thereon as the department
 1900 | or its tax collection service provider finds are fair and
 1901 | reasonable as to all affected interests.

1902 | (3) The Department of Economic Opportunity or its tax
 1903 | collection service provider may enter into reciprocal

1904 arrangements with other states or the Federal Government, or
 1905 both, for exchanging services, determining and enforcing payment
 1906 obligations, and making available facilities and information.
 1907 The department or its tax collection service provider may
 1908 conduct investigations, secure and transmit information, make
 1909 available services and facilities, and exercise other powers
 1910 provided under this chapter to facilitate the administration of
 1911 any reemployment assistance or unemployment compensation or
 1912 public employment service law and, in a similar manner, accept
 1913 and use information, services, and facilities made available to
 1914 this state by the agency charged with the administration of any
 1915 other unemployment compensation or public employment service
 1916 law.

1917 (4) To the extent permissible under federal law, the
 1918 Department of Economic Opportunity may enter into or cooperate
 1919 in arrangements whereby facilities and services provided under
 1920 this chapter and facilities and services provided under the
 1921 reemployment assistance or unemployment compensation law of any
 1922 foreign government may be used for the taking of claims and the
 1923 payment of benefits under the employment security law of the
 1924 state or under a similar law of that government.

1925 Section 30. Paragraph (c) of subsection (5) and subsection
 1926 (8) of section 20.60, Florida Statutes, are amended to read:

1927 20.60 Department of Economic Opportunity; creation; powers
 1928 and duties.—

1929 (5) The divisions within the department have specific
 1930 responsibilities to achieve the duties, responsibilities, and
 1931 goals of the department. Specifically:

1932 (c) The Division of Workforce Services shall:

1933 1. Prepare and submit a unified budget request for

1934 workforce in accordance with chapter 216 for, and in conjunction

1935 with, Workforce Florida, Inc., and its board.

1936 2. Ensure that the state appropriately administers federal

1937 and state workforce funding by administering plans and policies

1938 of Workforce Florida, Inc., under contract with Workforce

1939 Florida, Inc. The operating budget and midyear amendments

1940 thereto must be part of such contract.

1941 a. All program and fiscal instructions to regional

1942 workforce boards shall emanate from the Department of Economic

1943 Opportunity pursuant to plans and policies of Workforce Florida,

1944 Inc., which shall be responsible for all policy directions to

1945 the regional workforce boards.

1946 b. Unless otherwise provided by agreement with Workforce

1947 Florida, Inc., administrative and personnel policies of the

1948 Department of Economic Opportunity shall apply.

1949 3. Implement the state's reemployment assistance

1950 ~~unemployment compensation~~ program. The Department of Economic

1951 Opportunity shall ensure that the state appropriately

1952 administers the reemployment assistance ~~unemployment~~

1953 ~~compensation~~ program pursuant to state and federal law.

1954 4. Assist in developing the 5-year statewide strategic

1955 plan required by this section.

1956 (8) The Reemployment Assistance ~~Unemployment~~ Appeals

1957 Commission, authorized by s. 443.012, is not subject to control,

1958 supervision, or direction by the department in the performance

1959 of its powers and duties but shall receive any and all support

1960 and assistance from the department which is required for the
 1961 performance of its duties.

1962 Section 31. Paragraph (a) of subsection (1) of section
 1963 27.52, Florida Statutes, is amended to read:

1964 27.52 Determination of indigent status.—

1965 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1966 of a public defender under s. 27.51 based upon an inability to
 1967 pay must apply to the clerk of the court for a determination of
 1968 indigent status using an application form developed by the
 1969 Florida Clerks of Court Operations Corporation with final
 1970 approval by the Supreme Court.

1971 (a) The application must include, at a minimum, the
 1972 following financial information:

1973 1. Net income, consisting of total salary and wages, minus
 1974 deductions required by law, including court-ordered support
 1975 payments.

1976 2. Other income, including, but not limited to, social
 1977 security benefits, union funds, veterans' benefits, workers'
 1978 compensation, other regular support from absent family members,
 1979 public or private employee pensions, reemployment assistance or
 1980 unemployment compensation, dividends, interest, rent, trusts,
 1981 and gifts.

1982 3. Assets, including, but not limited to, cash, savings
 1983 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1984 equity in real estate, and equity in a boat or a motor vehicle
 1985 or in other tangible property.

1986 4. All liabilities and debts.

1987 5. If applicable, the amount of any bail paid for the

1988 applicant's release from incarceration and the source of the
 1989 funds.

1990
 1991 The application must include a signature by the applicant which
 1992 attests to the truthfulness of the information provided. The
 1993 application form developed by the corporation must include
 1994 notice that the applicant may seek court review of a clerk's
 1995 determination that the applicant is not indigent, as provided in
 1996 this section.

1997 Section 32. Subsection (6) of section 40.24, Florida
 1998 Statutes, is amended to read:

1999 40.24 Compensation and reimbursement policy.—

2000 (6) A juror who receives reemployment assistance
 2001 ~~unemployment~~ benefits does not lose such benefits because he or
 2002 she receives compensation for juror service.

2003 Section 33. Paragraph (a) of subsection (7) of section
 2004 45.031, Florida Statutes, is amended to read:

2005 45.031 Judicial sales procedure.—In any sale of real or
 2006 personal property under an order or judgment, the procedures
 2007 provided in this section and ss. 45.0315-45.035 may be followed
 2008 as an alternative to any other sale procedure if so ordered by
 2009 the court.

2010 (7) DISBURSEMENTS OF PROCEEDS.—

2011 (a) On filing a certificate of title, the clerk shall
 2012 disburse the proceeds of the sale in accordance with the order
 2013 or final judgment and shall file a report of such disbursements
 2014 and serve a copy of it on each party, and on the Department of
 2015 Revenue if the department was named as a defendant in the action

2016 or if the Department of Economic Opportunity or the former
 2017 Agency for Workforce Innovation was named as a defendant while
 2018 the Department of Revenue was providing reemployment assistance
 2019 ~~unemployment~~ tax collection services under contract with the
 2020 Department of Economic Opportunity or the former Agency for
 2021 Workforce Innovation through an interagency agreement pursuant
 2022 to s. 443.1316.

2023 Section 34. Subsection (2) of section 55.204, Florida
 2024 Statutes, is amended to read:

2025 55.204 Duration and continuation of judgment lien;
 2026 destruction of records.—

2027 (2) Liens securing the payment of child support or tax
 2028 obligations under s. 95.091(1)(b) lapse 20 years after the date
 2029 of the original filing of the warrant or other document required
 2030 by law to establish a lien. Liens securing the payment of
 2031 reemployment assistance ~~unemployment~~ tax obligations lapse 10
 2032 years after the date of the original filing of the notice of
 2033 lien. A second lien based on the original filing may not be
 2034 obtained.

2035 Section 35. Paragraph (a) of subsection (1) of section
 2036 57.082, Florida Statutes, is amended to read:

2037 57.082 Determination of civil indigent status.—

2038 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 2039 of an attorney in a civil case eligible for court-appointed
 2040 counsel, or seeking relief from payment of filing fees and
 2041 prepayment of costs under s. 57.081, based upon an inability to
 2042 pay must apply to the clerk of the court for a determination of
 2043 civil indigent status using an application form developed by the

2044 Florida Clerks of Court Operations Corporation with final
 2045 approval by the Supreme Court.

2046 (a) The application must include, at a minimum, the
 2047 following financial information:

2048 1. Net income, consisting of total salary and wages, minus
 2049 deductions required by law, including court-ordered support
 2050 payments.

2051 2. Other income, including, but not limited to, social
 2052 security benefits, union funds, veterans' benefits, workers'
 2053 compensation, other regular support from absent family members,
 2054 public or private employee pensions, reemployment assistance or
 2055 unemployment compensation, dividends, interest, rent, trusts,
 2056 and gifts.

2057 3. Assets, including, but not limited to, cash, savings
 2058 accounts, bank accounts, stocks, bonds, certificates of deposit,
 2059 equity in real estate, and equity in a boat or a motor vehicle
 2060 or in other tangible property.

2061 4. All liabilities and debts.

2062
 2063 The application must include a signature by the applicant which
 2064 attests to the truthfulness of the information provided. The
 2065 application form developed by the corporation must include
 2066 notice that the applicant may seek court review of a clerk's
 2067 determination that the applicant is not indigent, as provided in
 2068 this section.

2069 Section 36. Subsection (8) of section 61.046, Florida
 2070 Statutes, is amended to read:

2071 61.046 Definitions.—As used in this chapter, the term:

2072 (8) "Income" means any form of payment to an individual,
 2073 regardless of source, including, but not limited to: wages,
 2074 salary, commissions and bonuses, compensation as an independent
 2075 contractor, worker's compensation, disability benefits, annuity
 2076 and retirement benefits, pensions, dividends, interest,
 2077 royalties, trusts, and any other payments, made by any person,
 2078 private entity, federal or state government, or any unit of
 2079 local government. United States Department of Veterans Affairs
 2080 disability benefits and reemployment assistance or unemployment
 2081 compensation, as defined in chapter 443, are excluded from this
 2082 definition of income except for purposes of establishing an
 2083 amount of support.

2084 Section 37. Paragraph (a) of subsection (3) of section
 2085 61.1824, Florida Statutes, is amended to read:

2086 61.1824 State Disbursement Unit.—

2087 (3) The State Disbursement Unit shall perform the
 2088 following functions:

2089 (a) Disburse all receipts from intercepts, including, but
 2090 not limited to, United States Internal Revenue Service,
 2091 reemployment assistance or unemployment compensation, lottery,
 2092 and administrative offset intercepts.

2093 Section 38. Paragraph (a) of subsection (2) of section
 2094 61.30, Florida Statutes, is amended to read:

2095 61.30 Child support guidelines; retroactive child
 2096 support.—

2097 (2) Income shall be determined on a monthly basis for each
 2098 parent as follows:

2099 (a) Gross income shall include, but is not limited to, the

2100 following:

2101 1. Salary or wages.

2102 2. Bonuses, commissions, allowances, overtime, tips, and
2103 other similar payments.

