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1 A bill to be entitled

2 An act relating to unemployment compensation; amending ss.  
3 45.031, 69.041, F.S., relating to judicial sales and  
4 disbursement of funds; providing for disbursements in  
5 conformance with changes made by the act; amending s.  
6 120.80, F.S.; specifying that a judge adjudicating a claim  
7 under the unemployment compensation law is not an agency  
8 for purposes of chapter 120, F.S.; providing for the  
9 conduct of hearings; conforming provisions to the transfer  
10 of certain duties of the Department of Labor and  
11 Employment Security to the Agency for Workforce  
12 Innovation; exempting certain appeal proceedings from the  
13 uniform rules of procedure; amending s. 213.053, F.S.;  
14 clarifying duties of the Department of Revenue with  
15 respect to tax collection performed under a contract with  
16 the Agency for Workforce Innovation; amending s. 216.292,  
17 F.S.; clarifying procedures for transferring delinquent  
18 reimbursements due to the Unemployment Compensation Trust  
19 Fund; amending s. 220.191, F.S.; revising definitions for  
20 purposes of the capital investment tax credit; amending s.  
21 222.15, F.S., relating to payments upon the death of an  
22 employee; conforming provisions; amending ss. 288.106,  
23 288.107, 288.108, F.S.; revising definitions governing the  
24 tax refund program for qualified target industry  
25 businesses, brownfield redevelopment bonus refunds, and  
26 high-impact businesses; conforming provisions; amending s.  
27 440.15, F.S., relating to compensation for disability;  
28 conforming provisions; amending s. 440.381, F.S.;  
29 conforming provisions governing an employer's quarterly  
30 earning reports; amending ss. 443.011, 443.012, F.S.,



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31 relating to the Unemployment Compensation Law and the  
32 Unemployment Appeals Commission; clarifying provisions;  
33 amending s. 443.031, F.S.; revising provisions governing  
34 construction of the Unemployment Compensation Law;  
35 amending ss. 443.0315, 443.036, 443.041, F.S., relating to  
36 subsequent proceedings, definitions, and certain waivers;  
37 clarifying and conforming provisions; providing a penalty;  
38 specifying that the term "employing unit" applies to a  
39 limited liability company; amending s. 443.051, F.S.;  
40 specifying additional duties of the Department of Revenue  
41 with respect to individuals who are obligated to pay child  
42 support; amending s. 443.061, F.S.; providing that the  
43 Unemployment Compensation Law does not create vested  
44 rights; amending s. 443.071, F.S.; revising penalties;  
45 amending s. 443.091, F.S., relating to benefit  
46 eligibility; conforming provisions to the transfer of  
47 duties to the Agency for Workforce Innovation; deleting  
48 obsolete provisions; requiring an individual to submit a  
49 valid social security number to be eligible for  
50 unemployment benefits; providing for verification of  
51 social security numbers; conforming provisions; amending  
52 s. 443.101, F.S.; clarifying and conforming provisions  
53 under which an individual may be disqualified for  
54 benefits; amending s. 443.111, F.S., relating to the  
55 payment of benefits; conforming provisions to changes made  
56 by the act and the transfer of duties to the Agency for  
57 Workforce Innovation; requiring claimants to continue  
58 reporting to certify for benefits regardless of any  
59 appeal; creating ss. 443.1115, 443.1116, F.S., relating to  
60 extended benefits and short-time compensation; providing



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61 definitions; providing for eligibility; providing payment  
62 amounts; providing for recovery of overpayments; amending  
63 s. 443.121, F.S., relating to employing units; conforming  
64 provisions in accordance with the tax collection services  
65 performed by the Department of Revenue; creating s.  
66 443.1215, F.S.; specifying employing units that are  
67 subject to the Unemployment Compensation Law; creating s.  
68 443.1216, F.S.; specifying types of services that  
69 constitute employment for purposes of the Unemployment  
70 Compensation Law; creating s. 443.1217, F.S.; specifying  
71 wages and payments that are subject to the Unemployment  
72 Compensation Law; amending s. 443.131, F.S.; providing for  
73 payment of contributions; providing contribution rates;  
74 providing benefit ratios; creating s. 443.1312, F.S.;  
75 providing for benefits paid to employees of nonprofit  
76 organizations; creating s. 443.1313, F.S.; providing for  
77 benefits paid to employees of public employers; amending  
78 s. 443.1315, F.S., relating to Indian tribes; conforming  
79 provisions to changes made by the act; amending s.  
80 443.1316, F.S.; revising requirements governing the duties  
81 of the Department of Revenue under its contract with the  
82 Agency for Workforce Innovation to provide tax collection  
83 services; creating s. 443.1317, F.S.; authorizing the  
84 Agency for Workforce Innovation and the state agency  
85 providing unemployment tax collection services to adopt  
86 rules to administer ch. 443, F.S.; amending s. 443.141,  
87 F.S., relating to the collection of contributions;  
88 conforming provisions; providing duties of the tax  
89 collection service provider; providing rulemaking  
90 authority; authorizing civil actions to enforce the



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91 collection of contributions, penalties, and interest;  
92 prohibiting the payment of interest on refunds or  
93 adjustments; amending s. 443.151, F.S., relating to  
94 procedures concerning claims; conforming provisions to the  
95 transfer of duties to the Agency for Workforce Innovation;  
96 deleting certain qualification requirements for appeals  
97 referees; amending s. 443.163, F.S., relating to reporting  
98 and remitting taxes; conforming provisions; revising  
99 requirements for electronic reporting and remitting for  
100 certain persons who prepare and report; revising penalties  
101 for persons who fail to report by electronic means;  
102 amending s. 443.171, F.S.; specifying duties of the Agency  
103 for Workforce Innovation with respect to administering ch.  
104 443, F.S.; requiring the publication of acts and rules;  
105 deleting provisions creating the Unemployment Compensation  
106 Advisory Council; providing for employment stabilization  
107 to be under the direction of Workforce Florida, Inc.;  
108 conforming provisions governing records, reports, and  
109 subpoenas and governing the administration of ch. 443,  
110 F.S.; amending ss. 443.1715, 443.1716, F.S., relating to  
111 the confidentiality of information and electronic access  
112 to employer information; conforming provisions; deleting  
113 obsolete provisions; amending s. 443.181, F.S.; conforming  
114 provisions governing the public employment service in  
115 accordance with the duties transferred to the Agency for  
116 Workforce Innovation; amending ss. 443.191, 443.211, F.S.,  
117 relating to the Unemployment Compensation Trust Fund and  
118 the Employment Security Administration Trust Fund;  
119 conforming provisions; specifying that the Unemployment  
120 Compensation Trust Fund is the sole source for paying



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121 unemployment compensation benefits; limiting the state's  
 122 liability; deleting obsolete provisions; amending s.  
 123 443.221, F.S.; revising provisions governing reciprocal  
 124 arrangements with other states and the Federal Government;  
 125 conforming provisions; amending s. 445.009, F.S., relating  
 126 to the one-stop delivery system operated under the  
 127 Workforce Innovation Act; conforming provisions to the  
 128 transfer of duties from the Department of Labor and  
 129 Employment Security to the Agency for Workforce  
 130 Innovation; amending ss. 468.529, 896.101, F.S.;  
 131 conforming provisions governing employee leasing companies  
 132 and the Florida Money Laundering Act; repealing s. 6 of  
 133 ch. 94-347, Laws of Florida, relating to payment of  
 134 benefits; repealing ss. 443.021, 443.161, 443.201,  
 135 443.231, 443.232, F.S., relating to public policy,  
 136 administrative provisions, the Florida Training Investment  
 137 Program, and rulemaking; providing for retroactive  
 138 application of provisions relating to electronic reporting  
 139 and remitting of taxes; providing an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142

143 Section 1. Subsection (7) of section 45.031, Florida  
 144 Statutes, is amended to read:

145 45.031 Judicial sales procedure.--In any sale of real or  
 146 personal property under an order or judgment, the following  
 147 procedure may be followed as an alternative to any other sale  
 148 procedure if so ordered by the court:

149 (7) DISBURSEMENTS OF PROCEEDS.--On filing a certificate of  
 150 title, the clerk shall disburse the proceeds of the sale in



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151 accordance with the order or final judgment and shall file a  
 152 report of such disbursements and serve a copy of it on each  
 153 party not in default, and on the Department of Revenue if the  
 154 department was named as a defendant in the action or if the  
 155 Agency for Workforce Innovation or the former Department of  
 156 Labor and Employment Security was named as a defendant while the  
 157 Department of Revenue was providing ~~performing~~ unemployment  
 158 ~~compensation~~ tax collection services under ~~pursuant to a~~  
 159 contract with the Agency for Workforce Innovation through an  
 160 interagency agreement pursuant to s. 443.1316, in substantially  
 161 the following form:

162  
 163

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

166

167 The undersigned clerk of the court certifies that he or she  
 168 disbursed the proceeds received from the sale of the property as  
 169 provided in the order or final judgment to the persons and in  
 170 the amounts as follows:

	Name	Amount
Total		

173

174 WITNESS my hand and the seal of the court on \_\_\_\_\_, . . . (year)

175 . . . . .

176 . . . (Clerk) . . .

177 By . . . (Deputy Clerk) . . .

178

179 If no objections to the report are served within 10 days after  
 180 it is filed, the disbursements by the clerk shall stand approved



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181 as reported. If timely objections to the report are served, they  
 182 shall be heard by the court. Service of objections to the report  
 183 does not affect or cloud the title of the purchaser of the  
 184 property in any manner.

185 Section 2. Paragraph (a) of subsection (4) of section  
 186 69.041, Florida Statutes, is amended to read:

187 69.041 State named party; lien foreclosure, suit to quiet  
 188 title.--

189 (4)(a) The Department of Revenue has the right to  
 190 participate in the disbursement of funds remaining in the  
 191 registry of the court after distribution pursuant to s.  
 192 45.031(7). The department shall participate in accordance with  
 193 applicable procedures in any mortgage foreclosure action in  
 194 which the department has a duly filed tax warrant, or interests  
 195 under a lien arising from a judgment, order, or decree for  
 196 support, as defined in s. 409.2554, or interest in an  
 197 unemployment compensation tax lien under ~~pursuant to a~~ contract  
 198 with the Agency for Workforce Innovation through an interagency  
 199 agreement pursuant to s. 443.1316, against the subject property  
 200 and with the same priority, regardless of whether a default  
 201 against the department, the Agency for Workforce Innovation, or  
 202 the former Department of Labor and Employment Security has been  
 203 entered for failure to file an answer or other responsive  
 204 pleading.

205 Section 3. Subsections (1) and (10) of section 120.80,  
 206 Florida Statutes, are amended to read:

207 120.80 Exceptions and special requirements; agencies.--

208 (1) DIVISION OF ADMINISTRATIVE HEARINGS.--

209 (a) Division as a party.--Notwithstanding s. 120.57(1)(a),  
 210 a hearing in which the division is a party may ~~shall~~ not be



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211 conducted by an administrative law judge assigned by the  
 212 division. An attorney assigned by the Administration Commission  
 213 shall be the hearing officer.

214 (b) Workers' compensation.--Notwithstanding s. 120.52(1),  
 215 a judge of compensation claims, in adjudicating matters under  
 216 chapter 440, is not an agency or part of an agency for purposes  
 217 of this chapter.

218 (10) AGENCY FOR WORKFORCE INNOVATION ~~DEPARTMENT OF LABOR~~  
 219 ~~AND EMPLOYMENT SECURITY.--~~

220 (a) ~~Unemployment compensation.--~~

221 ~~1.~~ Notwithstanding s. 120.54, the rulemaking provisions of  
 222 this chapter do not apply to unemployment ~~compensation~~ appeals  
 223 referees.

224 (b) Notwithstanding s. 120.54(5), the uniform rules of  
 225 procedure do not apply to appeal proceedings conducted under  
 226 chapter 443 by the Unemployment Appeals Commission or  
 227 unemployment appeals referees.

228 (c)2. Notwithstanding s. 120.57(1)(a), hearings under  
 229 chapter 443 may not be conducted by an administrative law judge  
 230 assigned by the division, but instead shall ~~may~~ be conducted by  
 231 the Unemployment Appeals Commission in unemployment compensation  
 232 appeals, unemployment ~~compensation~~ appeals referees, and the  
 233 Agency for Workforce Innovation or its special deputies under  
 234 pursuant to s. 443.141.

235 ~~(b) Workers' compensation.--Notwithstanding s. 120.52(1),~~  
 236 ~~a judge of compensation claims, in the adjudication of matters~~  
 237 ~~pursuant to chapter 440, shall not be considered an agency or~~  
 238 ~~part of an agency for the purposes of this chapter.~~

239 Section 4. Subsection (3) of section 213.053, Florida  
 240 Statutes, is amended to read:





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241 213.053 Confidentiality and information sharing.--  
 242 (3) The department shall permit a taxpayer, his or her  
 243 authorized representative, or the personal representative of an  
 244 estate to inspect the taxpayer's return and may furnish him or  
 245 her an abstract of such return. A taxpayer may authorize the  
 246 department in writing to divulge specific information concerning  
 247 the taxpayer's account. The department, while providing  
 248 ~~performing~~ unemployment ~~compensation~~ tax collection services  
 249 under pursuant to a contract with the Agency for Workforce  
 250 Innovation through an interagency agreement pursuant to s.  
 251 443.1316, may release unemployment tax rate information to the  
 252 agent of an employer, which agent provides payroll services for  
 253 more than 500 employers, pursuant to the terms of a memorandum  
 254 of understanding. The memorandum of understanding must ~~shall~~  
 255 state that the agent affirms, subject to the criminal penalties  
 256 contained in ss. 443.171 and 443.1715, that the agent will  
 257 retain the confidentiality of the information, that the agent  
 258 has in effect a power of attorney from the employer which  
 259 permits the agent to obtain unemployment tax rate information,  
 260 and that the agent shall provide the department with a copy of  
 261 the employer's power of attorney upon request.

262 Section 5. Paragraph (a) of subsection (8) of section  
 263 216.292, Florida Statutes, is amended to read:

264 216.292 Appropriations nontransferable; exceptions.--

265 (8)(a) If ~~Should~~ any state agency or the judicial branch  
 266 is become more than 90 days delinquent on reimbursements due to  
 267 the Unemployment Compensation Trust Fund, the state agency  
 268 providing unemployment tax collection services under contract  
 269 with the Agency for Workforce Innovation through an interagency  
 270 agreement pursuant to s. 443.1316 ~~Department of Labor and~~



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271 ~~Employment Security~~ shall certify to the Comptroller the amount  
 272 due; and the Comptroller shall transfer the amount due to the  
 273 Unemployment Compensation Trust Fund from any funds of the  
 274 agency available.

275 Section 6. Paragraph (e) of subsection (1) of section  
 276 220.191, Florida Statutes, is amended to read:

277 220.191 Capital investment tax credit.--

278 (1) DEFINITIONS.--For purposes of this section:

279 (e) "Jobs" means full-time equivalent positions, as that  
 280 ~~such~~ term is consistent with terms used by the Agency for  
 281 Workforce Innovation ~~Department of Labor and Employment Security~~  
 282 and the United States Department of Labor for purposes of  
 283 unemployment tax administration and employment estimation,  
 284 resulting directly from a project in this state. The ~~Such~~ term  
 285 does not include temporary construction jobs involved in the  
 286 construction of the project facility.

287 Section 7. Subsection (2) of section 222.15, Florida  
 288 Statutes, is amended to read:

289 222.15 Wages or unemployment compensation payments due  
 290 deceased employee may be paid spouse or certain relatives.--

291 (2) It is also lawful for the Agency for Workforce  
 292 Innovation ~~Division of Unemployment Compensation of the~~  
 293 ~~Department of Labor and Employment Security~~, in case of death of  
 294 any unemployed individual, to pay to those persons referred to  
 295 in subsection (1) any unemployment compensation payments that  
 296 may be due to the ~~such~~ individual at the time of his or her  
 297 death.

298 Section 8. Paragraphs (c) and (i) of subsection (1) of  
 299 section 288.106, Florida Statutes, are amended to read:



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300 288.106 Tax refund program for qualified target industry  
 301 businesses.--

302 (1) DEFINITIONS.--As used in this section:

303 (c) "Business" means an employing unit, as defined in s.  
 304 443.036, which is registered ~~with the Department of Labor and~~  
 305 ~~Employment Security~~ for unemployment compensation purposes with  
 306 the state agency providing unemployment tax collection services  
 307 under contract with the Agency for Workforce Innovation through  
 308 an interagency agreement pursuant to s. 443.1316, or a  
 309 subcategory or division of an employing unit which is accepted  
 310 by the state agency providing unemployment tax collection  
 311 services ~~Department of Labor and Employment Security~~ as a  
 312 reporting unit.

313 (i) "Jobs" means full-time equivalent positions, as that  
 314 term is ~~such terms are~~ consistent with terms used by the Agency  
 315 for Workforce Innovation ~~Department of Labor and Employment~~  
 316 ~~Security~~ and the United States Department of Labor for purposes  
 317 of unemployment compensation tax administration and employment  
 318 estimation, resulting directly from a project in this state. The  
 319 term does ~~This number shall~~ not include temporary construction  
 320 jobs involved with the construction of facilities for the  
 321 project or any jobs ~~which have~~ previously ~~been~~ included in any  
 322 application for tax refunds under s. 288.1045 or this section.

323 Section 9. Paragraph (f) of subsection (1) and subsection  
 324 (5) of section 288.107, Florida Statutes, are amended to read:

325 288.107 Brownfield redevelopment bonus refunds.--

326 (1) DEFINITIONS.--As used in this section:

327 (f) "Jobs" means full-time equivalent positions, as that  
 328 term is consistent with ~~the use of such~~ terms used by the Agency  
 329 for Workforce Innovation ~~Department of Labor and Employment~~



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330 ~~Security~~ for the purpose of unemployment compensation tax,  
 331 resulting directly from a project in this state. The term ~~This~~  
 332 ~~number~~ does not include temporary construction jobs involved  
 333 with the construction of facilities for the project and which  
 334 are not associated with the implementation of the site  
 335 rehabilitation as provided in s. 376.80.

336 (5) ADMINISTRATION.--

337 (a) The office may ~~is authorized to~~ verify information  
 338 provided in any claim submitted for tax credits under this  
 339 section with regard to employment and wage levels or the payment  
 340 of the taxes to the appropriate agency or authority, including  
 341 the Department of Revenue, the Agency for Workforce Innovation  
 342 ~~Department of Labor and Employment Security~~, or any local  
 343 government or authority.

344 (b) To facilitate the process of monitoring and auditing  
 345 applications made under this program, the office may provide a  
 346 list of qualified target industry businesses to the Department  
 347 of Revenue, to the Agency for Workforce Innovation ~~Department of~~  
 348 ~~Labor and Employment Security~~, to the Department of  
 349 Environmental Protection, or to any local government authority.

350 The office may request the assistance of those entities with  
 351 respect to monitoring the payment of the taxes listed in s.  
 352 288.106(2).

353 Section 10. Paragraph (g) of subsection (2) of section  
 354 288.108, Florida Statutes, is amended to read:

355 288.108 High-impact business.--

356 (2) DEFINITIONS.--As used in this section, the term:

357 (g) "Jobs" means full-time equivalent positions, as that  
 358 term is ~~such terms are~~ consistent with terms used by the Agency  
 359 for Workforce Innovation ~~Department of Labor and Employment~~



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360 ~~Security~~ and the United States Department of Labor for purposes  
 361 of unemployment compensation tax administration and employment  
 362 estimation, resulting directly from a project in this state.  
 363 The term ~~This definition~~ does not include temporary construction  
 364 jobs involved in the construction of the project facility.

365 Section 11. Paragraph (c) of subsection (10) of section  
 366 440.15, Florida Statutes, is amended to read:

367 440.15 Compensation for disability.--Compensation for  
 368 disability shall be paid to the employee, subject to the limits  
 369 provided in s. 440.12(2), as follows:

370 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
 371 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.--

372 (c) ~~No~~ Disability compensation benefits payable for any  
 373 week, including those benefits provided by paragraph (1)(f), may  
 374 not shall be reduced pursuant to this subsection until the  
 375 Social Security Administration determines the amount otherwise  
 376 payable to the employee under 42 U.S.C. ss. 402 and 423 and the  
 377 employee has begun receiving such social security benefit  
 378 payments. The employee shall, upon demand by the department, the  
 379 employer, or the carrier, authorize the Social Security  
 380 Administration to release disability information relating to her  
 381 or him and authorize the Agency for Workforce Innovation  
 382 ~~Division of Unemployment Compensation~~ to release unemployment  
 383 compensation information relating to her or him, in accordance  
 384 with rules to be adopted by the department prescribing the  
 385 procedure and manner for requesting the authorization and for  
 386 compliance by the employee. ~~Neither~~ The department or ~~nor~~ the  
 387 employer or carrier may not shall make any payment of benefits  
 388 for total disability or those additional benefits provided by  
 389 paragraph (1)(f) for any period during which the employee



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390 willfully fails or refuses to authorize the release of  
 391 information in the manner and within the time prescribed by such  
 392 rules. The authority for release of disability information  
 393 granted by an employee under this paragraph is ~~shall be~~  
 394 effective for a period not to exceed 12 months and, such  
 395 authority may be renewed, ~~to be renewable~~ as the department  
 396 prescribes ~~may prescribe~~ by rule.

397 Section 12. Subsections (4) and (7) of section 440.381,  
 398 Florida Statutes, are amended to read:

399 440.381 Application for coverage; reporting payroll;  
 400 payroll audit procedures; penalties.--

401 (4) Each employer must ~~shall~~ submit a copy of the  
 402 quarterly earning report required by chapter 443 at the end of  
 403 each quarter to the carrier and submit self-audits supported by  
 404 the quarterly earnings reports required by chapter 443 and the  
 405 rules adopted by of the Agency for Workforce Innovation or by  
 406 the state agency providing unemployment tax collection services  
 407 under contract with the Agency for Workforce Innovation through  
 408 an interagency agreement pursuant to s. 443.1316 ~~Division of~~  
 409 ~~Unemployment Compensation~~. The ~~Such~~ reports must ~~shall~~ include  
 410 a sworn statement by an officer or principal of the employer  
 411 attesting to the accuracy of the information contained in the  
 412 report.

413 (7) If an employee suffering a compensable injury was not  
 414 reported as earning wages on the last quarterly earnings report  
 415 filed with the Agency for Workforce Innovation or the state  
 416 agency providing unemployment tax collection services under  
 417 contract with the Agency for Workforce Innovation through an  
 418 interagency agreement pursuant to s. 443.1316 ~~Division of~~  
 419 ~~Unemployment Compensation~~ before the accident, the employer



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420 shall indemnify the carrier for all workers' compensation  
 421 benefits paid to or on behalf of the employee unless the  
 422 employer establishes that the employee was hired after the  
 423 filing of the quarterly report, in which case the employer and  
 424 employee shall attest to the fact that the employee was employed  
 425 by the employer at the time of the injury. Failure of the  
 426 employer to indemnify the insurer within 21 days after demand by  
 427 the insurer is ~~shall constitute~~ grounds for the insurer to  
 428 immediately cancel coverage. Any action for indemnification  
 429 brought by the carrier is ~~shall be~~ cognizable in the circuit  
 430 court having jurisdiction where the employer or carrier resides  
 431 or transacts business. The insurer is ~~shall be~~ entitled to a  
 432 reasonable attorney's fee if it recovers any portion of the  
 433 benefits paid in the ~~such~~ action.

434 Section 13. Section 443.011, Florida Statutes, is amended  
 435 to read:

436 443.011 Short title.--This chapter ~~shall be known and~~ may  
 437 be cited as the "Unemployment Compensation Law."

438 Section 14. Section 443.012, Florida Statutes, is amended  
 439 to read:

440 443.012 Unemployment Appeals Commission.--

441 (1) There is created within the Agency for Workforce  
 442 Innovation an Unemployment Appeals Commission, ~~hereinafter~~  
 443 ~~referred to as the "commission."~~ The commission is composed  
 444 ~~shall consist~~ of a chair and two other members ~~to be~~ appointed  
 445 by the Governor, subject to confirmation by the Senate. Only  
 446 ~~Not more than~~ one appointee may ~~must~~ be a representative of  
 447 employers, as demonstrated by his or her person who, on account  
 448 of previous vocation, employment, or affiliation, ~~is classified~~  
 449 ~~as a representative of employers; and~~ only ~~not more than one~~



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450 ~~such~~ appointee may ~~must~~ be a representative of employees, as  
451 demonstrated by his or her person who, on account of previous  
452 vocation, employment, or affiliation, ~~is classified as a~~  
453 ~~representative of employees.~~

454 (a) The chair shall devote his or her entire time to  
455 commission duties and is ~~shall be~~ responsible for the  
456 administrative functions of the commission.

457 (b) The chair has ~~shall have the~~ authority to appoint a  
458 general counsel and ~~such~~ other personnel ~~as may be necessary~~ to  
459 carry out the duties and responsibilities of the commission.

460 (c) The chair must ~~shall~~ have the qualifications required  
461 by law for a judge of the circuit court and may ~~shall~~ not engage  
462 in any other business vocation or employment. Notwithstanding  
463 any other ~~provisions of existing~~ law, the chair shall be paid a  
464 salary equal to that paid under state law to a judge of the  
465 circuit court.

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

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

473 (2) The members of the commission shall be appointed to  
474 staggered ~~serve for~~ terms of 4 years each, ~~except that,~~  
475 ~~beginning July 1, 1977, the chair shall be appointed for a term~~  
476 ~~of 4 years, one member for 3 years, and one member for 2 years.~~  
477 A vacancy for the unexpired term of a member shall be filled in  
478 the same manner as the ~~provided in this subsection for an~~  
479 original appointment. The presence of two members constitutes





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480 ~~shall constitute~~ a quorum for any called meeting of the  
481 commission.

482 (3) The commission has ~~is~~ ~~vested with~~ all authority,  
483 powers, duties, and responsibilities relating to unemployment  
484 compensation appeal proceedings under this chapter.

485 (4) The property, personnel, and appropriations relating  
486 to the specified authority, powers, duties, and responsibilities  
487 of the commission shall be provided to the commission by the  
488 Agency for Workforce Innovation.

489 (5) The commission is ~~shall~~ not be subject to control,  
490 supervision, or direction by the Agency for Workforce Innovation  
491 in performing ~~the performance of~~ its powers or ~~and~~ duties under  
492 this chapter.

493 (6) The commission may ~~shall~~ make ~~such~~ expenditures,  
494 including expenditures for personal services and rent ~~at the~~  
495 ~~seat of government and elsewhere~~, for law books, books of  
496 reference, periodicals, furniture, equipment, and supplies, and  
497 for printing and binding as ~~are~~ necessary in exercising its  
498 authority and powers and carrying out its duties and  
499 responsibilities. All such expenditures of the commission shall  
500 be allowed and paid as provided in s. 443.211 upon the  
501 presentation of itemized vouchers ~~therefor~~, approved by the  
502 chair.

503 (7) The commission may charge fees, ~~in its discretion~~, for  
504 publications, subscriptions, and copies of records and  
505 documents. These ~~Such~~ fees must ~~shall~~ be deposited in the  
506 Employment Security Administration Trust Fund.

507 (8) The commission shall maintain and keep open during  
508 reasonable business hours an office, ~~which shall be provided in~~  
509 ~~the Capitol or some other suitable building in the City of~~



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510 Tallahassee, ~~for the purpose transaction~~ of transacting its  
511 business, at which office the commission shall keep its official  
512 records and papers ~~shall be kept~~. The offices shall be  
513 furnished and equipped by the commission. The commission may  
514 hold sessions and conduct hearings at any place within the  
515 state.

516 (9) The commission shall prepare and submit a budget  
517 covering the necessary administrative cost of the commission.

518 (10) The commission shall have a seal for authenticating  
519 ~~authentication of~~ its orders, awards, and proceedings, upon  
520 which shall be inscribed the words "State of Florida-  
521 Unemployment Appeals Commission-Seal," and it shall be  
522 judicially noticed.

523 (11) The commission has authority to adopt rules under  
524 ~~pursuant to~~ ss. 120.536(1) and 120.54 to administer the  
525 ~~implement~~ provisions of law conferring duties upon it.

526 (12) Orders of the commission relating to unemployment  
527 compensation under this chapter are ~~shall be~~ subject to review  
528 only by notice of appeal to the district courts of appeal in the  
529 manner provided in s. 443.151(4)(e).