2104 3. Business income from sources such as self-employment,
2105 partnership, close corporations, and independent contracts.
2106 "Business income" means gross receipts minus ordinary and
2107 necessary expenses required to produce income.

2108 4. Disability benefits.

2109 5. All workers' compensation benefits and settlements.

2110 6. Reemployment assistance or unemployment compensation.

2111 7. Pension, retirement, or annuity payments.

2112 8. Social security benefits.

2113 9. Spousal support received from a previous marriage or
2114 court ordered in the marriage before the court.

2115 10. Interest and dividends.

2116 11. Rental income, which is gross receipts minus ordinary
2117 and necessary expenses required to produce the income.

2118 12. Income from royalties, trusts, or estates.

2119 13. Reimbursed expenses or in kind payments to the extent
2120 that they reduce living expenses.

2121 14. Gains derived from dealings in property, unless the
2122 gain is nonrecurring.

2123 Section 39. Paragraph (a) of subsection (4) of section
2124 69.041, Florida Statutes, is amended to read:

2125 69.041 State named party; lien foreclosure, suit to quiet
2126 title.—

2127 (4) (a) The Department of Revenue has the right to

2128 participate in the disbursement of funds remaining in the
 2129 registry of the court after distribution pursuant to s.
 2130 45.031(7). The department shall participate in accordance with
 2131 applicable procedures in any mortgage foreclosure action in
 2132 which the department has a duly filed tax warrant, or interests
 2133 under a lien arising from a judgment, order, or decree for
 2134 support, as defined in s. 409.2554, or interest in an
 2135 reemployment assistance ~~unemployment compensation~~ tax lien under
 2136 contract with the Department of Economic Opportunity through an
 2137 interagency agreement pursuant to s. 443.1316, against the
 2138 subject property and with the same priority, regardless of
 2139 whether a default against the department, the Department of
 2140 Economic Opportunity, or the former Agency for Workforce
 2141 Innovation has been entered for failure to file an answer or
 2142 other responsive pleading.

2143 Section 40. Subsection (1) of section 77.041, Florida
 2144 Statutes, is amended to read:

2145 77.041 Notice to individual defendant for claim of
 2146 exemption from garnishment; procedure for hearing.—

2147 (1) Upon application for a writ of garnishment by a
 2148 plaintiff, if the defendant is an individual, the clerk of the
 2149 court shall attach to the writ the following "Notice to
 2150 Defendant":

2151 NOTICE TO DEFENDANT OF RIGHT AGAINST
 2152 GARNISHMENT OF WAGES, MONEY,
 2153 AND OTHER PROPERTY

2154 The Writ of Garnishment delivered to you with this Notice
 2155 means that wages, money, and other property belonging to you

2156 | have been garnished to pay a court judgment against you.
 2157 | HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
 2158 | OR PROPERTY. READ THIS NOTICE CAREFULLY.

2159 | State and federal laws provide that certain wages, money,
 2160 | and property, even if deposited in a bank, savings and loan, or
 2161 | credit union, may not be taken to pay certain types of court
 2162 | judgments. Such wages, money, and property are exempt from
 2163 | garnishment. The major exemptions are listed below on the form
 2164 | for Claim of Exemption and Request for Hearing. This list does
 2165 | not include all possible exemptions. You should consult a lawyer
 2166 | for specific advice.

2167 | TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING
 2168 | GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST
 2169 | COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING
 2170 | AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE
 2171 | THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE
 2172 | YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
 2173 | MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF
 2174 | AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF
 2175 | GARNISHMENT.

2176 | If you request a hearing, it will be held as soon as
 2177 | possible after your request is received by the court. The
 2178 | plaintiff must file any objection within 3 business days if you
 2179 | hand delivered to the plaintiff a copy of the form for Claim of
 2180 | Exemption and Request for Hearing or, alternatively, 8 business
 2181 | days if you mailed a copy of the form for claim and request to
 2182 | the plaintiff. If the plaintiff files an objection to your Claim
 2183 | of Exemption and Request for Hearing, the clerk will notify you

2184 and the other parties of the time and date of the hearing. You
 2185 may attend the hearing with or without an attorney. If the
 2186 plaintiff fails to file an objection, no hearing is required,
 2187 the writ of garnishment will be dissolved and your wages, money,
 2188 or property will be released.

2189 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO
 2190 KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE
 2191 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU
 2192 NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
 2193 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE.
 2194 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE
 2195 ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

2196 CLAIM OF EXEMPTION AND
 2197 REQUEST FOR HEARING

2198 I claim exemptions from garnishment under the following
 2199 categories as checked:

2200
 1. Head of family wages. (You must check a.
 or b. below.)

2201
 a. I provide more than one-half of the
 support for a child or other dependent and
 have net earnings of \$750 or less per week.

2202
 b. I provide more than one-half of the
 support for a child or other dependent, have
 net earnings of more than \$750 per week, but

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have not agreed in writing to have my wages garnished.

- 2. Social Security benefits.
- 3. Supplemental Security Income benefits.
- 4. Public assistance (welfare).
- 5. Workers' Compensation.
- 6. Reemployment assistance or unemployment compensation.
- 7. Veterans' benefits.
- 8. Retirement or profit-sharing benefits or pension money.
- 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- 10. Disability income benefits.
- 11. Prepaid College Trust Fund or Medical Savings Account.

.... 12. Other exemptions as provided by law.
.....(explain)

2214

2215 I request a hearing to decide the validity of my claim. Notice
2216 of the hearing should be given to me at:

2217 Address:

2218 Telephone number:.....

2219 The statements made in this request are true to the best of my
2220 knowledge and belief.

2221

2222 Defendant's signature

2223 Date.....

2224 STATE OF FLORIDA

2225 COUNTY OF

2226 Sworn and subscribed to before me this day of ...(month
2227 and year)..., by ...(name of person making statement)...

2228 Notary Public/Deputy Clerk

2229 Personally KnownOR Produced Identification....

2230 Type of Identification Produced.....

2231 Section 41. Paragraph (n) of subsection (2) of section
2232 110.205, Florida Statutes, is amended to read:

2233 110.205 Career service; exemptions.—

2234 (2) EXEMPT POSITIONS.—The exempt positions that are not
2235 covered by this part include the following:

2236 (n)1.a. In addition to those positions exempted by other
2237 paragraphs of this subsection, each department head may
2238 designate a maximum of 20 policymaking or managerial positions,
2239 as defined by the department and approved by the Administration

2240 Commission, as being exempt from the Career Service System.
 2241 Career service employees who occupy a position designated as a
 2242 position in the Selected Exempt Service under this paragraph
 2243 shall have the right to remain in the Career Service System by
 2244 opting to serve in a position not exempted by the employing
 2245 agency. Unless otherwise fixed by law, the department shall set
 2246 the salary and benefits of these positions in accordance with
 2247 the rules of the Selected Exempt Service; provided, however,
 2248 that if the agency head determines that the general counsel,
 2249 chief Cabinet aide, public information administrator or
 2250 comparable position for a Cabinet officer, inspector general, or
 2251 legislative affairs director has both policymaking and
 2252 managerial responsibilities and if the department determines
 2253 that any such position has both policymaking and managerial
 2254 responsibilities, the salary and benefits for each such position
 2255 shall be established by the department in accordance with the
 2256 rules of the Senior Management Service.

2257 b. In addition, each department may designate one
 2258 additional position in the Senior Management Service if that
 2259 position reports directly to the agency head or to a position in
 2260 the Senior Management Service and if any additional costs are
 2261 absorbed from the existing budget of that department.

2262 2. If otherwise exempt, employees of the Public Employees
 2263 Relations Commission, the Commission on Human Relations, and the
 2264 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
 2265 the certification of their respective commission heads, may be
 2266 provided for under this paragraph as members of the Senior
 2267 Management Service, if otherwise qualified. However, the deputy

2268 general counsel of the Public Employees Relations Commission
 2269 shall be compensated as members of the Selected Exempt Service.

2270 Section 42. Subsection (4) of section 110.502, Florida
 2271 Statutes, is amended to read:

2272 110.502 Scope of act; status of volunteers.—

2273 (4) Persons working with state agencies pursuant to this
 2274 part shall be considered as unpaid independent volunteers and
 2275 shall not be entitled to reemployment assistance ~~unemployment~~
 2276 ~~compensation~~.

2277 Section 43. Subsection (10) of section 120.80, Florida
 2278 Statutes, is amended to read:

2279 120.80 Exceptions and special requirements; agencies.—

2280 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2281 (a) Notwithstanding s. 120.54, the rulemaking provisions
 2282 of this chapter do not apply to reemployment assistance
 2283 ~~unemployment~~ appeals referees.

2284 (b) Notwithstanding s. 120.54(5), the uniform rules of
 2285 procedure do not apply to appeal proceedings conducted under
 2286 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
 2287 Commission, special deputies, or reemployment assistance
 2288 ~~unemployment~~ appeals referees.

2289 (c) Notwithstanding s. 120.57(1)(a), hearings under
 2290 chapter 443 may not be conducted by an administrative law judge
 2291 assigned by the division, but instead shall be conducted by the
 2292 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
 2293 reemployment assistance ~~unemployment compensation~~ appeals,
 2294 reemployment assistance ~~unemployment~~ appeals referees, and the
 2295 Department of Economic Opportunity or its special deputies under

2296 s. 443.141.

2297 Section 44. Subsection (4) of section 125.9502, Florida
2298 Statutes, is amended to read:

2299 125.9502 Scope of ss. 125.9501-125.9506; status of
2300 volunteers.—

2301 (4) Persons working with a unit of county government or a
2302 constitutional county officer pursuant to ss. 125.9501-125.9506
2303 are considered unpaid independent volunteers and are not
2304 entitled to reemployment assistance ~~unemployment compensation~~.

2305 Section 45. Paragraph (d) of subsection (1) and paragraph
2306 (b) of subsection (2) of section 212.096, Florida Statutes, are
2307 amended to read:

2308 212.096 Sales, rental, storage, use tax; enterprise zone
2309 jobs credit against sales tax.—

2310 (1) For the purposes of the credit provided in this
2311 section:

2312 (d) "Job" means a full-time position, as consistent with
2313 terms used by the Department of Economic Opportunity ~~Agency for~~
2314 ~~Workforce Innovation~~ and the United States Department of Labor
2315 for purposes of reemployment assistance ~~unemployment~~
2316 ~~compensation~~ tax administration and employment estimation
2317 resulting directly from a business operation in this state. This
2318 term may not include a temporary construction job involved with
2319 the construction of facilities or any job that has previously
2320 been included in any application for tax credits under s.
2321 220.181(1). The term also includes employment of an employee
2322 leased from an employee leasing company licensed under chapter
2323 468 if such employee has been continuously leased to the

2324 employer for an average of at least 36 hours per week for more
 2325 than 6 months.

2326
 2327 A person shall be deemed to be employed if the person performs
 2328 duties in connection with the operations of the business on a
 2329 regular, full-time basis, provided the person is performing such
 2330 duties for an average of at least 36 hours per week each month.
 2331 The person must be performing such duties at a business site
 2332 located in the enterprise zone.

2333 (2)

2334 (b) The credit shall be computed as 20 percent of the
 2335 actual monthly wages paid in this state to each new employee
 2336 hired when a new job has been created, unless the business is
 2337 located within a rural enterprise zone pursuant to s. 290.004,
 2338 in which case the credit shall be 30 percent of the actual
 2339 monthly wages paid. If no less than 20 percent of the employees
 2340 of the business are residents of an enterprise zone, excluding
 2341 temporary and part-time employees, the credit shall be computed
 2342 as 30 percent of the actual monthly wages paid in this state to
 2343 each new employee hired when a new job has been created, unless
 2344 the business is located within a rural enterprise zone, in which
 2345 case the credit shall be 45 percent of the actual monthly wages
 2346 paid. If the new employee hired when a new job is created is a
 2347 participant in the welfare transition program, the following
 2348 credit shall be a percent of the actual monthly wages paid: 40
 2349 percent for \$4 above the hourly federal minimum wage rate; 41
 2350 percent for \$5 above the hourly federal minimum wage rate; 42
 2351 percent for \$6 above the hourly federal minimum wage rate; 43

2352 percent for \$7 above the hourly federal minimum wage rate; and
 2353 44 percent for \$8 above the hourly federal minimum wage rate.
 2354 For purposes of this paragraph, monthly wages shall be computed
 2355 as one-twelfth of the expected annual wages paid to such
 2356 employee. The amount paid as wages to a new employee is the
 2357 compensation paid to such employee that is subject to
 2358 reemployment assistance ~~unemployment~~ tax. The credit shall be
 2359 allowed for up to 24 consecutive months, beginning with the
 2360 first tax return due pursuant to s. 212.11 after approval by the
 2361 department.

2362 Section 46. Subsection (4) of section 213.053, Florida
 2363 Statutes, is amended to read:

2364 213.053 Confidentiality and information sharing.—

2365 (4) The department, while providing reemployment
 2366 assistance ~~unemployment~~ tax collection services under contract
 2367 with the Department of Economic Opportunity through an
 2368 interagency agreement pursuant to s. 443.1316, may release
 2369 reemployment assistance ~~unemployment~~ tax rate information to the
 2370 agent of an employer who provides payroll services for more than
 2371 100 employers, pursuant to the terms of a memorandum of
 2372 understanding. The memorandum of understanding must state that
 2373 the agent affirms, subject to the criminal penalties contained
 2374 in ss. 443.171 and 443.1715, that the agent will retain the
 2375 confidentiality of the information, that the agent has in effect
 2376 a power of attorney from the employer which permits the agent to
 2377 obtain reemployment assistance ~~unemployment~~ tax rate
 2378 information, and that the agent shall provide the department
 2379 with a copy of the employer's power of attorney upon request.

2380 Section 47. Paragraph (a) of subsection (6) of section
 2381 216.292, Florida Statutes, is amended to read:

2382 216.292 Appropriations nontransferable; exceptions.—

2383 (6) The Chief Financial Officer shall transfer from any
 2384 available funds of an agency or the judicial branch the
 2385 following amounts and shall report all such transfers and the
 2386 reasons therefor to the legislative appropriations committees
 2387 and the Executive Office of the Governor:

2388 (a) The amount due to the Unemployment Compensation Trust
 2389 Fund which is more than 90 days delinquent on reimbursements due
 2390 to the Unemployment Compensation Trust Fund. The amount
 2391 transferred shall be that certified by the state agency
 2392 providing reemployment assistance ~~unemployment~~ tax collection
 2393 services under contract with the Department of Economic
 2394 Opportunity through an interagency agreement pursuant to s.
 2395 443.1316.

2396 Section 48. Paragraph (ff) of subsection (1) of section
 2397 220.03, Florida Statutes, is amended to read:

2398 220.03 Definitions.—

2399 (1) SPECIFIC TERMS.—When used in this code, and when not
 2400 otherwise distinctly expressed or manifestly incompatible with
 2401 the intent thereof, the following terms shall have the following
 2402 meanings:

2403 (ff) "Job" means a full-time position, as consistent with
 2404 terms used by the Department of Economic Opportunity and the
 2405 United States Department of Labor for purposes of reemployment
 2406 assistance ~~unemployment compensation~~ tax administration and
 2407 employment estimation resulting directly from business

2408 operations in this state. The term may not include a temporary
 2409 construction job involved with the construction of facilities or
 2410 any job that has previously been included in any application for
 2411 tax credits under s. 212.096. The term also includes employment
 2412 of an employee leased from an employee leasing company licensed
 2413 under chapter 468 if the employee has been continuously leased
 2414 to the employer for an average of at least 36 hours per week for
 2415 more than 6 months.

2416 Section 49. Paragraph (b) of subsection (1) of section
 2417 220.181, Florida Statutes, is amended to read:

2418 220.181 Enterprise zone jobs credit.—

2419 (1)

2420 (b) This credit applies only with respect to wages subject
 2421 to reemployment assistance ~~unemployment~~ tax. The credit provided
 2422 in this section does not apply:

2423 1. For any employee who is an owner, partner, or majority
 2424 stockholder of an eligible business.

2425 2. For any new employee who is employed for any period
 2426 less than 3 months.

2427 Section 50. Paragraph (e) of subsection (1) of section
 2428 220.191, Florida Statutes, is amended to read:

2429 220.191 Capital investment tax credit.—

2430 (1) DEFINITIONS.—For purposes of this section:

2431 (e) "Jobs" means full-time equivalent positions, as that
 2432 term is consistent with terms used by the Department of Economic
 2433 Opportunity and the United States Department of Labor for
 2434 purposes of reemployment assistance ~~unemployment~~ tax
 2435 administration and employment estimation, resulting directly

2436 from a project in this state. The term does not include
 2437 temporary construction jobs involved in the construction of the
 2438 project facility.

2439 Section 51. Paragraph (d) of subsection (3) of section
 2440 220.194, Florida Statutes, is amended to read:

2441 220.194 Corporate income tax credits for spaceflight
 2442 projects.—

2443 (3) DEFINITIONS.—As used in this section, the term:

2444 (d) "New job" means the full-time employment of an
 2445 employee in a manner that is consistent with terms used by the
 2446 Department of Economic Opportunity ~~Agency for Workforce~~
 2447 ~~Innovation~~ and the United States Department of Labor for
 2448 purposes of reemployment assistance ~~unemployment compensation~~
 2449 tax administration and employment estimation. In order to meet
 2450 the requirement for certification specified in paragraph (5) (b),
 2451 a new job must:

2452 1. Pay new employees at least 115 percent of the statewide
 2453 or countywide average annual private sector wage for the 3
 2454 taxable years immediately preceding filing an application for
 2455 certification;

2456 2. Require a new employee to perform duties on a regular
 2457 full-time basis in this state for an average of at least 36
 2458 hours per week each month for the 3 taxable years immediately
 2459 preceding filing an application for certification; and

2460 3. Not be held by a person who has previously been
 2461 included as a new employee on an application for any credit
 2462 authorized under this section.

2463 Section 52. Section 222.15, Florida Statutes, is amended

2464 to read:

2465 222.15 Wages or reemployment assistance or unemployment
 2466 compensation payments due deceased employee may be paid spouse
 2467 or certain relatives.—

2468 (1) It is lawful for any employer, in case of the death of
 2469 an employee, to pay to the wife or husband, and in case there is
 2470 no wife or husband, then to the child or children, provided the
 2471 child or children are over the age of 18 years, and in case
 2472 there is no child or children, then to the father or mother, any
 2473 wages or travel expenses that may be due such employee at the
 2474 time of his or her death.

2475 (2) It is also lawful for the Department of Economic
 2476 Opportunity, in case of death of any unemployed individual, to
 2477 pay to those persons referred to in subsection (1) any
 2478 reemployment assistance or unemployment compensation payments
 2479 that may be due to the individual at the time of his or her
 2480 death.

2481 Section 53. Section 222.16, Florida Statutes, is amended
 2482 to read:

2483 222.16 Wages or reemployment assistance or unemployment
 2484 compensation payments so paid not subject to administration.—Any
 2485 wages, travel expenses, or reemployment assistance or
 2486 unemployment compensation payments so paid under the authority
 2487 of s. 222.15 shall not be considered as assets of the estate and
 2488 subject to administration; provided, however, that the travel
 2489 expenses so exempted from administration shall not exceed the
 2490 sum of \$300.