530 Section 15. Section 443.031, Florida Statutes, is amended  
531 to read:

532 443.031 Rule of liberal construction.--This chapter shall  
533 be liberally construed in favor of a claimant of unemployment  
534 benefits who is unemployed through no fault of his or her own.  
535 ~~Any doubt to accomplish its purpose to promote employment~~  
536 ~~security by increasing opportunities for placement through the~~  
537 ~~maintenance of a system of public employment offices and to~~  
538 ~~provide through the accumulation of reserves for the payment of~~  
539 ~~compensation to individuals with respect to their unemployment.~~



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540 ~~The Legislature hereby declares its intention to provide for~~  
 541 ~~carrying out the purposes of this chapter in cooperation with~~  
 542 ~~the appropriate agencies of other states and of the federal~~  
 543 ~~government, as part of a nationwide employment security program,~~  
 544 ~~and particularly to provide for meeting the requirements of~~  
 545 ~~Title III, the requirements of the Federal Unemployment Tax Act,~~  
 546 ~~and the Act of Congress approved June 6, 1933, entitled "An Act~~  
 547 ~~to provide for the establishment of a national employment system~~  
 548 ~~and for cooperation with the states in the promotion of such~~  
 549 ~~system, and for other purposes" (the Wagner-Peyser Act), each as~~  
 550 ~~amended, in order to secure for this state and the citizens~~  
 551 ~~thereof the grants and privileges available thereunder; all~~  
 552 ~~doubts as to the proper construction of any provision of this~~  
 553 ~~chapter shall be resolved in favor of conformity with federal~~  
 554 ~~law, including, but not limited to, the Federal Unemployment Tax~~  
 555 ~~Act, the Social Security Act, the Wagner-Peyser Act, and the~~  
 556 ~~Workforce Investment Act such requirements.~~

557 Section 16. Section 443.0315, Florida Statutes, is amended  
 558 to read:

559 443.0315 Effect of finding, judgment, conclusion, or order  
 560 in separate or subsequent action or proceeding; use as  
 561 evidence.--Any finding of fact or law, judgment, conclusion, or  
 562 final order made by a hearing officer, the commission, or any  
 563 person with the authority to make findings of fact or law in any  
 564 proceeding under ~~pursuant to this chapter act,~~ is ~~shall not be~~  
 565 ~~conclusive or binding in any separate or subsequent action or~~  
 566 ~~proceeding, other than an action or proceeding under this~~  
 567 ~~chapter, between an individual and his or her present or prior~~  
 568 ~~employer brought before an arbitrator, court, or judge of this~~  
 569 ~~state or the United States, regardless of whether the prior~~



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570 action was between the same or related parties or involved the  
571 same facts.

572 Section 17. Section 443.036, Florida Statutes, is amended  
573 to read:

574 443.036 Definitions.--As used in this chapter, the term  
575 ~~unless the context clearly requires otherwise:~~

576 (1) ~~ABLE TO WORK.~~—The term "Able to work" means  
577 physically and mentally capable of performing the duties of the  
578 occupation in which work is being sought.

579 (2) ~~AGRICULTURAL LABOR.~~—The term "Agricultural labor"  
580 means any remunerated service performed:

581 (a) On a farm, in the employ of any person, in connection  
582 with cultivating the soil or in connection with raising or  
583 harvesting any agricultural or horticultural commodity,  
584 including the raising, shearing, feeding, caring for, training,  
585 and management of livestock, bees, poultry, and fur-bearing  
586 animals and wildlife.

587 (b) In the employ of the owner or tenant or other operator  
588 of a farm in connection with the operation, management,  
589 conservation, improvement, or maintenance of such farm and its  
590 tools and equipment, or in salvaging timber or clearing land of  
591 brush and other debris left by a hurricane if the major part of  
592 the ~~such~~ service is performed on a farm.

593 (c) In connection with the production or harvesting of any  
594 commodity defined as an agricultural commodity in s. 15(g) of  
595 the Agricultural Marketing Act, as amended (46 Stat. 1550, s. 3;  
596 12 U.S.C. s. 1141j); the ginning of cotton; or the operation or  
597 maintenance of ditches, canals, reservoirs, or waterways, not  
598 owned or operated for profit, used exclusively for supplying and  
599 storing water for farming purposes.



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600 (d)1. In the employ of the operator of a farm in handling,  
 601 planting, drying, packing, packaging, processing, freezing,  
 602 grading, storing, or delivering to storage or to market or to a  
 603 carrier for transportation to market, in its unmanufactured  
 604 state, any agricultural or horticultural commodity, but only if  
 605 the such operator produced more than one-half of the commodity  
 606 for ~~with respect to~~ which the such service is performed.

607 2. In the employ of a group of operators of farms, ~~(or a~~  
 608 cooperative organization of which the such operators are  
 609 members, ~~)~~ in the performance of service described in  
 610 subparagraph 1., but only if the such operators produced more  
 611 than one-half of the commodity for ~~with respect to~~ which the  
 612 ~~such~~ service is performed.

613 3. ~~The provisions of~~ Subparagraphs 1. and 2. do shall not  
 614 apply ~~be deemed to be applicable with respect~~ to service  
 615 performed in connection with commercial canning or commercial  
 616 freezing or in connection with any agricultural or horticultural  
 617 commodity after its delivery to a terminal market for  
 618 distribution for consumption or in connection with grading,  
 619 packing, packaging, or processing fresh citrus fruits.

620 (e) On a farm operated for profit if the such service is  
 621 not in the course of the employer's trade or business.

622 (3) ~~AMERICAN AIRCRAFT.~~ ~~The term~~ "American aircraft" means  
 623 an aircraft registered under the laws of the United States.

624 (4) ~~AMERICAN EMPLOYER.~~ ~~An~~ "American employer" means:

625 (a) An individual who is a resident of the United States.

626 (b) A partnership, if two-thirds or more of the partners  
 627 are residents of the United States.

628 (c) A trust, if each all of the trustees is a resident ~~are~~  
 629 ~~residents~~ of the United States.



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630 (d) A corporation organized under the laws of the United  
631 States or of any state.

632 (5) ~~AMERICAN VESSEL.~~ The term "American vessel" means any  
633 vessel documented or numbered under the laws of the United  
634 States. The term and includes any vessel that ~~which~~ is neither  
635 documented or numbered under the laws of the United States, nor  
636 documented under the laws of any foreign country, if its crew is  
637 employed solely by one or more citizens or residents of the  
638 United States or corporations organized under the laws of the  
639 United States or of any state.

640 (6) ~~AVAILABLE FOR WORK.~~ The term "Available for work"  
641 means actively seeking and being ready and willing to accept  
642 suitable employment.

643 (7) ~~BASE PERIOD.~~ "Base period" means the first four of  
644 the last five completed calendar quarters immediately preceding  
645 the first day of an individual's benefit year.

646 (8) "Benefits" means the money payable to an individual,  
647 as provided in this chapter, for his or her unemployment.

648 (9)~~(8)~~ ~~BENEFIT YEAR.~~ "Benefit year," ~~with respect to any~~  
649 ~~individual,~~ means, for an individual, the 1-year period  
650 beginning with the first day of the first week for ~~with respect~~  
651 ~~to~~ which the individual first files a valid claim for benefits  
652 and, thereafter, the 1-year period beginning with the first day  
653 of the first week for ~~with respect to~~ which the individual next  
654 files a valid claim for benefits after the termination of his or  
655 her last preceding benefit year. Each ~~Any~~ claim for benefits  
656 made in accordance with s. 443.151(2) is ~~shall be deemed to be a~~  
657 "valid claim" under ~~for the purposes of~~ this subsection if the  
658 individual was ~~has been~~ paid wages for insured work in  
659 accordance with the provisions of s. 443.091(1)(f) and is



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660 unemployed as defined in subsection (43) ~~(39)~~ at the time of ~~the~~  
 661 filing ~~the~~ ~~of~~ ~~such~~ claim. However, the Agency for Workforce  
 662 Innovation ~~division~~ may adopt rules providing in its discretion  
 663 ~~provide by rule~~ for the establishment of a uniform benefit year  
 664 for all workers in one or more groups or classes of service or  
 665 within a particular industry when ~~and if it has been determined~~  
 666 ~~by the~~ agency determines ~~division~~, after notice to the industry  
 667 and to the workers in the ~~such~~ industry and an opportunity to be  
 668 heard in the matter, that those ~~such~~ groups or classes of  
 669 workers in a particular industry periodically experience  
 670 unemployment resulting from layoffs or shutdowns for limited  
 671 periods of time.

672 ~~(9) BENEFITS.—"Benefits" means the money payable to an~~  
 673 ~~individual, as provided in this chapter, with respect to his or~~  
 674 ~~her unemployment.~~

675 ~~(10) CALENDAR QUARTER.—"Calendar quarter" means each~~  
 676 ~~period of 3 consecutive calendar months ending on March 31, June~~  
 677 ~~30, September 30, and December 31~~ of each year.

678 ~~(11) CASUAL LABOR.—"Casual labor" means labor that which~~  
 679 ~~is occasional, incidental, or irregular, not exceeding 200~~  
 680 ~~person-hours in total duration. As used in this subsection, the~~  
 681 ~~term "duration" means the period of time from the commencement~~  
 682 ~~to the completion of the particular job or project. However,~~  
 683 ~~Services performed by an employee for his or her employer during~~  
 684 ~~a period of 1 calendar month or any 2 consecutive calendar~~  
 685 ~~months, however, are shall be deemed to be casual labor only if~~  
 686 ~~the such service is performed on not more than 10 or fewer~~  
 687 ~~calendar days, regardless of whether those or not such days are~~  
 688 ~~consecutive. If any of the services performed by of an~~  
 689 ~~individual on a particular labor project are not casual labor,~~



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690 ~~each as defined, then none of the services performed by the of~~  
 691 ~~such~~ individual on that such job or project may not shall be  
 692 deemed casual labor. ~~In order for services to be exempt under~~  
 693 ~~this subsection, such~~ Services must shall constitute casual  
 694 labor, ~~as defined,~~ and may not be performed in the course of the  
 695 employer's trade or business for those services to be exempt  
 696 under this section, as defined.

697 (12) ~~COMMISSION.~~—"Commission" means the Unemployment  
 698 Appeals Commission.

699 (13) "Contributing employer" means an employer who is  
 700 liable for contributions under this chapter.

701 (14)~~(13)~~ "Contribution" CONTRIBUTIONS.—"Contributions"  
 702 means a payment of payroll tax the money payments to the  
 703 Unemployment Compensation Trust Fund which is required under by  
 704 this chapter to finance unemployment benefits.

705 (15)~~(14)~~ ~~CREW LEADER.~~—"Crew leader" means an individual  
 706 who:

707 (a) Furnishes individuals to perform service in  
 708 agricultural labor for another any other person.

709 (b) Pays, either on his or her own behalf or on behalf of  
 710 the such other person, the individuals ~~se~~ furnished by him or  
 711 her for the service in agricultural labor performed by those  
 712 individuals them.

713 (c) Has not entered into a written agreement with the such  
 714 other person under which the such individual is designated as an  
 715 employee of the such other person.

716 (15) ~~DIVISION.~~—"Division" means ~~the Division of~~  
 717 ~~Unemployment Compensation of the Department of Labor and~~  
 718 ~~Employment Security.~~





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719           (16) ~~EARNED INCOME.~~ The term "Earned income" means gross  
 720 remuneration derived from work, professional service, or self-  
 721 employment ~~but does not include income derived from invested~~  
 722 ~~capital or ownership of property.~~ The term includes commissions,  
 723 bonuses, back pay awards, and the cash value of all remuneration  
 724 paid in a any medium other than cash. The term does not include  
 725 income derived from invested capital or ownership of property.

726           (17) ~~EDUCATIONAL INSTITUTION.~~ With the exception of an  
 727 ~~institution of higher education as defined in subsection (26),~~  
 728 "Educational institution" means an institution, except for an  
 729 institution of higher education:

730           (a) In which participants, trainees, or students are  
 731 offered an organized course of study or training designed to  
 732 transfer to them knowledge, skills, information, doctrines,  
 733 attitudes, or abilities from, by, or under the guidance of, an  
 734 instructor or teacher;

735           (b) That ~~which~~ is approved, licensed, or issued a permit  
 736 to operate as a school by the Department of Education or other  
 737 governmental agency that is authorized within the state to  
 738 approve, license, or issue a permit for the operation of a  
 739 school; and

740           (c) That ~~which~~ offers courses of study or training which  
 741 are academic, technical, trade, or preparation for gainful  
 742 employment in a recognized occupation.

743           (18) ~~EMPLOYEE LEASING COMPANY.~~ The term "Employee leasing  
 744 company" means an employing unit that has ~~which maintains~~ a  
 745 valid and active license under chapter 468 and that ~~which~~  
 746 maintains the records required by s. 443.171(5) ~~s. 443.171(7)~~  
 747 and, in addition, maintains a listing of the clients of the  
 748 employee leasing company and of the employees, including their



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749 social security numbers, who have been assigned to work at each  
 750 client company job site. Further, each client company job site  
 751 must be identified by industry, products or services, and  
 752 address. The client list must ~~shall~~ be provided to the tax  
 753 collection service provider ~~division~~ by June 30 and by December  
 754 31 of each year. As used in ~~For purposes of~~ this subsection, the  
 755 term "client" means a party who has contracted with an employee  
 756 leasing company to provide a worker, or workers, to perform  
 757 services for the client. Leased employees ~~shall~~ include  
 758 employees subsequently placed on the payroll of the employee  
 759 leasing company on behalf of the client. ~~An~~ The employee leasing  
 760 company must ~~shall~~ notify the tax collection service provider  
 761 ~~division~~ within 30 days after ~~of~~ the initiation or termination  
 762 of the company's relationship with any client company under  
 763 ~~pursuant to~~ chapter 468.