2491 Section 54. Paragraph (m) of subsection (1) of section

2492 255.20, Florida Statutes, is amended to read:

2493 255.20 Local bids and contracts for public construction
2494 works; specification of state-produced lumber.—

2495 (1) A county, municipality, special district as defined in
2496 chapter 189, or other political subdivision of the state seeking
2497 to construct or improve a public building, structure, or other
2498 public construction works must competitively award to an
2499 appropriately licensed contractor each project that is estimated
2500 in accordance with generally accepted cost-accounting principles
2501 to cost more than \$300,000. For electrical work, the local
2502 government must competitively award to an appropriately licensed
2503 contractor each project that is estimated in accordance with
2504 generally accepted cost-accounting principles to cost more than
2505 \$75,000. As used in this section, the term "competitively award"
2506 means to award contracts based on the submission of sealed bids,
2507 proposals submitted in response to a request for proposal,
2508 proposals submitted in response to a request for qualifications,
2509 or proposals submitted for competitive negotiation. This
2510 subsection expressly allows contracts for construction
2511 management services, design/build contracts, continuation
2512 contracts based on unit prices, and any other contract
2513 arrangement with a private sector contractor permitted by any
2514 applicable municipal or county ordinance, by district
2515 resolution, or by state law. For purposes of this section, cost
2516 includes the cost of all labor, except inmate labor, and the
2517 cost of equipment and materials to be used in the construction
2518 of the project. Subject to the provisions of subsection (3), the
2519 county, municipality, special district, or other political

2520 subdivision may establish, by municipal or county ordinance or
 2521 special district resolution, procedures for conducting the
 2522 bidding process.

2523 (m) Any contractor may be considered ineligible to bid by
 2524 the governmental entity if the contractor has been found guilty
 2525 by a court of any violation of federal labor or employment tax
 2526 laws regarding subjects such as safety, tax withholding,
 2527 workers' compensation, reemployment assistance or unemployment
 2528 tax, social security and Medicare tax, wage or hour, or
 2529 prevailing rate laws within the past 5 years.

2530 Section 55. Subsection (5) of section 288.075, Florida
 2531 Statutes, is amended to read:

2532 288.075 Confidentiality of records.—

2533 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
 2534 federal employer identification number, reemployment assistance
 2535 ~~unemployment compensation~~ account number, or Florida sales tax
 2536 registration number held by an economic development agency is
 2537 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 2538 of the State Constitution.

2539 Section 56. Paragraph (c) of subsection (1) of section
 2540 288.1045, Florida Statutes, is amended to read:

2541 288.1045 Qualified defense contractor and space flight
 2542 business tax refund program.—

2543 (1) DEFINITIONS.—As used in this section:

2544 (c) "Business unit" means an employing unit, as defined in
 2545 s. 443.036, that is registered with the department for
 2546 reemployment assistance ~~unemployment compensation~~ purposes or
 2547 means a subcategory or division of an employing unit that is

2548 | accepted by the department as a reporting unit.

2549 | Section 57. Paragraph (d) of subsection (2) of section
2550 | 288.106, Florida Statutes, is amended to read:

2551 | 288.106 Tax refund program for qualified target industry
2552 | businesses.—

2553 | (2) DEFINITIONS.—As used in this section:

2554 | (d) "Business" means an employing unit, as defined in s.
2555 | 443.036, that is registered for reemployment assistance
2556 | ~~unemployment compensation~~ purposes with the state agency
2557 | providing reemployment assistance ~~unemployment~~ tax collection
2558 | services under an interagency agreement pursuant to s. 443.1316,
2559 | or a subcategory or division of an employing unit that is
2560 | accepted by the state agency providing reemployment assistance
2561 | ~~unemployment~~ tax collection services as a reporting unit.

2562 | Section 58. Paragraph (b) of subsection (3) of section
2563 | 288.1081, Florida Statutes, is amended to read:

2564 | 288.1081 Economic Gardening Business Loan Pilot Program.—

2565 | (3)

2566 | (b) A loan applicant must submit a written application to
2567 | the loan administrator in the format prescribed by the loan
2568 | administrator. The application must include:

2569 | 1. The applicant's federal employer identification number,
2570 | reemployment assistance ~~unemployment~~ account number, and sales
2571 | or other tax registration number.

2572 | 2. The street address of the applicant's principal place
2573 | of business in this state.

2574 | 3. A description of the type of economic activity,
2575 | product, or research and development undertaken by the

2576 applicant, including the six-digit North American Industry
 2577 Classification System code for each type of economic activity
 2578 conducted by the applicant.

2579 4. The applicant's annual revenue, number of employees,
 2580 number of full-time equivalent employees, and other information
 2581 necessary to verify the applicant's eligibility for the pilot
 2582 program under s. 288.1082(4)(a).

2583 5. The projected investment in the business, if any, which
 2584 the applicant proposes in conjunction with the loan.

2585 6. The total investment in the business from all sources,
 2586 if any, which the applicant proposes in conjunction with the
 2587 loan.

2588 7. The number of net new full-time equivalent jobs that,
 2589 as a result of the loan, the applicant proposes to create in
 2590 this state as of December 31 of each year and the average annual
 2591 wage of the proposed jobs.

2592 8. The total number of full-time equivalent employees the
 2593 applicant currently employs in this state.

2594 9. The date that the applicant anticipates it needs the
 2595 loan.

2596 10. A detailed explanation of why the loan is needed to
 2597 assist the applicant in expanding jobs in the state.

2598 11. A statement that all of the applicant's available
 2599 corporate assets are pledged as collateral for the amount of the
 2600 loan.

2601 12. A statement that the applicant, upon receiving the
 2602 loan, agrees not to seek additional long-term debt without prior
 2603 approval of the loan administrator.

2604 13. A statement that the loan is a joint obligation of the
 2605 business and of each person who owns at least 20 percent of the
 2606 business.

2607 14. Any additional information requested by the department
 2608 or the loan administrator.

2609 Section 59. Paragraph (a) of subsection (3) of section
 2610 288.1089, Florida Statutes, is amended to read:

2611 288.1089 Innovation Incentive Program.—

2612 (3) To be eligible for consideration for an innovation
 2613 incentive award, an innovation business, a research and
 2614 development entity, or an alternative and renewable energy
 2615 company must submit a written application to the department
 2616 before making a decision to locate new operations in this state
 2617 or expand an existing operation in this state. The application
 2618 must include, but not be limited to:

2619 (a) The applicant's federal employer identification
 2620 number, reemployment assistance ~~unemployment~~ account number, and
 2621 state sales tax registration number. If such numbers are not
 2622 available at the time of application, they must be submitted to
 2623 the department in writing before the disbursement of any
 2624 payments under this section.

2625 Section 60. Subsection (1) of section 334.30, Florida
 2626 Statutes, is amended to read:

2627 334.30 Public-private transportation facilities.—The
 2628 Legislature finds and declares that there is a public need for
 2629 the rapid construction of safe and efficient transportation
 2630 facilities for the purpose of traveling within the state, and
 2631 that it is in the public's interest to provide for the

2632 construction of additional safe, convenient, and economical
2633 transportation facilities.

2634 (1) The department may receive or solicit proposals and,
2635 with legislative approval as evidenced by approval of the
2636 project in the department's work program, enter into agreements
2637 with private entities, or consortia thereof, for the building,
2638 operation, ownership, or financing of transportation facilities.
2639 The department may advance projects programmed in the adopted 5-
2640 year work program or projects increasing transportation capacity
2641 and greater than \$500 million in the 10-year Strategic
2642 Intermodal Plan using funds provided by public-private
2643 partnerships or private entities to be reimbursed from
2644 department funds for the project as programmed in the adopted
2645 work program. The department shall by rule establish an
2646 application fee for the submission of unsolicited proposals
2647 under this section. The fee must be sufficient to pay the costs
2648 of evaluating the proposals. The department may engage the
2649 services of private consultants to assist in the evaluation.
2650 Before approval, the department must determine that the proposed
2651 project:

2652 (a) Is in the public's best interest;

2653 (b) Would not require state funds to be used unless the
2654 project is on the State Highway System;

2655 (c) Would have adequate safeguards in place to ensure that
2656 no additional costs or service disruptions would be realized by
2657 the traveling public and residents of the state in the event of
2658 default or cancellation of the agreement by the department;

2659 (d) Would have adequate safeguards in place to ensure that

2660 the department or the private entity has the opportunity to add
2661 capacity to the proposed project and other transportation
2662 facilities serving similar origins and destinations; and

2663 (e) Would be owned by the department upon completion or
2664 termination of the agreement.

2665

2666 The department shall ensure that all reasonable costs to the
2667 state, related to transportation facilities that are not part of
2668 the State Highway System, are borne by the private entity. The
2669 department shall also ensure that all reasonable costs to the
2670 state and substantially affected local governments and
2671 utilities, related to the private transportation facility, are
2672 borne by the private entity for transportation facilities that
2673 are owned by private entities. For projects on the State Highway
2674 System, the department may use state resources to participate in
2675 funding and financing the project as provided for under the
2676 department's enabling legislation. Because the Legislature
2677 recognizes that private entities or consortia thereof would
2678 perform a governmental or public purpose or function when they
2679 enter into agreements with the department to design, build,
2680 operate, own, or finance transportation facilities, the
2681 transportation facilities, including leasehold interests
2682 thereof, are exempt from ad valorem taxes as provided in chapter
2683 196 to the extent property is owned by the state or other
2684 government entity, and from intangible taxes as provided in
2685 chapter 199 and special assessments of the state, any city,
2686 town, county, special district, political subdivision of the
2687 state, or any other governmental entity. The private entities or

2688 consortia thereof are exempt from tax imposed by chapter 201 on
 2689 all documents or obligations to pay money which arise out of the
 2690 agreements to design, build, operate, own, lease, or finance
 2691 transportation facilities. Any private entities or consortia
 2692 thereof must pay any applicable corporate taxes as provided in
 2693 chapter 220, and reemployment assistance ~~unemployment~~
 2694 ~~compensation~~ taxes as provided in chapter 443, and sales and use
 2695 tax as provided in chapter 212 shall be applicable. The private
 2696 entities or consortia thereof must also register and collect the
 2697 tax imposed by chapter 212 on all their direct sales and leases
 2698 that are subject to tax under chapter 212. The agreement between
 2699 the private entity or consortia thereof and the department
 2700 establishing a transportation facility under this chapter
 2701 constitutes documentation sufficient to claim any exemption
 2702 under this section.

2703 Section 61. Subsection (8) of section 408.809, Florida
 2704 Statutes, is amended to read:

2705 408.809 Background screening; prohibited offenses.—

2706 (8) There is no reemployment assistance ~~unemployment~~
 2707 ~~compensation~~ or other monetary liability on the part of, and no
 2708 cause of action for damages arising against, an employer that,
 2709 upon notice of a disqualifying offense listed under chapter 435
 2710 or this section, terminates the person against whom the report
 2711 was issued, whether or not that person has filed for an
 2712 exemption with the Department of Health or the agency.

2713 Section 62. Paragraph (e) of subsection (7) of section
 2714 409.2563, Florida Statutes, is amended to read:

2715 409.2563 Administrative establishment of child support

2716 obligations.—

2717 (7) ADMINISTRATIVE SUPPORT ORDER.—

2718 (e) An administrative support order must comply with ss.

2719 61.13(1) and 61.30. The department shall develop a standard form

2720 or forms for administrative support orders. An administrative

2721 support order must provide and state findings, if applicable,

2722 concerning:

2723 1. The full name and date of birth of the child or

2724 children;

2725 2. The name of the parent from whom support is being

2726 sought and the other parent or caregiver;

2727 3. The parent's duty and ability to provide support;

2728 4. The amount of the parent's monthly support obligation;

2729 5. Any obligation to pay retroactive support;

2730 6. The parent's obligation to provide for the health care

2731 needs of each child, whether through health insurance,

2732 contribution toward the cost of health insurance, payment or

2733 reimbursement of health care expenses for the child, or any

2734 combination thereof;

2735 7. The beginning date of any required monthly payments and

2736 health insurance;

2737 8. That all support payments ordered must be paid to the

2738 Florida State Disbursement Unit as provided by s. 61.1824;

2739 9. That the parents, or caregiver if applicable, must file

2740 with the department when the administrative support order is

2741 rendered, if they have not already done so, and update as

2742 appropriate the information required pursuant to paragraph

2743 (13) (b);

2744 10. That both parents, or parent and caregiver if
 2745 applicable, are required to promptly notify the department of
 2746 any change in their mailing addresses pursuant to paragraph
 2747 (13) (c); and

2748 11. That if the parent ordered to pay support receives
 2749 reemployment assistance or unemployment compensation benefits,
 2750 the payor shall withhold, and transmit to the department, 40
 2751 percent of the benefits for payment of support, not to exceed
 2752 the amount owed.

2753
 2754 An income deduction order as provided by s. 61.1301 must be
 2755 incorporated into the administrative support order or, if not
 2756 incorporated into the administrative support order, the
 2757 department or the Division of Administrative Hearings shall
 2758 render a separate income deduction order.

2759 Section 63. Paragraph (a) of subsection (3), subsection
 2760 (8), and paragraph (a) of subsection (9) of section 409.2576,
 2761 Florida Statutes, are amended to read:

2762 409.2576 State Directory of New Hires.—

2763 (3) EMPLOYERS TO FURNISH REPORTS.—

2764 (a) Each employer subject to the reporting requirements of
 2765 chapter 443 with 250 or more employees, shall provide to the
 2766 State Directory of New Hires, a report listing the employer's
 2767 legal name, address, and reemployment assistance ~~unemployment~~
 2768 ~~compensation~~ identification number. The report must also provide
 2769 the name and social security number of each new employee or
 2770 rehired employee at the end of the first pay period following
 2771 employment or reemployment.

2772 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
 2773 Directory of New Hires must furnish information regarding newly
 2774 hired or rehired employees to the National Directory of New
 2775 Hires for matching with the records of other state case
 2776 registries within 3 business days of entering such information
 2777 from the employer into the State Directory of New Hires. The
 2778 State Directory of New Hires shall enter into an agreement with
 2779 the Department of Economic Opportunity or its tax collection
 2780 service provider for the quarterly reporting to the National
 2781 Directory of New Hires information on wages and reemployment
 2782 assistance ~~unemployment compensation~~ taken from the quarterly
 2783 report to the Secretary of Labor, now required by Title III of
 2784 the Social Security Act, except that no report shall be filed
 2785 with respect to an employee of a state or local agency
 2786 performing intelligence or counterintelligence functions, if the
 2787 head of such agency has determined that filing such a report
 2788 could endanger the safety of the employee or compromise an
 2789 ongoing investigation or intelligence mission.

2790 (9) DISCLOSURE OF INFORMATION.—

2791 (a) New hire information shall be disclosed to the state
 2792 agency administering the following programs for the purposes of
 2793 determining eligibility under those programs:

2794 1. Any state program funded under part A of Title IV of
 2795 the Social Security Act;

2796 2. The Medicaid program under Title XIX of the Social
 2797 Security Act;

2798 3. The reemployment assistance or unemployment
 2799 compensation program under s. 3304 of the Internal Revenue Code

2800 of 1954;

2801 4. The food assistance program under the Food and
2802 Nutrition Act of 2008; and

2803 5. Any state program under a plan approved under Title I
2804 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2805 Title XIV (Aid to the Permanently and Totally Disabled), or
2806 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2807 Security Income for the Aged, Blind, and Disabled) of the Social
2808 Security Act.

2809 Section 64. Paragraph (f) of subsection (1) of section
2810 414.295, Florida Statutes, is amended to read:

2811 414.295 Temporary cash assistance programs; public records
2812 exemption.—

2813 (1) Personal identifying information of a temporary cash
2814 assistance program participant, a participant's family, or a
2815 participant's family or household member, except for information
2816 identifying a parent who does not live in the same home as the
2817 child, held by the department, the Office of Early Learning,
2818 Workforce Florida, Inc., the Department of Health, the
2819 Department of Revenue, the Department of Education, or a
2820 regional workforce board or local committee created pursuant to
2821 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2822 24(a), Art. I of the State Constitution. Such confidential and
2823 exempt information may be released for purposes directly
2824 connected with:

2825 (f) The administration of the reemployment assistance
2826 ~~unemployment compensation~~ program.

2827 Section 65. Subsection (4) of section 435.06, Florida

2828 Statutes, is amended to read:

2829 435.06 Exclusion from employment.—

2830 (4) There is no reemployment assistance ~~unemployment~~
 2831 ~~compensation~~ or other monetary liability on the part of, and no
 2832 cause of action for damages against, an employer that, upon
 2833 notice of a conviction or arrest for a disqualifying offense
 2834 listed under this chapter, terminates the person against whom
 2835 the report was issued or who was arrested, regardless of whether
 2836 or not that person has filed for an exemption pursuant to this
 2837 chapter.

2838 Section 66. Subsection (2) of section 440.12, Florida
 2839 Statutes, is amended to read:

2840 440.12 Time for commencement and limits on weekly rate of
 2841 compensation.—

2842 (2) Compensation for disability resulting from injuries
 2843 which occur after December 31, 1974, shall not be less than \$20
 2844 per week. However, if the employee's wages at the time of injury
 2845 are less than \$20 per week, he or she shall receive his or her
 2846 full weekly wages. If the employee's wages at the time of the
 2847 injury exceed \$20 per week, compensation shall not exceed an
 2848 amount per week which is:

2849 (a) Equal to 100 percent of the statewide average weekly
 2850 wage, determined as hereinafter provided for the year in which
 2851 the injury occurred; however, the increase to 100 percent from
 2852 66 2/3 percent of the statewide average weekly wage shall apply
 2853 only to injuries occurring on or after August 1, 1979; and

2854 (b) Adjusted to the nearest dollar.

2855

2856 For the purpose of this subsection, the "statewide average
 2857 weekly wage" means the average weekly wage paid by employers
 2858 subject to the Florida Reemployment Assistance Program
 2859 ~~Unemployment Compensation~~ Law as reported to the Department of
 2860 Economic Opportunity for the four calendar quarters ending each
 2861 June 30, which average weekly wage shall be determined by the
 2862 Department of Economic Opportunity on or before November 30 of
 2863 each year and shall be used in determining the maximum weekly
 2864 compensation rate with respect to injuries occurring in the
 2865 calendar year immediately following. The statewide average
 2866 weekly wage determined by the Department of Economic Opportunity
 2867 shall be reported annually to the Legislature.

2868 Section 67. Paragraph (c) of subsection (9) and subsection
 2869 (10) of section 440.15, Florida Statutes, are amended to read:

2870 440.15 Compensation for disability.—Compensation for
 2871 disability shall be paid to the employee, subject to the limits
 2872 provided in s. 440.12(2), as follows:

2873 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
 2874 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2875 (c) Disability compensation benefits payable for any week,
 2876 including those benefits provided by paragraph (1)(f), may not
 2877 be reduced pursuant to this subsection until the Social Security
 2878 Administration determines the amount otherwise payable to the
 2879 employee under 42 U.S.C. ss. 402 and 423 and the employee has
 2880 begun receiving such social security benefit payments. The
 2881 employee shall, upon demand by the department, the employer, or
 2882 the carrier, authorize the Social Security Administration to
 2883 release disability information relating to her or him and

2884 authorize the Department of Economic Opportunity to release
 2885 reemployment assistance ~~unemployment compensation~~ information
 2886 relating to her or him, in accordance with rules to be adopted
 2887 by the department prescribing the procedure and manner for
 2888 requesting the authorization and for compliance by the employee.
 2889 The department or the employer or carrier may not make any
 2890 payment of benefits for total disability or those additional
 2891 benefits provided by paragraph (1) (f) for any period during
 2892 which the employee willfully fails or refuses to authorize the
 2893 release of information in the manner and within the time
 2894 prescribed by such rules. The authority for release of
 2895 disability information granted by an employee under this
 2896 paragraph is effective for a period not to exceed 12 months and
 2897 such authority may be renewed, as the department prescribes by
 2898 rule.

2899 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
 2900 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
 2901 ~~UNEMPLOYMENT COMPENSATION.~~—

2902 (a) No compensation benefits shall be payable for
 2903 temporary total disability or permanent total disability under
 2904 this chapter for any week in which the injured employee has
 2905 received, or is receiving, reemployment assistance or
 2906 unemployment compensation benefits.

2907 (b) If an employee is entitled to temporary partial
 2908 benefits pursuant to subsection (4) and reemployment assistance
 2909 or unemployment compensation benefits, such reemployment
 2910 assistance or unemployment compensation benefits shall be
 2911 primary and the temporary partial benefits shall be supplemental

2912 | only, the sum of the two benefits not to exceed the amount of
 2913 | temporary partial benefits which would otherwise be payable.