764 (19) ~~EMPLOYER.~~—"Employer" means an employing unit subject  
 765 to this chapter under s. 443.1215.+

766 ~~(a) Any employing unit which:~~

767 ~~1. In any calendar quarter in either the current or~~  
 768 ~~preceding calendar year paid for service in employment wages of~~  
 769 ~~\$1,500 or more; or~~

770 ~~2. For any portion of a day in each of 20 different~~  
 771 ~~calendar weeks, whether or not such weeks were consecutive, in~~  
 772 ~~either the current or the preceding calendar year, had in~~  
 773 ~~employment at least one individual, irrespective of whether the~~  
 774 ~~same individual was in employment in each such day.~~

775 ~~(b) Any employing unit for which service in employment, as~~  
 776 ~~defined in paragraph (21)(b), is performed, except as provided~~  
 777 ~~in paragraph (c).~~



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778 ~~(c) Any employing unit for which service in employment, as~~  
779 ~~defined in paragraph (21)(c), is performed, except as provided~~  
780 ~~in paragraph (e).~~

781 ~~(d)1. Any employing unit for which agricultural labor, as~~  
782 ~~defined in paragraph (21)(e), is performed after December 31,~~  
783 ~~1977.~~

784 ~~2. Any employing unit for which domestic service in~~  
785 ~~employment, as defined in paragraph (21)(g), is performed after~~  
786 ~~December 31, 1977.~~

787 ~~(e)1. In determining whether or not an employing unit for~~  
788 ~~which service other than domestic service is also performed is~~  
789 ~~an employer under paragraph (a), paragraph (b), or paragraph (c)~~  
790 ~~or subparagraph (d)1., the wages earned or the employment of an~~  
791 ~~employee performing domestic service after December 31, 1977,~~  
792 ~~shall not be taken into account.~~

793 ~~2. In determining whether or not an employing unit for~~  
794 ~~which service other than agricultural labor is also performed is~~  
795 ~~an employer under paragraph (a), paragraph (b), or paragraph (c)~~  
796 ~~or subparagraph (d)2., the wages earned or the employment of an~~  
797 ~~employee performing service in agricultural labor after December~~  
798 ~~31, 1977, shall not be taken into account. If an employing unit~~  
799 ~~is determined to be an employer of agricultural labor, the~~  
800 ~~employing unit shall be determined an employer for the purposes~~  
801 ~~of paragraph (a).~~

802 ~~(f) Any individual or employing unit which acquired the~~  
803 ~~organization, trade, or business, or substantially all the~~  
804 ~~assets thereof, of another which at the time of such acquisition~~  
805 ~~was an employer subject to this chapter or which acquired a part~~  
806 ~~of the organization, trade, or business of another which at the~~  
807 ~~time of such acquisition was an employer subject to this~~



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808 ~~chapter, provided such other would have been an employer under~~  
809 ~~paragraph (a) if such part had constituted its entire~~  
810 ~~organization, trade, or business.~~

811 ~~(g) Any individual or employing unit which acquired the~~  
812 ~~organization, trade, or business, or substantially all the~~  
813 ~~assets thereof, of another employing unit, if the employment~~  
814 ~~record of the predecessor prior to such acquisition together~~  
815 ~~with the employment record of such individual or employing unit~~  
816 ~~subsequent to such acquisition, both within the same calendar~~  
817 ~~year, would be sufficient to render an employing unit subject to~~  
818 ~~this chapter as an employer under paragraph (a).~~

819 ~~(h) Any employing unit not an employer by reason of any~~  
820 ~~other paragraph of this subsection:~~

821 ~~1. For which, within either the current or preceding~~  
822 ~~calendar year, service is or was performed with respect to which~~  
823 ~~such employing unit is liable for any federal tax against which~~  
824 ~~credit may be taken for contributions required to be paid into a~~  
825 ~~state unemployment fund.~~

826 ~~2. Which, as a condition for approval of this chapter for~~  
827 ~~full tax credit against the tax imposed by the Federal~~  
828 ~~Unemployment Tax Act, is required pursuant to such act to be an~~  
829 ~~"employer" under this chapter.~~

830 ~~(i) Any employing unit which has become an employer under~~  
831 ~~paragraph(a), paragraph (b), paragraph (c), paragraph (d),~~  
832 ~~paragraph (e), paragraph(f), paragraph (g), or paragraph (h) and~~  
833 ~~has not ceased to be an employer subject to this chapter, as~~  
834 ~~provided in s. 443.121.~~

835 ~~(j) For the effective period of its election, any other~~  
836 ~~employing unit which has elected to become subject to this~~  
837 ~~chapter.~~



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838 ~~(k) Any employing unit which fails to keep the records of~~  
 839 ~~employment required by this chapter and by the rules of the~~  
 840 ~~division shall be presumed to be an employer liable for the~~  
 841 ~~payment of contributions pursuant to the provisions of this~~  
 842 ~~chapter, regardless of the number of individuals employed by~~  
 843 ~~such employing unit. However, the division shall make written~~  
 844 ~~demand that such employing unit keep and maintain required~~  
 845 ~~payroll records, and such demand shall have been made not less~~  
 846 ~~than 6 months before assessing contributions against any~~  
 847 ~~employing unit determined to have become an "employer" solely by~~  
 848 ~~reason of this paragraph.~~

849  
 850 ~~For purposes of this subsection, if any week includes both~~  
 851 ~~December 31 and January 1, the days of that week up to January 1~~  
 852 ~~shall be deemed 1 calendar week, and the days beginning January~~  
 853 ~~1, another such week.~~

854 (20) ~~EMPLOYING UNIT.~~—"Employing unit" means an any  
 855 individual or type of organization, including a any partnership,  
 856 association, trust, estate, joint-stock company, insurance  
 857 company, or corporation, whether domestic or foreign; the  
 858 receiver, trustee in bankruptcy, trustee, or successor of any of  
 859 the foregoing; or the legal representative of a deceased person,  
 860 which has or had in its employ one or more individuals  
 861 performing services for it within this state.

862 (a) Each individual employed to perform or to assist in  
 863 performing the work of any agent or employee of an employing  
 864 unit is ~~shall be~~ deemed to be employed by the ~~such~~ employing  
 865 unit for ~~all~~ the purposes of this chapter, regardless of whether  
 866 the ~~such~~ individual was hired or paid directly by the employing  
 867 unit or by an ~~such~~ agent or employee of the employing unit, if



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868 ~~provided~~ the employing unit had actual or constructive knowledge  
869 of the work.

870 (b) Each individual ~~All individuals~~ performing services in  
871 ~~within~~ this state for an any employing unit maintaining at least  
872 ~~which maintains~~ two or more separate establishments in within  
873 this state is shall be deemed to be performing services for a  
874 single employing unit for ~~all~~ the purposes of this chapter.

875 (c) A Any person who is an officer of a corporation and  
876 who performs services for the such corporation in within this  
877 state, regardless of whether those or not such services are  
878 continuous, is shall be deemed an employee of the corporation  
879 during all of each week of his or her tenure of office,  
880 regardless of whether ~~or not~~ he or she is compensated for those  
881 ~~such~~ services. Services are shall be presumed to be have been  
882 rendered for the corporation in cases in which the where such  
883 officer is compensated by means other than dividends upon shares  
884 of stock of the such corporation owned by him or her.

885 (21) ~~EMPLOYMENT.~~ "Employment," ~~subject to the other~~  
886 ~~provisions of this chapter,~~ means a any service subject to this  
887 chapter under s. 443.1216 which is performed by an employee for  
888 the person employing him or her.

889 (a) ~~Generally.~~

890 1. ~~The term "employment" includes any service performed~~  
891 ~~prior to January 1, 1978, which was employment as defined in~~  
892 ~~this subsection prior to such date and, subject to the other~~  
893 ~~provisions of this subsection, service performed after December~~  
894 ~~31, 1977, including service in interstate commerce, by:~~

895 a. ~~Any officer of a corporation.~~

896 b. ~~Any individual who, under the usual common-law rules~~  
897 ~~applicable in determining the employer-employee relationship,~~



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898 ~~has the status of an employee. However, whenever a company,~~  
899 ~~hereafter referred to as "client," which would otherwise be~~  
900 ~~designated as an employing unit has contracted with an employee~~  
901 ~~leasing company to supply it with workers, those workers shall,~~  
902 ~~after December 31, 1986, be considered employees of the employee~~  
903 ~~leasing company. The employee leasing company shall be permitted~~  
904 ~~to lease corporate officers of the client to the client and such~~  
905 ~~other workers where not prohibited by Internal Revenue Service~~  
906 ~~regulations. Employees of the employee leasing company shall be~~  
907 ~~reported under the employee leasing company's tax identification~~  
908 ~~number and tax rate for work performed for the employee leasing~~  
909 ~~company.~~

910 ~~e. Any individual other than an individual who is an~~  
911 ~~employee under sub-subparagraph a. or sub-subparagraph b., who~~  
912 ~~performs services for remuneration for any person:~~

913 ~~(I) As an agent-driver or commission-driver engaged in~~  
914 ~~distributing meat products, vegetable products, fruit products,~~  
915 ~~bakery products, beverages (other than milk), or laundry or~~  
916 ~~drycleaning services for his or her principal.~~

917 ~~(II) As a traveling or city salesperson, other than as an~~  
918 ~~agent-driver or commission-driver, engaged on a full-time basis~~  
919 ~~in the solicitation on behalf of, and the transmission to, his~~  
920 ~~or her principal (except for sideline sales activities on behalf~~  
921 ~~of some other person) of orders from wholesalers, retailers,~~  
922 ~~contractors, or operators of hotels, restaurants, or other~~  
923 ~~similar establishments for merchandise for resale or supplies~~  
924 ~~for use in their business operations.~~

925  
926 ~~For purposes of sub-subparagraph c., the term "employment"~~  
927 ~~includes services described in sub-sub-subparagraphs (I) and~~



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928 ~~(II) only if: The contract of service contemplates that~~  
929 ~~substantially all of the services are to be performed personally~~  
930 ~~by such individual; the individual does not have a substantial~~  
931 ~~investment in facilities used in connection with the performance~~  
932 ~~of the services, other than in facilities for transportation;~~  
933 ~~and the services are not in the nature of a single transaction~~  
934 ~~that is not part of a continuing relationship with the person~~  
935 ~~for whom the services are performed.~~

936 ~~2. Notwithstanding any other provisions of this~~  
937 ~~subsection, service with respect to which a tax is required to~~  
938 ~~be paid under any federal law imposing a tax against which~~  
939 ~~credit may be taken for contributions required to be paid into a~~  
940 ~~state unemployment fund or which as a condition for full tax~~  
941 ~~credit against the tax imposed by the Federal Unemployment Tax~~  
942 ~~Act is required to be covered under this chapter.~~

943 ~~3. If the services performed during one half or more of~~  
944 ~~any pay period by an employee for the person employing him or~~  
945 ~~her constitute employment, all of the services of such employee~~  
946 ~~for such period shall be deemed to be employment, but if the~~  
947 ~~services performed during more than one half of any such pay~~  
948 ~~period by an employee for the person employing him or her do not~~  
949 ~~constitute employment, then none of the services of such~~  
950 ~~employee for such period shall be deemed to be employment. This~~  
951 ~~subparagraph shall not be applicable with respect to services~~  
952 ~~performed in a pay period by an employee for the person~~  
953 ~~employing him or her, when any of such service is excepted by~~  
954 ~~subparagraph (n)7.~~

955 ~~4. If two or more related corporations concurrently employ~~  
956 ~~the same individual and compensate such individual through a~~  
957 ~~common paymaster, each related corporation shall be considered~~





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958 ~~to have paid as wages to such individual only the amounts~~  
959 ~~actually disbursed by it to such individual and shall not be~~  
960 ~~considered to have paid as wages to such individual any amounts~~  
961 ~~actually disbursed to such individual by another of such~~  
962 ~~corporations.~~

963 ~~a. A "common paymaster" is any member of a group of~~  
964 ~~related corporations that disburses wages to concurrent~~  
965 ~~employees on behalf of the related corporations and that is~~  
966 ~~responsible for keeping payroll records with respect to those~~  
967 ~~concurrent employees. The common paymaster is not required to~~  
968 ~~disburse wages to all the employees of the related corporations,~~  
969 ~~but the provisions of this section shall not apply to any wages~~  
970 ~~to concurrent employees that are not disbursed through a common~~  
971 ~~paymaster. The common paymaster shall pay concurrently employed~~  
972 ~~individuals under this section by one combined paycheck.~~

973 ~~b. "Concurrent employment" means the existence of~~  
974 ~~simultaneous employment relationships, as defined in this~~  
975 ~~chapter, between an individual and related corporations. Such~~  
976 ~~relationships require the performance of services by the~~  
977 ~~employee for the benefit of the related corporations, including~~  
978 ~~the common paymaster, in exchange for wages which, if deductible~~  
979 ~~for the purposes of federal income tax, would be deductible by~~  
980 ~~the related corporations.~~

981 ~~e. Corporations shall be considered related corporations~~  
982 ~~for an entire calendar quarter, as defined in subsection (10),~~  
983 ~~if they satisfy any one of the following four tests at any time~~  
984 ~~during that calendar quarter:~~

985 ~~(I) The corporations are members of a "controlled group of~~  
986 ~~corporations" as defined in s. 1563 of the Internal Revenue Code~~



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987 ~~of 1986 or would be members if paragraph 1563(a)(4) and~~  
988 ~~subsection 1563(b) did not apply.~~

989 ~~(II) In the case of a corporation that does not issue~~  
990 ~~stock, either 50 percent or more of the members of the board of~~  
991 ~~directors or other governing body of one corporation are members~~  
992 ~~of the board of directors or other governing body of the other~~  
993 ~~corporation, or the holders of 50 percent or more of the voting~~  
994 ~~power to select such members are concurrently the holders of~~  
995 ~~more than 50 percent of that power with respect to the other~~  
996 ~~corporation.~~

997 ~~(III) Fifty percent or more of the officers of one~~  
998 ~~corporation are concurrently officers of the other corporation.~~

999 ~~(IV) Thirty percent or more of the employees of one~~  
1000 ~~corporation are concurrently employees of the other corporation.~~

1001 ~~d. The common paymaster shall report to the division, as a~~  
1002 ~~part of the unemployment compensation quarterly tax and wage~~  
1003 ~~report, the state unemployment compensation account number and~~  
1004 ~~name of each related corporation for which concurrent employees~~  
1005 ~~are being reported. Failure to timely report this information~~  
1006 ~~shall result in the related corporations being denied common~~  
1007 ~~paymaster status for that calendar quarter.~~

1008 ~~e. The common paymaster shall also have the primary~~  
1009 ~~responsibility for remitting contributions due under this~~  
1010 ~~chapter with respect to the wages it disburses as the common~~  
1011 ~~paymaster. The common paymaster shall compute these~~  
1012 ~~contributions as though it were the sole employer of the~~  
1013 ~~concurrently employed individuals. If the common paymaster fails~~  
1014 ~~to timely remit these contributions or reports, in whole or in~~  
1015 ~~part, it shall remain liable for the full amount of the unpaid~~  
1016 ~~portion of these taxes. In addition, each of the other related~~