2914 | Section 68. Subsections (4) and (7) of section 440.381,
 2915 | Florida Statutes, are amended to read:

2916 | 440.381 Application for coverage; reporting payroll;
 2917 | payroll audit procedures; penalties.-

2918 | (4) Each employer must submit a copy of the quarterly
 2919 | earnings report required by chapter 443 at the end of each
 2920 | quarter to the carrier and submit self-audits supported by the
 2921 | quarterly earnings reports required by chapter 443 and the rules
 2922 | adopted by the Department of Economic Opportunity or by the
 2923 | state agency providing reemployment assistance ~~unemployment~~ tax
 2924 | collection services under contract with the Department of
 2925 | Economic Opportunity through an interagency agreement pursuant
 2926 | to s. 443.1316. The reports must include a sworn statement by an
 2927 | officer or principal of the employer attesting to the accuracy
 2928 | of the information contained in the report.

2929 | (7) If an employee suffering a compensable injury was not
 2930 | reported as earning wages on the last quarterly earnings report
 2931 | filed with the Department of Economic Opportunity or the state
 2932 | agency providing reemployment assistance ~~unemployment~~ tax
 2933 | collection services under contract with the Department of
 2934 | Economic Opportunity through an interagency agreement pursuant
 2935 | to s. 443.1316 before the accident, the employer shall indemnify
 2936 | the carrier for all workers' compensation benefits paid to or on
 2937 | behalf of the employee unless the employer establishes that the
 2938 | employee was hired after the filing of the quarterly report, in
 2939 | which case the employer and employee shall attest to the fact

2940 that the employee was employed by the employer at the time of
2941 the injury. Failure of the employer to indemnify the insurer
2942 within 21 days after demand by the insurer is grounds for the
2943 insurer to immediately cancel coverage. Any action for
2944 indemnification brought by the carrier is cognizable in the
2945 circuit court having jurisdiction where the employer or carrier
2946 resides or transacts business. The insurer is entitled to a
2947 reasonable attorney's fee if it recovers any portion of the
2948 benefits paid in the action.

2949 Section 69. Subsection (2) of section 440.42, Florida
2950 Statutes, is amended to read:

2951 440.42 Insurance policies; liability.—

2952 (2) A workers' compensation insurance policy may require
2953 the employer to release certain employment and wage information
2954 maintained by the state pursuant to federal and state
2955 reemployment assistance ~~unemployment compensation~~ laws except to
2956 the extent prohibited or limited under federal law. By entering
2957 into a workers' compensation insurance policy with such a
2958 provision, the employer consents to the release of the
2959 information. The insurance carrier requiring such consent shall
2960 safeguard the information and maintain its confidentiality. The
2961 carrier shall limit use of the information to verifying
2962 compliance with the terms of the workers' compensation insurance
2963 policy. The department may charge a fee to cover the cost of
2964 disclosing the information.

2965 Section 70. Paragraph (i) of subsection (1) and paragraph
2966 (b) of subsection (9) of section 445.009, Florida Statutes, are
2967 amended to read:

2968 | 445.009 One-stop delivery system.—

2969 | (1) The one-stop delivery system is the state's primary
 2970 | customer-service strategy for offering every Floridian access,
 2971 | through service sites or telephone or computer networks, to the
 2972 | following services:

2973 | (i) Claim filing for reemployment assistance ~~unemployment~~
 2974 | ~~compensation~~ services.

2975 | (9)

2976 | (b) The network shall assure that a uniform method is used
 2977 | to determine eligibility for and management of services provided
 2978 | by agencies that conduct workforce development activities. The
 2979 | Department of Management Services shall develop strategies to
 2980 | allow access to the databases and information management systems
 2981 | of the following systems in order to link information in those
 2982 | databases with the one-stop delivery system:

2983 | 1. The Reemployment Assistance ~~Unemployment Compensation~~
 2984 | Program under chapter 443.

2985 | 2. The public employment service described in s. 443.181.

2986 | 3. The FLORIDA System and the components related to
 2987 | temporary cash assistance, food assistance, and Medicaid
 2988 | eligibility.

2989 | 4. The Student Financial Assistance System of the
 2990 | Department of Education.

2991 | 5. Enrollment in the public postsecondary education
 2992 | system.

2993 | 6. Other information systems determined appropriate by
 2994 | Workforce Florida, Inc.

2995 | Section 71. Subsection (6) of section 445.016, Florida

2996 Statutes, is amended to read:

2997 445.016 Untried Worker Placement and Employment Incentive
 2998 Act.—

2999 (6) During an untried worker's probationary placement, the
 3000 for-profit or not-for-profit agent shall be the employer of
 3001 record of that untried worker, and shall provide workers'
 3002 compensation and reemployment assistance ~~unemployment~~
 3003 ~~compensation~~ coverage as provided by law. The business employing
 3004 the untried worker through the agent may be eligible to apply
 3005 for any tax credits, wage supplementation, wage subsidy, or
 3006 employer payment for that employee that are authorized in law or
 3007 by agreement with the employer. After satisfactory completion of
 3008 such a probationary period, an untried worker shall not be
 3009 considered an untried worker.

3010 Section 72. Paragraph (c) of subsection (2) and paragraph
 3011 (a) of subsection (3) of section 446.50, Florida Statutes, are
 3012 amended to read:

3013 446.50 Displaced homemakers; multiservice programs; report
 3014 to the Legislature; Displaced Homemaker Trust Fund created.—

3015 (2) DEFINITION.—For the purposes of this section, the term
 3016 "displaced homemaker" means an individual who:

3017 (c) Is not adequately employed, as defined by rule of the
 3018 Department of Economic Opportunity ~~agency~~;

3019 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
 3020 OPPORTUNITY.—

3021 (a) The Department of Economic Opportunity, under plans
 3022 established by Workforce Florida, Inc., shall establish, or
 3023 contract for the establishment of, programs for displaced

3024 homemakers which shall include:

3025 1. Job counseling, by professionals and peers,

3026 specifically designed for a person entering the job market after

3027 a number of years as a homemaker.

3028 2. Job training and placement services, including:

3029 a. Training programs for available jobs in the public and

3030 private sectors, taking into account the skills and job

3031 experiences of a homemaker and developed by working with public

3032 and private employers.

3033 b. Assistance in locating available employment for

3034 displaced homemakers, some of whom could be employed in existing

3035 job training and placement programs.

3036 c. Utilization of the services of the state employment

3037 service in locating employment opportunities.

3038 3. Financial management services providing information and

3039 assistance with respect to insurance, including, but not limited

3040 to, life, health, home, and automobile insurance, and taxes,

3041 estate and probate problems, mortgages, loans, and other related

3042 financial matters.

3043 4. Educational services, including high school equivalency

3044 degree and such other courses as the department determines would

3045 be of interest and benefit to displaced homemakers.

3046 5. Outreach and information services with respect to

3047 federal and state employment, education, health, and

3048 reemployment ~~unemployment~~ assistance programs that the

3049 department determines would be of interest and benefit to

3050 displaced homemakers.

3051 Section 73. Paragraph (b) of subsection (4) of section

3052 448.110, Florida Statutes, is amended to read:

3053 448.110 State minimum wage; annual wage adjustment;
 3054 enforcement.—

3055 (4)

3056 (b) The Department of Revenue and the Department of
 3057 Economic Opportunity shall annually publish the amount of the
 3058 adjusted state minimum wage and the effective date. Publication
 3059 shall occur by posting the adjusted state minimum wage rate and
 3060 the effective date on the Internet home pages of the Department
 3061 of Economic Opportunity and the Department of Revenue by October
 3062 15 of each year. In addition, to the extent funded in the
 3063 General Appropriations Act, the Department of Economic
 3064 Opportunity shall provide written notice of the adjusted rate
 3065 and the effective date of the adjusted state minimum wage to all
 3066 employers registered in the most current reemployment assistance
 3067 ~~unemployment compensation~~ database. Such notice shall be mailed
 3068 by November 15 of each year using the addresses included in the
 3069 database. Employers are responsible for maintaining current
 3070 address information in the reemployment assistance ~~unemployment~~
 3071 ~~compensation~~ database. The Department of Economic Opportunity is
 3072 not responsible for failure to provide notice due to incorrect
 3073 or incomplete address information in the database. The
 3074 Department of Economic Opportunity shall provide the Department
 3075 of Revenue with the adjusted state minimum wage rate information
 3076 and effective date in a timely manner.

3077 Section 74. Paragraph (e) of subsection (2) of section
 3078 450.31, Florida Statutes, is amended to read:

3079 450.31 Issuance, revocation, and suspension of, and

3080 refusal to issue or renew, certificate of registration.—

3081 (2) The department may revoke, suspend, or refuse to issue
 3082 or renew any certificate of registration when it is shown that
 3083 the farm labor contractor has:

3084 (e) Failed to pay reemployment assistance ~~unemployment~~
 3085 ~~compensation~~ taxes as determined by the Department of Economic
 3086 Opportunity; or

3087 Section 75. Subsection (9) of section 450.33, Florida
 3088 Statutes, is amended to read:

3089 450.33 Duties of farm labor contractor.—Every farm labor
 3090 contractor must:

3091 (9) Comply with all applicable statutes, rules, and
 3092 regulations of the United States and of the State of Florida for
 3093 the protection or benefit of labor, including, but not limited
 3094 to, those providing for wages, hours, fair labor standards,
 3095 social security, workers' compensation, reemployment assistance
 3096 or unemployment compensation, child labor, and transportation.

3097 Section 76. Subsections (1) and (3) of section 468.529,
 3098 Florida Statutes, are amended to read:

3099 468.529 Licensee's insurance; employment tax; benefit
 3100 plans.—

3101 (1) A licensed employee leasing company is the employer of
 3102 the leased employees, except that this provision is not intended
 3103 to affect the determination of any issue arising under Pub. L.
 3104 No. 93-406, the Employee Retirement Income Security Act, as
 3105 amended from time to time. An employee leasing company shall be
 3106 responsible for timely payment of reemployment assistance
 3107 ~~unemployment~~ taxes pursuant to chapter 443, and shall be

3108 responsible for providing workers' compensation coverage
 3109 pursuant to chapter 440. However, no licensed employee leasing
 3110 company shall sponsor a plan of self-insurance for health
 3111 benefits, except as may be permitted by the provisions of the
 3112 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
 3113 the Employee Retirement Income Security Act, as amended from
 3114 time to time. For purposes of this section, a "plan of self-
 3115 insurance" shall exclude any arrangement where an admitted
 3116 insurance carrier has issued a policy of insurance primarily
 3117 responsible for the obligations of the health plan.