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1017 ~~corporations using the common paymaster shall be jointly and~~  
1018 ~~severally liable for its appropriate share of these~~  
1019 ~~contributions. Such share shall be an amount equal to the~~  
1020 ~~greater of the following:~~

1021 ~~(I) The amount of the liability of the common paymaster~~  
1022 ~~under this chapter, after taking into account any contributions~~  
1023 ~~made.~~

1024 ~~(II) The amount of the liability under this chapter which,~~  
1025 ~~but for this section, would have existed with respect to the~~  
1026 ~~wages from such other related corporations, reduced by an~~  
1027 ~~allocable portion of any contributions previously paid by the~~  
1028 ~~common paymaster with respect to those wages.~~

1029 ~~f. This subsection may apply to all contributions and~~  
1030 ~~reports due for the first quarter of 1997 and thereafter.~~

1031 ~~(b) Public employees. The term "employment" includes~~  
1032 ~~service performed in the employ of this state or any of its~~  
1033 ~~instrumentalities or any political subdivision thereof or any of~~  
1034 ~~its instrumentalities, any instrumentality of more than one of~~  
1035 ~~the foregoing, or any instrumentality of any of the foregoing~~  
1036 ~~and one or more other states or political subdivisions, provided~~  
1037 ~~such service is excluded from "employment" as defined in s.~~  
1038 ~~3306(e)(7) of the Federal Unemployment Tax Act and is not~~  
1039 ~~excluded from "employment" under paragraph (d) of this~~  
1040 ~~subsection.~~

1041 ~~(c) Religious, charitable, etc., employees. The term~~  
1042 ~~"employment" includes service performed by an individual in the~~  
1043 ~~employ of a religious, charitable, educational, or other~~  
1044 ~~organization, but only if the following conditions are met:~~



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1045 ~~1. The service is excluded from "employment" as defined in~~  
 1046 ~~the Federal Unemployment Tax Act solely by reason of s.~~  
 1047 ~~3306(c)(8) of that act; and~~

1048 ~~2. The organization had four or more individuals in~~  
 1049 ~~employment for some portion of a day in each of 20 different~~  
 1050 ~~weeks, whether or not such weeks were consecutive, within either~~  
 1051 ~~the current or preceding calendar year, regardless of whether~~  
 1052 ~~they were employed at the same moment of time.~~

1053 ~~(d) Exclusions from paragraphs (b) and (c). For the~~  
 1054 ~~purposes of paragraphs (b) and (c), the term "employment" does~~  
 1055 ~~not apply to service performed:~~

1056 ~~1. In the employ of:~~  
 1057 ~~a. A church or convention or association of churches.~~

1058 ~~b. An organization which is operated primarily for~~  
 1059 ~~religious purposes and which is operated, supervised,~~  
 1060 ~~controlled, or principally supported by a church or convention~~  
 1061 ~~or association of churches.~~

1062 ~~2. By a duly ordained, commissioned, or licensed minister~~  
 1063 ~~of a church in the exercise of his or her ministry or by a~~  
 1064 ~~member of a religious order in the exercise of duties required~~  
 1065 ~~by such order.~~

1066 ~~3. Prior to January 1, 1978, in the employ of a nonprofit~~  
 1067 ~~educational institution which is not an institution of higher~~  
 1068 ~~education and which would otherwise be employment as defined in~~  
 1069 ~~paragraph (c).~~

1070 ~~4. In the employ of a governmental entity referred to in~~  
 1071 ~~paragraph(b), if such service is performed by an individual in~~  
 1072 ~~the exercise of duties:~~

1073 ~~a. As an elected official.~~



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1074 ~~b. As a member of a legislative body, or a member of the~~  
1075 ~~judiciary, of a state or political subdivision.~~

1076 ~~e. As an employee serving on a temporary basis in case of~~  
1077 ~~fire, storm, snow, earthquake, flood, or similar emergency.~~

1078 ~~d. In a position which, under or pursuant to the laws of~~  
1079 ~~this state, is designated as a major nontenured policymaking or~~  
1080 ~~advisory position or a policymaking or advisory position, the~~  
1081 ~~performance of the duties of which ordinarily does not require~~  
1082 ~~more than 8 hours per week.~~

1083 ~~e. As an election official or election worker if the~~  
1084 ~~amount of remuneration received by the individual during the~~  
1085 ~~calendar year for such services is less than \$1,000.~~

1086 ~~5. In a facility conducted for the purpose of carrying out~~  
1087 ~~a program of rehabilitation for individuals whose earning~~  
1088 ~~capacity is impaired by age or physical or mental deficiency or~~  
1089 ~~injury or providing remunerative work for individuals who,~~  
1090 ~~because of their impaired physical or mental capacity, cannot be~~  
1091 ~~readily absorbed in the competitive labor market, by an~~  
1092 ~~individual receiving such rehabilitation or remunerative work.~~

1093 ~~6. As part of an unemployment work relief or work training~~  
1094 ~~program assisted or financed in whole or in part by any federal~~  
1095 ~~agency or an agency of a state or political subdivision thereof,~~  
1096 ~~by an individual receiving such work relief or work training,~~  
1097 ~~except that this subparagraph does not apply to unemployment~~  
1098 ~~work relief or work training programs for which unemployment~~  
1099 ~~compensation coverage is required under a federal law, rule, or~~  
1100 ~~regulation.~~

1101 ~~7. By an inmate of a custodial or penal institution.~~



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1102       ~~(c) Agricultural service. The term "employment" includes~~  
 1103 ~~service performed after December 31, 1977, by an individual in~~  
 1104 ~~agricultural labor, as defined in subsection (2), when:~~

1105       ~~1. Such service is performed before January 1, 1988, for a~~  
 1106 ~~person who:~~

1107           ~~a. During any calendar quarter in either the current or~~  
 1108 ~~the preceding calendar year paid remuneration in cash of \$20,000~~  
 1109 ~~or more to individuals employed in agricultural labor.~~

1110           ~~b. For some portion of a day in each of 20 different~~  
 1111 ~~calendar weeks, whether or not such weeks were consecutive, in~~  
 1112 ~~either the current or the preceding calendar year, employed in~~  
 1113 ~~agricultural labor 10 or more individuals, regardless of whether~~  
 1114 ~~they were employed at the same moment of time.~~

1115       ~~2. Such service is performed after December 31, 1987, for~~  
 1116 ~~a person who:~~

1117           ~~a. During any calendar quarter in either the current or~~  
 1118 ~~the preceding calendar year paid remuneration in cash of \$10,000~~  
 1119 ~~or more to individuals employed in agricultural labor.~~

1120           ~~b. For some portion of a day in each of 20 different~~  
 1121 ~~calendar weeks, whether or not such weeks were consecutive, in~~  
 1122 ~~either the current or the preceding calendar year, employed in~~  
 1123 ~~agricultural labor five or more individuals, regardless of~~  
 1124 ~~whether they were employed at the same moment of time.~~

1125       ~~3. Such service is performed by any individual who is a~~  
 1126 ~~member of a crew furnished by a crew leader to perform service~~  
 1127 ~~in agricultural labor for any other person.~~

1128           ~~a. For the purposes of this subparagraph, a crew member~~  
 1129 ~~shall be treated as an employee of the crew leader:~~

1130           ~~(I) If the crew leader holds a valid certificate of~~  
 1131 ~~registration under the Migrant and Seasonal Agricultural Worker~~



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1132 ~~Protection Act of 1983 or if substantially all of the members of~~  
1133 ~~the crew operate or maintain tractors, mechanized harvesting or~~  
1134 ~~crop-dusting equipment, or any other mechanized equipment which~~  
1135 ~~is provided by the crew leader; and~~

1136 ~~(II) If such individual is not an employee of such other~~  
1137 ~~person within the meaning of paragraph (a).~~

1138 ~~b. For the purposes of this subparagraph, in the case of~~  
1139 ~~an individual who is furnished by a crew leader to perform~~  
1140 ~~service in agricultural labor for any other person and who is~~  
1141 ~~not treated as an employee of the crew leader under sub-~~  
1142 ~~subparagraph a.:~~

1143 ~~(I) Such other person and not the crew leader shall be~~  
1144 ~~treated as the employer of such individual; and~~

1145 ~~(II) Such other person shall be treated as having paid~~  
1146 ~~cash remuneration to such individual in an amount equal to the~~  
1147 ~~amount of cash remuneration paid to such individual by the crew~~  
1148 ~~leader, either on his or her own behalf or on the behalf of such~~  
1149 ~~other person, for the service in agricultural labor performed~~  
1150 ~~for such other person.~~

1151 ~~(f) Exclusion from paragraph (e).--The term "employment"~~  
1152 ~~does not include service performed by an individual in~~  
1153 ~~agricultural labor, except as provided in paragraph (e);~~  
1154 ~~however, the provisions of paragraph (e) shall not reduce the~~  
1155 ~~coverage provided under subparagraph (d)3.~~

1156 ~~(g) Domestic service.--The term "employment" includes~~  
1157 ~~domestic service after December 31, 1977, performed by maids,~~  
1158 ~~cooks, maintenance workers, chauffeurs, social secretaries,~~  
1159 ~~caretakers, private yacht crews, butlers, and houseparents, in a~~  
1160 ~~private home, local college club, or local chapter of a college~~  
1161 ~~fraternity or sorority performed for a person who paid cash~~



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1162 ~~remuneration of \$1,000 or more after December 31, 1977, in any~~  
 1163 ~~calendar quarter in the current calendar year or the preceding~~  
 1164 ~~calendar year to individuals employed in such domestic service.~~

1165 ~~(h) Service outside state.—The term "employment" includes~~  
 1166 ~~an individual's entire service, performed within or both within~~  
 1167 ~~and without this state if:~~

1168 ~~1. The service is localized in this state; or~~

1169 ~~2. The service is not localized in any state, but some of~~  
 1170 ~~the service is performed in this state, and:~~

1171 ~~a. The base of operations, or, if there is no base of~~  
 1172 ~~operations, then the place from which such service is directed~~  
 1173 ~~or controlled, is in this state; or~~

1174 ~~b. The base of operations or place from which such service~~  
 1175 ~~is directed or controlled is not in any state in which some part~~  
 1176 ~~of the service is performed, but the individual's residence is~~  
 1177 ~~in this state.~~

1178 ~~(i) Employer election to include service outside~~  
 1179 ~~state.—Services not covered under subparagraph (h)2. and~~  
 1180 ~~performed entirely without this state, with respect to no part~~  
 1181 ~~of which contributions are required and paid under an~~  
 1182 ~~unemployment compensation law of any other state or of the~~  
 1183 ~~Federal Government, shall be deemed to be employment subject to~~  
 1184 ~~this chapter if the individual performing such services is a~~  
 1185 ~~resident of this state and the division approves the election of~~  
 1186 ~~the employing unit for whom such services are performed that the~~  
 1187 ~~entire service of such individual shall be deemed to be~~  
 1188 ~~employment subject to this chapter.~~

1189 ~~(j) Service deemed to be localized within state.—Service~~  
 1190 ~~shall be deemed to be localized within a state if:~~

1191 ~~1. The service is performed entirely within such state; or~~





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1192       ~~2. The service is performed both within and without such~~  
1193 ~~state, but the service performed without such state is~~  
1194 ~~incidental to the individual's service within the state; for~~  
1195 ~~example, it is temporary or transitory in nature or consists of~~  
1196 ~~isolated transactions.~~

1197       ~~(k) Service outside United States. The term "employment"~~  
1198 ~~includes the service of an individual who is a citizen of the~~  
1199 ~~United States, performed outside the United States (except in~~  
1200 ~~Canada) in the employ of an American employer, other than~~  
1201 ~~service which is deemed "employment" under the provisions of~~  
1202 ~~paragraph (b) or paragraph (c) or the parallel provisions of~~  
1203 ~~another state's law, if:~~

1204           ~~1. The employer's principal place of business in the~~  
1205 ~~United States is located in this state.~~

1206           ~~2. The employer has no place of business in the United~~  
1207 ~~States, but:~~

1208           ~~a. The employer is an individual who is a resident of this~~  
1209 ~~state.~~

1210           ~~b. The employer is a corporation which is organized under~~  
1211 ~~the laws of this state.~~

1212           ~~c. The employer is a partnership or a trust and the number~~  
1213 ~~of the partners or trustees who are residents of this state is~~  
1214 ~~greater than the number who are residents of any one other~~  
1215 ~~state.~~

1216           ~~3. None of the criteria of subsection (4) and this~~  
1217 ~~paragraph is met, but the employer has elected coverage in this~~  
1218 ~~state, or, the employer having failed to elect coverage in any~~  
1219 ~~state, the individual has filed a claim for benefits, based on~~  
1220 ~~such service, under the laws of this state.~~



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1221 ~~(l) Service on American vessel or aircraft. The term~~  
1222 ~~"employment" includes all service performed by an officer or~~  
1223 ~~member of a crew of an American vessel or American aircraft on~~  
1224 ~~or in connection with such vessel or aircraft, provided that the~~  
1225 ~~operating office, from which the operations of such vessel or~~  
1226 ~~aircraft operating within or within and without the United~~  
1227 ~~States is ordinarily and regularly supervised, managed,~~  
1228 ~~directed, and controlled, is within this state.~~

1229 ~~(m) Service under other unemployment compensation~~  
1230 ~~law. The term "employment" includes services covered by an~~  
1231 ~~arrangement pursuant to s. 443.221 between the division and the~~  
1232 ~~agency charged with the administration of any other state~~  
1233 ~~unemployment compensation law or Federal Unemployment~~  
1234 ~~Compensation Law, pursuant to which all services performed by an~~  
1235 ~~individual for an employing unit are deemed to be performed~~  
1236 ~~entirely within this state, if the division has approved an~~  
1237 ~~election of the employing unit for which such services are~~  
1238 ~~performed, pursuant to which the entire service of such~~  
1239 ~~individual during the period covered by such election is deemed~~  
1240 ~~to be insured work.~~

1241 ~~(n) Exclusions generally. The term "employment" does not~~  
1242 ~~include:~~

1243 ~~1. Domestic service in a private home, local college club,~~  
1244 ~~or local chapter of a college fraternity or sorority, except as~~  
1245 ~~provided in paragraph(g).~~

1246 ~~2. Service performed on or in connection with a vessel or~~  
1247 ~~aircraft not an American vessel or American aircraft, if the~~  
1248 ~~employee is employed on and in connection with such vessel or~~  
1249 ~~aircraft when outside the United States.~~



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1250 ~~3. Service performed by an individual in, or as an officer~~  
 1251 ~~or member of the crew of a vessel while it is engaged in, the~~  
 1252 ~~catching, taking, harvesting, cultivating, or farming of any~~  
 1253 ~~kind of fish, shellfish, crustacea, sponges, seaweeds, or other~~  
 1254 ~~aquatic forms of animal and vegetable life, including service~~  
 1255 ~~performed by any such individual as an ordinary incident to any~~  
 1256 ~~such activity, except:~~

1257 ~~a. Service performed in connection with the catching or~~  
 1258 ~~taking of salmon or halibut for commercial purposes.~~

1259 ~~b. Service performed on, or in connection with, a vessel~~  
 1260 ~~of more than 10 net tons, determined in the manner provided for~~  
 1261 ~~determining the register tonnage of merchant vessels under the~~  
 1262 ~~laws of the United States.~~

1263 ~~4. Service performed by an individual in the employ of his~~  
 1264 ~~or her son, daughter, or spouse, including step relationships,~~  
 1265 ~~and service performed by a child, or stepchild, under the age of~~  
 1266 ~~21 in the employ of his or her father or mother, or stepfather~~  
 1267 ~~or stepmother.~~

1268 ~~5. Service performed in the employ of the United States~~  
 1269 ~~Government or of an instrumentality of the United States which~~  
 1270 ~~is:~~

1271 ~~a. Wholly or partially owned by the United States.~~

1272 ~~b. Exempt from the tax imposed by s. 3301 of the Internal~~  
 1273 ~~Revenue Code by virtue of any provision of federal law which~~  
 1274 ~~specifically refers to such section, or the corresponding~~  
 1275 ~~section of prior law, in granting such exemption; except that to~~  
 1276 ~~the extent that the Congress shall permit states to require any~~  
 1277 ~~instrumentalities of the United States to make payments into an~~  
 1278 ~~unemployment fund under a state unemployment compensation law,~~  
 1279 ~~all of the provisions of this law shall be applicable to such~~



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1280 ~~instrumentalities, and to services performed for such~~  
1281 ~~instrumentalities, in the same manner, to the same extent, and~~  
1282 ~~on the same terms as to all other employers, employing units,~~  
1283 ~~individuals, and services. If this state is not certified for~~  
1284 ~~any year by the Secretary of Labor under s. 3304 of the federal~~  
1285 ~~Internal Revenue Code, the payments required of such~~  
1286 ~~instrumentalities with respect to such year shall be refunded by~~  
1287 ~~the division from the fund in the same manner and within the~~  
1288 ~~same period as is provided in s. 443.141(6) with respect to~~  
1289 ~~contributions erroneously collected.~~

1290 ~~6. Service performed in the employ of a state, or any~~  
1291 ~~political subdivision thereof, or any instrumentality of any one~~  
1292 ~~or more of the foregoing which is wholly owned by one or more~~  
1293 ~~states or political subdivisions, except as provided in~~  
1294 ~~paragraph (b), and any service performed in the employ of any~~  
1295 ~~instrumentality of one or more states or political subdivisions,~~  
1296 ~~to the extent that the instrumentality is, with respect to such~~  
1297 ~~service, immune under the Constitution of the United States from~~  
1298 ~~the tax imposed by s. 3301 of the Internal Revenue Code.~~

1299 ~~7. Service performed in the employ of a corporation,~~  
1300 ~~community chest, fund, or foundation, organized and operated~~  
1301 ~~exclusively for religious, charitable, scientific, testing for~~  
1302 ~~public safety, literary, or educational purposes, or for the~~  
1303 ~~prevention of cruelty to children or animals, no part of the net~~  
1304 ~~earnings of which inures to the benefit of any private~~  
1305 ~~shareholder or individual, no substantial part of the activities~~  
1306 ~~of which is carrying on propaganda or otherwise attempting to~~  
1307 ~~influence legislation, and which does not participate in, or~~  
1308 ~~intervene in (including the publishing or distributing of~~



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1309 ~~statements), any political campaign on behalf of any candidate~~  
1310 ~~for public office, except as provided in paragraph (c).~~

1311 ~~8. Service with respect to which unemployment compensation~~  
1312 ~~is payable under an unemployment compensation system established~~  
1313 ~~by an Act of Congress.~~

1314 ~~9.a. Service performed in any calendar quarter in the~~  
1315 ~~employ of any organization exempt from income tax under s.~~  
1316 ~~501(a) of the Internal Revenue Code, other than an organization~~  
1317 ~~described in s. 401(a), or under s. 521, if the remuneration for~~  
1318 ~~such service is less than \$50.~~

1319 ~~b. Service performed in the employ of a school, college,~~  
1320 ~~or university, if such service is performed by a student who is~~  
1321 ~~enrolled and is regularly attending classes at such school,~~  
1322 ~~college, or university.~~

1323 ~~10. Service performed in the employ of a foreign~~  
1324 ~~government, including service as a consular or other officer or~~  
1325 ~~employee of a nondiplomatic representative.~~

1326 ~~11. Service performed in the employ of an instrumentality~~  
1327 ~~wholly owned by a foreign government:~~

1328 ~~a. If the service is of a character similar to that~~  
1329 ~~performed in foreign countries by employees of the United States~~  
1330 ~~Government or of an instrumentality thereof; and~~

1331 ~~b. The Secretary of State shall certify to the Secretary~~  
1332 ~~of the Treasury that the foreign government, with respect to~~  
1333 ~~whose instrumentality exemption is claimed, grants an equivalent~~  
1334 ~~exemption with respect to similar service performed in the~~  
1335 ~~foreign country by employees of the United States Government and~~  
1336 ~~of instrumentalities thereof.~~

1337 ~~12. Service performed as a student nurse in the employ of~~  
1338 ~~a hospital or a nurses' training school by an individual who is~~



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1339 ~~enrolled and is regularly attending classes in a nurses'~~  
1340 ~~training school chartered or approved pursuant to a state law;~~  
1341 ~~service performed as an intern in the employ of a hospital by an~~  
1342 ~~individual who has completed a 4-year course in a medical school~~  
1343 ~~chartered or approved pursuant to state law; and service~~  
1344 ~~performed by a patient of a hospital for such hospital.~~

1345 ~~13.— Service performed by an individual for a person as an~~  
1346 ~~insurance agent or as an insurance solicitor, if all such~~  
1347 ~~service performed by such individual for such person is~~  
1348 ~~performed for remuneration solely by way of commission, except~~  
1349 ~~for such services performed in accordance with 26 U.S.C.S. s.~~  
1350 ~~3306(e)(7) and (8). For purposes of this subsection, those~~  
1351 ~~benefits excluded from the definition of wages pursuant to~~  
1352 ~~subparagraphs (4)(b)2-6., inclusive, shall not be considered~~  
1353 ~~remuneration.~~

1354 ~~14.— Service performed by an individual for a person as a~~  
1355 ~~real estate salesperson or agent, if all such service performed~~  
1356 ~~by such individual for such person is performed for remuneration~~  
1357 ~~solely by way of commission.~~

1358 ~~15.— Service performed by an individual under the age of 18~~  
1359 ~~in the delivery or distribution of newspapers or shopping news,~~  
1360 ~~not including delivery or distribution to any point for~~  
1361 ~~subsequent delivery or distribution.~~

1362 ~~16.— Service covered by an arrangement between the division~~  
1363 ~~and the agency charged with the administration of any other~~  
1364 ~~state or federal unemployment compensation law pursuant to which~~  
1365 ~~all services performed by an individual for an employing unit~~  
1366 ~~during the period covered by such employing unit's duly approved~~  
1367 ~~election are deemed to be performed entirely within such~~  
1368 ~~agency's state or under such federal law.~~



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1369       ~~17. Service performed by an individual who is enrolled at~~  
1370 ~~a nonprofit or public educational institution which normally~~  
1371 ~~maintains a regular faculty and curriculum and normally has a~~  
1372 ~~regularly organized body of students in attendance at the place~~  
1373 ~~where its educational activities are carried on as a student in~~  
1374 ~~a full-time program, taken for credit at such institution, which~~  
1375 ~~combines academic instruction with work experience, if such~~  
1376 ~~service is an integral part of such program, and such~~  
1377 ~~institution has so certified to the employer, except that this~~  
1378 ~~subparagraph does not apply to service performed in a program~~  
1379 ~~established for or on behalf of an employer or group of~~  
1380 ~~employers.~~

1381       ~~18. Service performed by an individual for a person as a~~  
1382 ~~barber, if all such service performed by such individual for~~  
1383 ~~such person is performed for remuneration solely by way of~~  
1384 ~~commission.~~

1385       ~~19. Casual labor not in the course of the employer's trade~~  
1386 ~~or business.~~

1387       ~~20. Service performed by a speech therapist, occupational~~  
1388 ~~therapist, or physical therapist who is nonsalaried and working~~  
1389 ~~pursuant to a written contract with a home health agency as~~  
1390 ~~defined in s. 400.462.~~

1391       ~~21. Service performed by a direct seller. For purposes of~~  
1392 ~~this subparagraph, the term "direct seller" means a person:~~

1393       ~~a.(I) Who is engaged in the trade or business of selling~~  
1394 ~~or soliciting the sale of consumer products to buyers on a buy-~~  
1395 ~~sell basis or a deposit-commission basis, or on any similar~~  
1396 ~~basis, for resale in the home or in any other place that is not~~  
1397 ~~a permanent retail establishment; or~~



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1398 ~~(II) Who is engaged in the trade or business of selling or~~  
1399 ~~soliciting the sale of consumer products in the home or in any~~  
1400 ~~other place that is not a permanent retail establishment;~~

1401 ~~b. Substantially all of whose remuneration for services~~  
1402 ~~described in sub-subparagraph a., whether or not paid in cash,~~  
1403 ~~is directly related to sales or other output, rather than to the~~  
1404 ~~number of hours worked; and~~

1405 ~~e. Who performs such services pursuant to a written~~  
1406 ~~contract with the person for whom the services are performed,~~  
1407 ~~which contract provides that the person will not be treated as~~  
1408 ~~an employee with respect to such services for federal tax~~  
1409 ~~purposes.~~

1410 ~~22. Service performed by a nonresident alien individual~~  
1411 ~~for the period he or she is temporarily present in the United~~  
1412 ~~States as a nonimmigrant under subparagraph (F) or subparagraph~~  
1413 ~~(J) of s. 101(a)(15) of the Immigration and Nationality Act, and~~  
1414 ~~which is performed to carry out the purpose specified in~~  
1415 ~~subparagraph (F) or subparagraph (J), as the case may be.~~

1416 ~~23. Service performed by an individual for remuneration~~  
1417 ~~for a private, for-profit delivery or messenger service, if the~~  
1418 ~~individual:~~

1419 ~~a. Is free to accept or reject jobs from the delivery or~~  
1420 ~~messenger service and the delivery or messenger service has no~~  
1421 ~~control over when the individual works;~~

1422 ~~b. Is remunerated for each delivery, or the remuneration~~  
1423 ~~is based on factors that relate to the work performed, including~~  
1424 ~~receipt of a percentage of any rate schedule;~~

1425 ~~e. Pays all expenses and the opportunity for profit or~~  
1426 ~~loss rests solely with the individual;~~





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1427        ~~d. Is responsible for operating costs, including fuel,~~  
 1428 ~~repairs, supplies, and motor vehicle insurance;~~

1429        ~~e. Determines the method of performing the service,~~  
 1430 ~~including selection of routes and order of deliveries;~~

1431        ~~f. Is responsible for the completion of a specific job and~~  
 1432 ~~is liable for any failure to complete that job;~~

1433        ~~g. Enters into a contract with the delivery or messenger~~  
 1434 ~~service which specifies the relationship of the individual to~~  
 1435 ~~the delivery or messenger service to be that of an independent~~  
 1436 ~~contractor and not that of an employee; and~~

1437        ~~h. Provides the vehicle used to perform the service.~~

1438        ~~24. Service performed in agricultural labor by an~~  
 1439 ~~individual who is an alien admitted to the United States to~~  
 1440 ~~perform service in agricultural labor pursuant to ss.~~  
 1441 ~~101(a)(15)(H) and 214(c) of the Immigration and Nationality Act.~~

1442        ~~25. Service performed by a person who is an inmate of a~~  
 1443 ~~penal institution.~~

1444        ~~(22) EMPLOYMENT OFFICE. "Employment office" means a free~~  
 1445 ~~public employment office or branch thereof operated by this or~~  
 1446 ~~any other state as a part of a state-controlled system of public~~  
 1447 ~~employment offices or by a federal agency charged with the~~  
 1448 ~~administration of an unemployment compensation program or free~~  
 1449 ~~public employment offices.~~

1450        ~~(22)(23) FARM. "Farm" includes stock, dairy, poultry,~~  
 1451 ~~fruit, fur-bearing animal, and truck farms, plantations,~~  
 1452 ~~ranches, nurseries, ranges, greenhouses or other similar~~  
 1453 ~~structures used primarily for the raising of agricultural or~~  
 1454 ~~horticultural commodities, and orchards.~~

1455        ~~(23)(24) FUND. "Fund" means the Unemployment Compensation~~  
 1456 ~~Trust Fund created under by this chapter, into to which all~~



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1457 contributions and reimbursements required under this chapter are  
 1458 deposited and from which all benefits provided under this  
 1459 chapter are ~~shall be~~ paid.

1460 (24) "High quarter" means the quarter in an individual's  
 1461 base period in which the individual has the greatest amount of  
 1462 wages paid, regardless of the number of employers paying wages  
 1463 in that quarter.

1464 (25) ~~HOSPITAL.~~—"Hospital" means an institution that is  
 1465 ~~which has been~~ licensed, certified, or approved by the Agency  
 1466 for Health Care Administration as a hospital.