3118 (3) A licensed employee leasing company shall within 30
 3119 days after initiation or termination notify its workers'
 3120 compensation insurance carrier, the Division of Workers'
 3121 Compensation of the Department of Financial Services, and the
 3122 state agency providing reemployment assistance ~~unemployment~~ tax
 3123 collection services under contract with the Department of
 3124 Economic Opportunity through an interagency agreement pursuant
 3125 to s. 443.1316 of both the initiation or the termination of the
 3126 company's relationship with any client company.

3127 Section 77. Subsection (8) of section 553.791, Florida
 3128 Statutes, is amended to read:

3129 553.791 Alternative plans review and inspection.—

3130 (8) A private provider performing required inspections
 3131 under this section shall inspect each phase of construction as
 3132 required by the applicable codes. The private provider shall be
 3133 permitted to send a duly authorized representative to the
 3134 building site to perform the required inspections, provided all
 3135 required reports are prepared by and bear the signature of the

3136 private provider or the private provider's duly authorized
 3137 representative. The duly authorized representative must be an
 3138 employee of the private provider entitled to receive
 3139 reemployment assistance ~~unemployment compensation~~ benefits under
 3140 chapter 443. The contractor's contractual or legal obligations
 3141 are not relieved by any action of the private provider.

3142 Section 78. Paragraph (b) of subsection (5) of section
 3143 624.509, Florida Statutes, is amended to read:

3144 624.509 Premium tax; rate and computation.—

3145 (5)

3146 (b) For purposes of this subsection:

3147 1. The term "salaries" does not include amounts paid as
 3148 commissions.

3149 2. The term "employees" does not include independent
 3150 contractors or any person whose duties require that the person
 3151 hold a valid license under the Florida Insurance Code, except
 3152 adjusters, managing general agents, and service representatives,
 3153 as defined in s. 626.015.

3154 3. The term "net tax" means the tax imposed by this
 3155 section after applying the calculations and credits set forth in
 3156 subsection (4).

3157 4. An affiliated group of corporations that created a
 3158 service company within its affiliated group on July 30, 2002,
 3159 shall allocate the salary of each service company employee
 3160 covered by contracts with affiliated group members to the
 3161 companies for which the employees perform services. The salary
 3162 allocation is based on the amount of time during the tax year
 3163 that the individual employee spends performing services or

3164 otherwise working for each company over the total amount of time
 3165 the employee spends performing services or otherwise working for
 3166 all companies. The total amount of salary allocated to an
 3167 insurance company within the affiliated group shall be included
 3168 as that insurer's employee salaries for purposes of this
 3169 section.

3170 a. Except as provided in subparagraph (a)2., the term
 3171 "affiliated group of corporations" means two or more
 3172 corporations that are entirely owned by a single corporation and
 3173 that constitute an affiliated group of corporations as defined
 3174 in s. 1504(a) of the Internal Revenue Code.

3175 b. The term "service company" means a separate corporation
 3176 within the affiliated group of corporations whose employees
 3177 provide services to affiliated group members and which are
 3178 treated as service company employees for reemployment assistance
 3179 or unemployment compensation and common law purposes. The
 3180 holding company of an affiliated group may not qualify as a
 3181 service company. An insurance company may not qualify as a
 3182 service company.

3183 c. If an insurance company fails to substantiate, whether
 3184 by means of adequate records or otherwise, its eligibility to
 3185 claim the service company exception under this section, or its
 3186 salary allocation under this section, no credit shall be
 3187 allowed.

3188 5. A service company that is a subsidiary of a mutual
 3189 insurance holding company, which mutual insurance holding
 3190 company was in existence on or before January 1, 2000, shall
 3191 allocate the salary of each service company employee covered by

3192 contracts with members of the mutual insurance holding company
3193 system to the companies for which the employees perform
3194 services. The salary allocation is based on the ratio of the
3195 amount of time during the tax year which the individual employee
3196 spends performing services or otherwise working for each company
3197 to the total amount of time the employee spends performing
3198 services or otherwise working for all companies. The total
3199 amount of salary allocated to an insurance company within the
3200 mutual insurance holding company system shall be included as
3201 that insurer's employee salaries for purposes of this section.
3202 However, this subparagraph does not apply for any tax year
3203 unless funds sufficient to offset the anticipated salary credits
3204 have been appropriated to the General Revenue Fund prior to the
3205 due date of the final return for that year.

3206 a. The term "mutual insurance holding company system"
3207 means two or more corporations that are subsidiaries of a mutual
3208 insurance holding company and in compliance with part IV of
3209 chapter 628.

3210 b. The term "service company" means a separate corporation
3211 within the mutual insurance holding company system whose
3212 employees provide services to other members of the mutual
3213 insurance holding company system and are treated as service
3214 company employees for reemployment assistance or unemployment
3215 compensation and common-law purposes. The mutual insurance
3216 holding company may not qualify as a service company.

3217 c. If an insurance company fails to substantiate, whether
3218 by means of adequate records or otherwise, its eligibility to
3219 claim the service company exception under this section, or its

3220 salary allocation under this section, no credit shall be
 3221 allowed.

3222 Section 79. Paragraph (c) of subsection (8) of section
 3223 679.4061, Florida Statutes, is amended to read:

3224 679.4061 Discharge of account debtor; notification of
 3225 assignment; identification and proof of assignment; restrictions
 3226 on assignment of accounts, chattel paper, payment intangibles,
 3227 and promissory notes ineffective.—

3228 (8) This section is subject to law other than this chapter
 3229 which establishes a different rule for an account debtor who is
 3230 an individual and who incurred the obligation primarily for
 3231 personal, family, or household purposes. Subsections (4) and (6)
 3232 do not apply to the creation, attachment, perfection, or
 3233 enforcement of a security interest in:

3234 (c) The interest of a debtor who is a natural person in
 3235 reemployment assistance or unemployment, alimony, disability,
 3236 pension, or retirement benefits or victim compensation funds.

3237 Section 80. Paragraph (c) of subsection (6) of section
 3238 679.4081, Florida Statutes, is amended to read:

3239 679.4081 Restrictions on assignment of promissory notes,
 3240 health-care-insurance receivables, and certain general
 3241 intangibles ineffective.—

3242 (6) Subsections (1) and (3) do not apply to the creation,
 3243 attachment, perfection, or enforcement of a security interest
 3244 in:

3245 (c) The interest of a debtor who is a natural person in
 3246 reemployment assistance or unemployment, alimony, disability,
 3247 pension, or retirement benefits or victim compensation funds.

3248 Section 81. Paragraph (a) of subsection (1) of section
 3249 895.02, Florida Statutes, is amended to read:

3250 895.02 Definitions.—As used in ss. 895.01–895.08, the
 3251 term:

3252 (1) "Racketeering activity" means to commit, to attempt to
 3253 commit, to conspire to commit, or to solicit, coerce, or
 3254 intimidate another person to commit:

3255 (a) Any crime that is chargeable by petition, indictment,
 3256 or information under the following provisions of the Florida
 3257 Statutes:

3258 1. Section 210.18, relating to evasion of payment of
 3259 cigarette taxes.

3260 2. Section 316.1935, relating to fleeing or attempting to
 3261 elude a law enforcement officer and aggravated fleeing or
 3262 eluding.

3263 3. Section 403.727(3)(b), relating to environmental
 3264 control.

3265 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3266 fraud.

3267 5. Section 414.39, relating to public assistance fraud.

3268 6. Section 440.105 or s. 440.106, relating to workers'
 3269 compensation.

3270 7. Section 443.071(4), relating to creation of a
 3271 fictitious employer scheme to commit reemployment assistance
 3272 ~~unemployment compensation~~ fraud.

3273 8. Section 465.0161, relating to distribution of medicinal
 3274 drugs without a permit as an Internet pharmacy.

3275 9. Section 499.0051, relating to crimes involving

- 3276 | contraband and adulterated drugs.
- 3277 | 10. Part IV of chapter 501, relating to telemarketing.
- 3278 | 11. Chapter 517, relating to sale of securities and
- 3279 | investor protection.
- 3280 | 12. Section 550.235 or s. 550.3551, relating to dogracing
- 3281 | and horseracing.
- 3282 | 13. Chapter 550, relating to jai alai frontons.
- 3283 | 14. Section 551.109, relating to slot machine gaming.
- 3284 | 15. Chapter 552, relating to the manufacture,
- 3285 | distribution, and use of explosives.
- 3286 | 16. Chapter 560, relating to money transmitters, if the
- 3287 | violation is punishable as a felony.
- 3288 | 17. Chapter 562, relating to beverage law enforcement.
- 3289 | 18. Section 624.401, relating to transacting insurance
- 3290 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 3291 | to operating an unauthorized multiple-employer welfare
- 3292 | arrangement, or s. 626.902(1)(b), relating to representing or
- 3293 | aiding an unauthorized insurer.
- 3294 | 19. Section 655.50, relating to reports of currency
- 3295 | transactions, when such violation is punishable as a felony.
- 3296 | 20. Chapter 687, relating to interest and usurious
- 3297 | practices.
- 3298 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 3299 | real estate timeshare plans.
- 3300 | 22. Section 775.13(5)(b), relating to registration of
- 3301 | persons found to have committed any offense for the purpose of
- 3302 | benefiting, promoting, or furthering the interests of a criminal
- 3303 | gang.