1467 (26) ~~INSTITUTION OF HIGHER EDUCATION.~~—"Institution of  
 1468 higher education" means an educational institution that ~~which~~:

1469 (a) Admits as regular students only individuals having a  
 1470 certificate of graduation from a high school, or the recognized  
 1471 equivalent of ~~such~~ a certificate of graduation;

1472 (b) Is legally authorized in this state to provide a  
 1473 program of education beyond high school;

1474 (c) Provides an educational program for which it awards a  
 1475 bachelor's or higher degree, or provides a program that ~~which~~ is  
 1476 acceptable for full credit toward ~~such~~ a bachelor's or higher  
 1477 degree; a program of postgraduate or postdoctoral studies; or  
 1478 a program of training to prepare students for gainful employment  
 1479 in a recognized occupation; and

1480 (d) Is a public or other nonprofit institution.

1481  
 1482 The term includes each community college and state university in  
 1483 this state, and each other institution ~~Notwithstanding any of~~  
 1484 ~~the foregoing provisions of this subsection, all colleges and~~  
 1485 ~~universities~~ in this state authorized under s. 1005.03 to use  
 1486 the designation "college" or "university." ~~and recognized as~~



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1487 ~~such by this state are institutions of higher education for~~  
1488 ~~purposes of this section.~~

1489 (27) ~~INSURED WORK.~~—"Insured work" means employment for  
1490 employers.

1491 (28) ~~LEAVE OF ABSENCE.~~—The term "Leave of absence" means  
1492 a temporary break in service to an employer, for a specified  
1493 period of time, during which the employing unit guarantees the  
1494 same or a comparable position to the worker at the expiration of  
1495 the leave.

1496 (29) ~~MISCONDUCT.~~—"Misconduct" includes, but is not  
1497 limited to, the following, which may ~~shall~~ not be construed in  
1498 pari materia with each other:

1499 (a) Conduct demonstrating ~~evincing such~~ willful or wanton  
1500 disregard of an employer's interests and as is found to be a ~~in~~  
1501 deliberate violation or disregard of the standards of behavior  
1502 which the employer has a ~~the~~ right to expect of his or her  
1503 employee; or

1504 (b) Carelessness or negligence to ~~of such~~ a degree or  
1505 recurrence that manifests ~~as to manifest~~ culpability, wrongful  
1506 intent, or evil design or shows ~~to show~~ an intentional and  
1507 substantial disregard of the employer's interests or of the  
1508 employee's duties and obligations to his or her employer.

1509 (30) ~~MONETARY DETERMINATION.~~—The term "Monetary  
1510 determination" means a determination of whether and in what  
1511 amount a claimant is eligible for benefits based on the  
1512 claimant's employment during the base period of the claim.

1513 (31) ~~NONMONETARY DETERMINATION.~~—The term "Nonmonetary  
1514 determination" means a determination of the claimant's  
1515 eligibility for benefits based on an issue ~~all issues~~ other than  
1516 monetary entitlement and benefit overpayment.



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1517           (32) ~~NOT IN THE COURSE OF THE EMPLOYER'S TRADE OR~~  
 1518 ~~BUSINESS.~~—"Not in the course of the employer's trade or  
 1519 business" means ~~that which does not~~ promoting ~~promote~~ or  
 1520 advancing ~~advance~~ the trade or business of the employer.

1521           (33) "One-stop career center" means a service site  
 1522 established and maintained as part of the one-stop delivery  
 1523 system under s. 445.009.

1524           ~~(34)(33) PAY PERIOD.~~—"Pay period" means a period of ~~not~~  
 1525 ~~more than~~ 31 or fewer consecutive days for which a payment or  
 1526 remuneration is ordinarily made to the employee by the person  
 1527 employing him or her.

1528           (35) "Public employer" means:

1529           (a) A state agency or political subdivision of the state;

1530           (b) An instrumentality that is wholly owned by one or more  
 1531 state agencies or political subdivisions of the state; or

1532           (c) An instrumentality that is wholly owned by one or more  
 1533 state agencies, political subdivisions, or instrumentalities of  
 1534 the state and one or more state agencies or political  
 1535 subdivisions of one or more other states.

1536           ~~(36)(34) REASONABLE ASSURANCE.~~—The term "Reasonable  
 1537 assurance" means a written or verbal agreement, ~~or~~ an agreement  
 1538 between an ~~the~~ employer and a ~~the~~ worker understood through  
 1539 tradition within the trade or occupation, or an agreement ~~as~~  
 1540 defined in an employer's ~~employer~~ policy.

1541           (37) "Reimbursement" means a payment of money to the  
 1542 Unemployment Compensation Trust Fund in lieu of a contribution  
 1543 which is required under this chapter to finance unemployment  
 1544 benefits.

1545           ~~(38)(35) REIMBURSABLE EMPLOYER.~~—"Reimbursing ~~Reimbursable~~  
 1546 employer" means an employer who is liable for reimbursements



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1547 ~~payments~~ in lieu of contributions under ~~as required by~~ this  
 1548 chapter.

1549 ~~(39)(36) STATE.~~—"State" includes the states of the United  
 1550 States, the District of Columbia, Canada, the Commonwealth of  
 1551 Puerto Rico, and the Virgin Islands.

1552 ~~(40)(37) STATE LAW.~~—"State law" means the unemployment  
 1553 insurance law of any state, approved by the United States  
 1554 Secretary of Labor under s. 3304 of the Internal Revenue Code of  
 1555 1954.

1556 ~~(41)~~ "Tax collection service provider" or "service  
 1557 provider" means the state agency providing unemployment tax  
 1558 collection services under contract with the Agency for Workforce  
 1559 Innovation through an interagency agreement pursuant to s.  
 1560 443.1316.

1561 ~~(42)(38) TEMPORARY LAYOFF.~~—The term "Temporary layoff"  
 1562 means a job separation due to lack of work which does not exceed  
 1563 8 consecutive weeks ~~in duration~~ and which has a fixed or  
 1564 approximate return-to-work ~~return to work~~ date.

1565 ~~(43)(39) UNEMPLOYMENT.~~—"Unemployment" means:

1566 (a) An individual is ~~shall be deemed~~ "totally unemployed"  
 1567 in any week during which he or she does not perform any ~~performs~~  
 1568 ~~no~~ services and for ~~with respect to~~ which ~~no~~ earned income is  
 1569 not payable to him or her. An individual is, ~~or shall be deemed~~  
 1570 "partially unemployed" in any week of less than full-time work  
 1571 if the earned income payable to him or her for that ~~with respect~~  
 1572 ~~to such~~ week is less than his or her weekly benefit amount. The  
 1573 Agency for Workforce Innovation may adopt rules prescribing  
 1574 ~~division shall prescribe regulations applicable to unemployed~~  
 1575 ~~individuals making such~~ distinctions in the procedures for  
 1576 unemployed individuals based on ~~as to~~ total unemployment, part-



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1577 time unemployment, partial unemployment of individuals attached  
 1578 to their regular jobs, and other forms of short-time work, ~~as~~  
 1579 ~~the division deems necessary.~~

1580 (b) An individual's week of unemployment commences ~~shall~~  
 1581 ~~be deemed to commence~~ only after his or her registration with  
 1582 the Agency for Workforce Innovation as required in s. 443.091 ~~at~~  
 1583 ~~an employment office,~~ except as the agency division may ~~by rule~~  
 1584 otherwise prescribe by rule.

1585 ~~(44)(40) WAGES.~~

1586 (a) "Wages" means all remuneration subject to this chapter  
 1587 under s. 443.1217. ~~for employment, including commissions,~~  
 1588 ~~bonuses, back pay awards, and the cash value of all remuneration~~  
 1589 ~~paid in any medium other than cash. The reasonable cash value~~  
 1590 ~~of remuneration in any medium other than cash shall be estimated~~  
 1591 ~~and determined in accordance with rules prescribed by the~~  
 1592 ~~division. After January 1, 1986, the term "wages" includes tips~~  
 1593 ~~or gratuities which are received while performing services which~~  
 1594 ~~constitute employment and are included in a written statement~~  
 1595 ~~furnished to the employer pursuant to s. 6053(a) of the Internal~~  
 1596 ~~Revenue Code of 1954.~~

1597 (b) ~~"Wages" does not include:~~

1598 1. ~~That part of remuneration which, after remuneration~~  
 1599 ~~equal to \$6,000 prior to January 1, 1983, and \$7,000 after~~  
 1600 ~~December 31, 1982, has been paid in a calendar year to an~~  
 1601 ~~individual by an employer or his or her predecessor with respect~~  
 1602 ~~to employment during any calendar year, is paid to such~~  
 1603 ~~individual by such employer during such calendar year, unless~~  
 1604 ~~that part of the remuneration is subject to a tax, under a~~  
 1605 ~~federal law imposing the tax, against which credit may be taken~~  
 1606 ~~for contributions required to be paid into a state unemployment~~



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1607 ~~fund. For the purposes of this subsection, the term~~  
1608 ~~"employment" includes services constituting employment under any~~  
1609 ~~employment security law of another state or of the Federal~~  
1610 ~~Government.~~

1611 ~~2. The amount of any payment, with respect to services~~  
1612 ~~performed, to, or on behalf of, an individual in its employ~~  
1613 ~~under a plan or system established by an employing unit which~~  
1614 ~~makes provision for individuals in its employ generally or for a~~  
1615 ~~class or classes of such individuals, including any amount paid~~  
1616 ~~by an employing unit for insurance or annuities, or into a fund,~~  
1617 ~~to provide for any such payment, on account of:~~

1618 ~~a. Sickness or accident disability, but, in the case of~~  
1619 ~~payments made to an employee or any of his or her dependents,~~  
1620 ~~this subparagraph shall exclude from the term "wages" only those~~  
1621 ~~payments received under a workers' compensation law.~~

1622 ~~b. Medical and hospitalization expenses in connection with~~  
1623 ~~sickness or accident disability.~~

1624 ~~c. Death, provided the individual in its employ:~~

1625 ~~(I) Has not the option to receive, instead of provision~~  
1626 ~~for such death benefit, any part of such payment or, if such~~  
1627 ~~death benefit is insured, any part of the premiums, or~~  
1628 ~~contributions to premiums, paid by his or her employing unit;~~  
1629 ~~and~~

1630 ~~(II) Has not the right, under the provisions of the plan~~  
1631 ~~or system or policy of insurance providing for such death~~  
1632 ~~benefit, to assign such benefit or to receive cash consideration~~  
1633 ~~in lieu of such benefit either upon his or her withdrawal from~~  
1634 ~~the plan or system providing for such benefit or upon~~  
1635 ~~termination of such plan or system or policy of insurance or of~~  
1636 ~~his or her services with such employing unit.~~



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1637 ~~3. The amount of any payment on account of sickness or~~  
1638 ~~accident disability, or medical or hospitalization expenses in~~  
1639 ~~connection with sickness or accident disability, made by an~~  
1640 ~~employing unit to, or on behalf of, an individual performing~~  
1641 ~~services for it after the expiration of 6 calendar months~~  
1642 ~~following the last calendar month in which the individual~~  
1643 ~~performed services for such employing unit.~~

1644 ~~4. The payment by an employing unit, without deduction~~  
1645 ~~from the remuneration of the individual in its employ, of the~~  
1646 ~~tax imposed upon an individual in its employ under s. 3101 of~~  
1647 ~~the federal Internal Revenue Code with respect to services~~  
1648 ~~performed.~~

1649 ~~5. The value of:~~

1650 ~~a. Meals furnished to an employee or the employee's spouse~~  
1651 ~~or dependents by the employer on the business premises of the~~  
1652 ~~employer for the convenience of the employer; or~~

1653 ~~b. Lodging furnished to an employee or the employee's~~  
1654 ~~spouse or dependents by the employer on the business premises of~~  
1655 ~~the employer for the convenience of the employer when such~~  
1656 ~~lodging is included as a condition of employment.~~

1657 ~~6. The amount of any payment made by an employing unit to,~~  
1658 ~~or on behalf of, an individual performing services for it or a~~  
1659 ~~beneficiary of such individual:~~

1660 ~~a. From or to a trust described in s. 401(a) of the~~  
1661 ~~Internal Revenue Code of 1954 which is exempt from tax under s.~~  
1662 ~~501(a) at the time of such payment unless such payment is made~~  
1663 ~~to an employee of the trust as remuneration for services~~  
1664 ~~rendered as such employee and not as a beneficiary of the trust;~~





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1665       ~~b. Under or to an annuity plan which, at the time of such~~  
1666 ~~payment, is a plan described in s. 403(a) of the Internal~~  
1667 ~~Revenue Code of 1954;~~

1668       ~~e. Under a simplified employee pension if, at the time of~~  
1669 ~~the payment, it is reasonable to believe that the employee will~~  
1670 ~~be entitled to a deduction under s. 219(b)(2) of the Internal~~  
1671 ~~Revenue Code of 1954 for such payment;~~

1672       ~~d. Under or to an annuity contract described in s. 403(b)~~  
1673 ~~of the Internal Revenue Code of 1954, other than a payment for~~  
1674 ~~the purchase of such contract which is made by reason of a~~  
1675 ~~salary reduction agreement, whether evidenced by a written~~  
1676 ~~instrument or otherwise;~~

1677       ~~e. Under or to an exempt governmental deferred~~  
1678 ~~compensation plan as described in s. 3121(v)(3) of the Internal~~  
1679 ~~Revenue Code of 1954; or~~

1680       ~~f. To supplement pension benefits under a plan or trust~~  
1681 ~~described in any of the foregoing provisions of this~~  
1682 ~~subparagraph to take into account some portion or all of the~~  
1683 ~~increase in the cost of living, as determined by the United~~  
1684 ~~States Secretary of Labor, since retirement, but only if such~~  
1685 ~~supplemental payments are under a plan which is treated as a~~  
1686 ~~welfare plan under s. 3(2)(B)(ii) of the Employee Retirement~~  
1687 ~~Income Security Act of 1974.~~

1688       ~~g. Under a cafeteria plan, within the meaning of s. 125 of~~  
1689 ~~the Internal Revenue Code of 1986, as amended, if such payment~~  
1690 ~~would not be treated as wages without regard to such plan and it~~  
1691 ~~is reasonable to believe that, if s. 125 of the Internal Revenue~~  
1692 ~~Code of 1986, as amended, applied for purposes of this section,~~  
1693 ~~s. 125 of the Internal Revenue Code of 1986, as amended, would~~  
1694 ~~not treat any wages as constructively received.~~



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1695 ~~h. Any payment made, or benefit provided, to or for the~~  
1696 ~~benefit of an employee if at the time of such payment or~~  
1697 ~~provision of benefit it is reasonable to believe that the~~  
1698 ~~employee will be able to exclude such payment or benefit from~~  
1699 ~~income under s. 127 of the Internal Revenue Code of 1986, as~~  
1700 ~~amended.~~

1701 ~~(45)(41) WEEK.~~ "Week" means a such period of 7  
1702 consecutive days as defined in the rules of the Agency for  
1703 Workforce Innovation ~~the division may by rule prescribe.~~ The  
1704 Agency for Workforce Innovation ~~division~~ may by rule prescribe  
1705 that a week is ~~shall be~~ deemed to be "in," "within," or "during"  
1706 the that benefit year that contains ~~which includes~~ the greater  
1707 part of the ~~such~~ week.