- 3304 23. Section 777.03, relating to commission of crimes by
- 3305 accessories after the fact.
- 3306 24. Chapter 782, relating to homicide.
- 3307 25. Chapter 784, relating to assault and battery.
- 3308 26. Chapter 787, relating to kidnapping or human
- 3309 trafficking.
- 3310 27. Chapter 790, relating to weapons and firearms.
- 3311 28. Chapter 794, relating to sexual battery, but only if
- 3312 such crime was committed with the intent to benefit, promote, or
- 3313 further the interests of a criminal gang, or for the purpose of
- 3314 increasing a criminal gang member's own standing or position
- 3315 within a criminal gang.
- 3316 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 3317 796.05, or s. 796.07, relating to prostitution and sex
- 3318 trafficking.
- 3319 30. Chapter 806, relating to arson and criminal mischief.
- 3320 31. Chapter 810, relating to burglary and trespass.
- 3321 32. Chapter 812, relating to theft, robbery, and related
- 3322 crimes.
- 3323 33. Chapter 815, relating to computer-related crimes.
- 3324 34. Chapter 817, relating to fraudulent practices, false
- 3325 pretenses, fraud generally, and credit card crimes.
- 3326 35. Chapter 825, relating to abuse, neglect, or
- 3327 exploitation of an elderly person or disabled adult.
- 3328 36. Section 827.071, relating to commercial sexual
- 3329 exploitation of children.
- 3330 37. Chapter 831, relating to forgery and counterfeiting.
- 3331 38. Chapter 832, relating to issuance of worthless checks

3332 and drafts.

3333 39. Section 836.05, relating to extortion.

3334 40. Chapter 837, relating to perjury.

3335 41. Chapter 838, relating to bribery and misuse of public
3336 office.

3337 42. Chapter 843, relating to obstruction of justice.

3338 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3339 s. 847.07, relating to obscene literature and profanity.

3340 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3341 849.25, relating to gambling.

3342 45. Chapter 874, relating to criminal gangs.

3343 46. Chapter 893, relating to drug abuse prevention and
3344 control.

3345 47. Chapter 896, relating to offenses related to financial
3346 transactions.

3347 48. Sections 914.22 and 914.23, relating to tampering with
3348 or harassing a witness, victim, or informant, and retaliation
3349 against a witness, victim, or informant.

3350 49. Sections 918.12 and 918.13, relating to tampering with
3351 jurors and evidence.

3352 Section 82. Paragraph (g) of subsection (8) of section
3353 896.101, Florida Statutes, is amended to read:

3354 896.101 Florida Money Laundering Act; definitions;
3355 penalties; injunctions; seizure warrants; immunity.—

3356 (8)

3357 (g)1. Upon service of the temporary order served pursuant
3358 to this section, the petitioner shall immediately notify by
3359 certified mail, return receipt requested, or by personal

3360 service, both the person or entity in possession of the monetary
3361 instruments or funds and the owner of the monetary instruments
3362 or funds if known, of the order entered pursuant to this section
3363 and that the lawful owner of the monetary instruments or funds
3364 being enjoined may request a hearing to contest and modify the
3365 order entered pursuant to this section by petitioning the court
3366 that issued the order, so that such notice is received within 72
3367 hours.

3368 2. The notice shall advise that the hearing shall be held
3369 within 3 days of the request, and the notice must state that the
3370 hearing will be set and noticed by the person against whom the
3371 order is served.

3372 3. The notice shall specifically state that the lawful
3373 owner has the right to produce evidence of legitimate business
3374 expenses, obligations, and liabilities, including but not
3375 limited to, employee payroll expenses verified by current
3376 reemployment assistance ~~unemployment compensation~~ records,
3377 employee workers' compensation insurance, employee health
3378 insurance, state and federal taxes, and regulatory or licensing
3379 fees only as may become due before the expiration of the
3380 temporary order.

3381 4. Upon determination by the court that the expenses are
3382 valid, payment of such expenses may be effected by the owner of
3383 the enjoined monetary instruments or funds only to the court-
3384 ordered payees through court-reviewed checks, issued by the
3385 owner of, and the person or entity in possession of, the
3386 enjoined monetary instruments or funds. Upon presentment, the
3387 person or entity in possession of the enjoined funds or monetary

3388 instruments shall only honor the payment of the check to the
 3389 court-ordered payee.

3390 Section 83. Paragraph (a) of subsection (3) of section
 3391 921.0022, Florida Statutes, is amended to read:

3392 921.0022 Criminal Punishment Code; offense severity
 3393 ranking chart.—

3394 (3) OFFENSE SEVERITY RANKING CHART

3395 (a) LEVEL 1

3396

Florida Statute	Felony Degree	Description
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3397

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
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3398

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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3399

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
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3400

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
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3401

319.30(5)	3rd	Sell, exchange, give away
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3402			certificate of title or identification number plate.
3403	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
3404	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
3405	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
3406	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
3407	322.212 (5) (a)	3rd	False application for driver's license or identification card.
3408	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.

3409	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3410	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment assistance</u> unemployment compensation benefits.
3411	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
3412	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3413	562.27 (1)	3rd	Possess still or still apparatus.
3414	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014 (3) (c)	3rd	Petit theft (3rd conviction);

			theft of any property not specified in subsection (2).
3415	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
3416	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
3417	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
3418	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
3419	826.01	3rd	Bigamy.
3420	828.122 (3)	3rd	Fighting or baiting animals.
3421	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
3422			

3423	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
3424	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
3425	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
3426	838.15 (2)	3rd	Commercial bribe receiving.
3427	838.16	3rd	Commercial bribery.
3428	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3429	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3430	849.01	3rd	Keeping gambling house.

3431	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
3432	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3433	849.25 (2)	3rd	Engaging in bookmaking.
3434	860.08	3rd	Interfere with a railroad signal.
3435	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
3436	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
3437	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
3438	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
3439	Section 84. Subsection (2) of section 946.513, Florida		

3440 Statutes, is amended to read:

3441 946.513 Private employment of inmates; disposition of
3442 compensation received.—

3443 (2) No inmate is eligible for reemployment assistance
3444 benefits ~~unemployment compensation~~, whether employed by the
3445 corporation or by any other private enterprise operating on the
3446 grounds of a correctional institution or elsewhere, when such
3447 employment is part of a correctional work program or work-
3448 release program of either the corporation or the department.

3449 Section 85. Subsection (2) of section 946.523, Florida
3450 Statutes, is amended to read:

3451 946.523 Prison industry enhancement (PIE) programs.—

3452 (2) Notwithstanding any other law to the contrary,
3453 including s. 440.15(8), private sector employers shall provide
3454 workers' compensation coverage to inmates who participate in
3455 prison industry enhancement (PIE) programs under subsection (1).
3456 However, inmates are not entitled to reemployment assistance
3457 benefits ~~unemployment compensation~~.

3458 Section 86. Paragraph (c) of subsection (5) of section
3459 985.618, Florida Statutes, is amended to read:

3460 985.618 Educational and career-related programs.—

3461 (5)

3462 (c) Notwithstanding any other law to the contrary,
3463 including s. 440.15(8), private sector employers shall provide
3464 juveniles participating in juvenile work programs under
3465 paragraph (b) with workers' compensation coverage, and juveniles
3466 shall be entitled to the benefits of such coverage. Nothing in
3467 this subsection shall be construed to allow juveniles to

3468 participate in reemployment assistance ~~unemployment compensation~~
 3469 benefits.

3470 Section 87. Subsection (3) of section 1003.496, Florida
 3471 Statutes, is amended to read:

3472 1003.496 High School to Business Career Enhancement
 3473 Program.—

3474 (3) Employment under this section of a student intern who
 3475 meets the criteria of s. 443.1216(13)(q) is not employment for
 3476 purposes of reemployment assistance ~~unemployment compensation~~
 3477 under chapter 443.

3478 Section 88. Subsection (3) of section 1008.39, Florida
 3479 Statutes, is amended to read:

3480 1008.39 Florida Education and Training Placement
 3481 Information Program.—

3482 (3) The Florida Education and Training Placement
 3483 Information Program must not make public any information that
 3484 could identify an individual or the individual's employer. The
 3485 Department of Education must ensure that the purpose of
 3486 obtaining placement information is to evaluate and improve
 3487 public programs or to conduct research for the purpose of
 3488 improving services to the individuals whose social security
 3489 numbers are used to identify their placement. If an agreement
 3490 assures that this purpose will be served and that privacy will
 3491 be protected, the Department of Education shall have access to
 3492 the reemployment assistance ~~unemployment insurance~~ wage reports
 3493 maintained by the Department of Economic Opportunity, the files
 3494 of the Department of Children and Family Services that contain
 3495 information about the distribution of public assistance, the

3496 files of the Department of Corrections that contain records of
 3497 incarcerations, and the files of the Department of Business and
 3498 Professional Regulation that contain the results of licensure
 3499 examination.

3500 Section 89. Paragraph (b) of subsection (1) of section
 3501 1008.41, Florida Statutes, is amended to read:

3502 1008.41 Workforce education; management information
 3503 system.—

3504 (1) The Commissioner of Education shall coordinate uniform
 3505 program structures, common definitions, and uniform management
 3506 information systems for workforce education for all divisions
 3507 within the department. In performing these functions, the
 3508 commissioner shall designate deadlines after which data elements
 3509 may not be changed for the coming fiscal or school year. School
 3510 districts and Florida College System institutions shall be
 3511 notified of data element changes at least 90 days prior to the
 3512 start of the subsequent fiscal or school year. Such systems must
 3513 provide for:

3514 (b) Compliance with state and federal confidentiality
 3515 requirements, except that the department shall have access to
 3516 the reemployment assistance ~~unemployment insurance~~ wage reports
 3517 to collect and report placement information about former
 3518 students. Such placement reports must not disclose the
 3519 individual identities of former students.

3520 Section 90. If any provision of this act or its
 3521 application to any person or circumstance is held invalid, the
 3522 invalidity does not affect other provisions or applications of
 3523 the act which can be given effect without the invalid provision

3524 or application, and to this end the provisions of the act are
3525 severable. This section shall take effect upon this act becoming
3526 a law.

3527 Section 91. The Legislature finds that this act fulfills
3528 an important state interest. This section shall take effect upon
3529 this act becoming a law.

3530 Section 92. Except as otherwise expressly provided in this
3531 act and except for this section, which shall take effect upon
3532 this act becoming a law, this act shall take effect July 1,
3533 2012.