1708 ~~(42) HIGH QUARTER.~~ "High quarter" means ~~that quarter in~~  
1709 ~~the base period in which the claimant had the greatest amount of~~  
1710 ~~wages paid, regardless of the number of employers paying wages~~  
1711 ~~in that quarter.~~

1712 Section 18. Effective January 1, 2004, subsection (20) of  
1713 section 443.036, Florida Statutes, as amended by this act, is  
1714 amended to read:

1715 443.036 Definitions.--As used in this chapter, the term:

1716 (20) "Employing unit" means an individual or type of  
1717 organization, including a partnership, limited liability  
1718 company, association, trust, estate, joint-stock company,  
1719 insurance company, or corporation, whether domestic or foreign;  
1720 the receiver, trustee in bankruptcy, trustee, or successor of  
1721 any of the foregoing; or the legal representative of a deceased  
1722 person, which has or had in its employ one or more individuals  
1723 performing services for it within this state.



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1724 (a) Each individual employed to perform or to assist in  
1725 performing the work of any agent or employee of an employing  
1726 unit is deemed to be employed by the employing unit for the  
1727 purposes of this chapter, regardless of whether the individual  
1728 was hired or paid directly by the employing unit or by an agent  
1729 or employee of the employing unit, if the employing unit had  
1730 actual or constructive knowledge of the work.

1731 (b) Each individual performing services in this state for  
1732 an employing unit maintaining at least two separate  
1733 establishments in this state is deemed to be performing services  
1734 for a single employing unit for the purposes of this chapter.

1735 (c) A person who is an officer of a corporation, or a  
1736 member of a limited liability company classified as a  
1737 corporation for federal income tax purposes, and who performs  
1738 services for the corporation or limited liability company in  
1739 this state, regardless of whether those services are continuous,  
1740 is deemed an employee of the corporation or the limited  
1741 liability company during all of each week of his or her tenure  
1742 of office, regardless of whether he or she is compensated for  
1743 those services. Services are presumed to be rendered for the  
1744 corporation in cases in which the officer is compensated by  
1745 means other than dividends upon shares of stock of the  
1746 corporation owned by him or her.

1747 (d) A limited liability company shall be treated as having  
1748 the same status as it is classified for federal income tax  
1749 purposes.

1750 Section 19. Section 443.041, Florida Statutes, is amended  
1751 to read:

1752 443.041 Waiver of rights; fees; privileged  
1753 communications.--



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1754 (1) WAIVER OF RIGHTS VOID.--Any agreement by an individual  
 1755 to waive, release, or commute her or his rights to benefits or  
 1756 any other rights under this chapter is ~~shall be~~ void. Any  
 1757 agreement by an individual in the employ of any person or  
 1758 concern to pay all or any portion of any employer's  
 1759 contributions, reimbursements, interest, penalties, fines, or  
 1760 fees required under this chapter from the ~~such~~ employer is,  
 1761 ~~shall be~~ void. An ~~No~~ employer may not ~~shall~~ directly or  
 1762 indirectly make or require or accept any deduction from wages to  
 1763 finance the employer's contributions, reimbursements, interest,  
 1764 penalties, fines, or fees required from her or him, or require  
 1765 or accept any waiver of any right under this chapter ~~hereunder~~  
 1766 by any individual in her or his employ. An ~~Any~~ employer, or an  
 1767 officer or agent of an employer, who violates ~~any provision of~~  
 1768 this subsection commits ~~shall be guilty of~~ a misdemeanor of the  
 1769 second degree, punishable as provided in s. 775.082 or s.  
 1770 775.083.

1771 (2) FEES.--

1772 (a) Except as otherwise provided in this chapter, an ~~No~~  
 1773 individual claiming benefits may not ~~shall~~ be charged fees of  
 1774 any kind in any proceeding under this chapter by the commission  
 1775 or the Agency for Workforce Innovation, division ~~or their~~  
 1776 representatives, or by any court or any officer of the court  
 1777 ~~thereof, except as hereinafter provided.~~ An ~~Any~~ individual  
 1778 claiming benefits in any proceeding before the commission or the  
 1779 Agency for Workforce Innovation division ~~or~~ representatives of  
 1780 either, or a court may be represented by counsel or an ~~duly~~  
 1781 authorized representative ~~agent~~, but the ~~no such~~ counsel or  
 1782 representative may not ~~agent shall either~~ charge or receive for  
 1783 those ~~such~~ services more than an amount approved by the



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1784 commission, the Agency for Workforce Innovation, ~~or division~~ or  
1785 ~~by~~ the court.

1786 (b) An attorney at law representing a claimant for  
1787 benefits in any district court of appeal of this state or in the  
1788 Supreme Court of Florida is entitled to counsel fees payable by  
1789 the Agency for Workforce Innovation ~~division~~ as set fixed by the  
1790 court if the petition for review or appeal is initiated by the  
1791 claimant and results in a decision awarding more benefits than  
1792 provided in ~~did~~ the decision from which appeal was taken. The  
1793 amount of the fee may not exceed 50 percent of the total amount  
1794 of regular benefits permitted ~~awarded~~ under s. 443.111(5)(a)  
1795 during the benefit year.

1796 (c) The Agency for Workforce Innovation shall pay  
1797 attorneys' fees awarded under this section from the ~~shall be~~  
1798 ~~paid by the division out of~~ Employment Security Administration  
1799 Trust Fund funds as a part of the costs of administration of  
1800 this chapter and may pay these fees ~~be paid~~ directly to the  
1801 attorney for the claimant in a lump sum. The Agency for  
1802 Workforce Innovation ~~division~~ or the commission may not pay any  
1803 other fees or costs in connection with an appeal.

1804 (d) Any person, firm, or corporation who or which seeks or  
1805 receives any remuneration or gratuity for any services rendered  
1806 on behalf of a claimant, except as allowed by this section and  
1807 in an amount approved by the Agency for Workforce Innovation,  
1808 the division or commission, or ~~by~~ a court, commits ~~shall be~~  
1809 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
1810 provided in s. 775.082 or s. 775.083. ~~Any person, firm or~~  
1811 ~~corporation who or which shall solicit the business of appearing~~  
1812 ~~on behalf of a claimant, or shall make it a business to solicit~~  
1813 ~~employment for another in connection with any claim for benefits~~



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1814 ~~under this chapter, shall be guilty of a misdemeanor of the~~  
 1815 ~~second degree, punishable as provided in s. 775.082 or s.~~  
 1816 ~~775.083.~~

1817 (3) PRIVILEGED COMMUNICATIONS.--All letters, reports,  
 1818 communications, or any other matters, either oral or written,  
 1819 between an employer and an employee or between the Agency for  
 1820 Workforce Innovation or its tax collection service provider  
 1821 ~~division~~ and any of their ~~its~~ agents, representatives, or  
 1822 employees which are written, sent, delivered, or made in  
 1823 connection with ~~the requirements and administration of this~~  
 1824 ~~chapter,~~ are ~~absolutely~~ privileged and may not be the subject  
 1825 matter or basis for any suit for slander or libel in any court  
 1826 of the state.

1827 Section 20. Section 443.051, Florida Statutes, is amended  
 1828 to read:

1829 443.051 Benefits not alienable; exception, child support  
 1830 intercept.--

1831 (1) DEFINITIONS.--As used in this section:

1832 (a) "Unemployment compensation" means any compensation  
 1833 payable under ~~the~~ state law, including amounts payable pursuant  
 1834 to an agreement under any federal law providing for  
 1835 compensation, assistance, or allowances for ~~with respect to~~  
 1836 unemployment.

1837 (b) "Support obligations" includes only those obligations  
 1838 that ~~which~~ are being enforced under ~~pursuant to~~ a plan described  
 1839 in s. 454 of the Social Security Act which has been approved by  
 1840 the Secretary of Health and Human Services under Part D of Title  
 1841 IV of the Social Security Act.



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1842        ~~(c) "State or local child support enforcement agency"~~  
 1843        ~~means any agency of a state or political subdivision thereof~~  
 1844        ~~which enforces support obligations.~~

1845            (2) BENEFITS NOT ALIENABLE.--Except as provided in  
 1846        subsection (3), benefits due under this chapter may ~~shall~~ not be  
 1847        assigned, pledged, encumbered, released, or commuted and ~~shall~~,  
 1848        except as otherwise provided in this chapter, are ~~be~~ exempt from  
 1849        all claims of creditors and from levy, execution, or attachment,  
 1850        or other remedy for recovery or collection of a debt, which  
 1851        exemption may not be waived.

1852            (3) EXCEPTION, SUPPORT INTERCEPT.--

1853            (a) ~~The division shall require~~ Each individual filing a  
 1854        new claim for unemployment compensation must ~~to~~ disclose at the  
 1855        time of filing the ~~such~~ claim whether ~~or not~~ she or he owes  
 1856        support obligations that ~~which~~ are being enforced by the  
 1857        Department of Revenue ~~a state or local child support enforcement~~  
 1858        ~~agency~~. If an ~~any~~ applicant discloses that she or he owes  
 1859        support obligations and she or he is determined to be eligible  
 1860        for unemployment compensation benefits, the Agency for Workforce  
 1861        Innovation ~~division~~ shall notify the Department of Revenue if  
 1862        the department is ~~state or local child support enforcement~~  
 1863        ~~agency~~ enforcing the support ~~such~~ obligation. The Department of  
 1864        Revenue shall, at least biweekly, provide the Agency for  
 1865        Workforce Innovation with a magnetic tape or other electronic  
 1866        data file disclosing the individuals who owe support obligations  
 1867        and the amount of any legally required deductions.

1868            (b) The Agency for Workforce Innovation ~~division~~ shall  
 1869        deduct and withhold from any unemployment compensation otherwise  
 1870        payable to an individual disclosed under paragraph (a) who owes  
 1871        support obligations:



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1872 ~~1. The amount specified by the individual to the division~~  
 1873 ~~to be deducted and withheld under this section;~~

1874 1.2. The amount determined under ~~pursuant to~~ an agreement  
 1875 submitted to the Agency for Workforce Innovation ~~division~~ under  
 1876 s. 454(19)(B)(i) ~~s. 454(20)(B)(i)~~ of the Social Security Act by  
 1877 the Department of Revenue ~~state or local child support~~  
 1878 ~~enforcement agency; or~~

1879 2.3. The Any amount otherwise required to be deducted and  
 1880 withheld from ~~such~~ unemployment compensation through legal  
 1881 process as defined in s. 459 of the Social Security Act; or

1882 3. The amount otherwise specified by the individual to the  
 1883 Agency for Workforce Innovation to be deducted and withheld  
 1884 under this section.

1885 (c) The Agency for Workforce Innovation ~~division~~ shall pay  
 1886 any amount deducted and withheld under paragraph (b) to the  
 1887 Department of Revenue ~~appropriate state or local child support~~  
 1888 ~~enforcement agency.~~

1889 (d) Any amount deducted and withheld under this subsection  
 1890 shall for all purposes be treated as if it were paid to the  
 1891 individual as unemployment compensation and paid by the ~~such~~  
 1892 individual to the Department of Revenue ~~state or local child~~  
 1893 ~~support enforcement agency~~ for support obligations.

1894 (e) The Department of Revenue ~~Each state or local child~~  
 1895 ~~support enforcement agency~~ shall reimburse the Agency for  
 1896 Workforce Innovation ~~state agency charged with the~~  
 1897 ~~administration of the Unemployment Compensation Law~~ for the  
 1898 administrative costs incurred by the agency ~~division~~ under this  
 1899 subsection which are attributable to support obligations being  
 1900 enforced by the department ~~state or local child support~~  
 1901 ~~enforcement agency.~~





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1902 Section 21. Section 443.061, Florida Statutes, is amended  
 1903 to read:

1904 (Substantial rewording of section. See  
 1905 s. 443.061, F.S., for present text.)

1906 443.061 Vested rights not created.--A right granted under  
 1907 this chapter is subject to amendment or repeal and does not  
 1908 create a vested right in any person.

1909 Section 22. Section 443.071, Florida Statutes, is amended  
 1910 to read:

1911 443.071 Penalties.--

1912 (1) Any person who ~~Whoever~~ makes a false statement or  
 1913 representation, knowing it to be false, or knowingly fails to  
 1914 disclose a material fact to obtain or increase any benefits or  
 1915 other payment under this chapter or under an employment security  
 1916 law of any other state, of the Federal Government, or of a  
 1917 foreign government, either for herself or himself or for any  
 1918 other person, commits ~~is guilty of~~ a felony of the third degree,  
 1919 punishable as provided in s. 775.082, s. 775.083, or s.

1920 775.084. ~~and~~ Each ~~such~~ false statement or representation or  
 1921 failure to disclose a material fact constitutes ~~shall constitute~~  
 1922 a separate offense.

1923 (2) Any employing unit or any officer or agent of any  
 1924 employing unit or any other person who makes a false statement  
 1925 or representation, knowing it to be false, or who knowingly  
 1926 fails to disclose a material fact, to prevent or reduce the  
 1927 payment of benefits to any individual entitled to benefits  
 1928 ~~thereto~~, ~~or~~ to avoid becoming or remaining subject to this  
 1929 chapter ~~hereto~~, or to avoid or reduce any contribution,  
 1930 reimbursement, or other payment required from an employing unit  
 1931 under this chapter commits ~~is guilty of~~ a felony of the third



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1932 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1933 775.084.

1934 (3) Any employing unit or any officer or agent of any  
1935 employing unit or any other person who fails to furnish any  
1936 reports required under this chapter ~~hereunder~~ or to produce or  
1937 permit the inspection of or copying of records as required under  
1938 this chapter ~~hereunder~~, ~~or~~ who fails or refuses, within 6 months  
1939 after written demand ~~therefor~~ by the Agency for Workforce  
1940 Innovation or its tax collection service provider ~~division~~, to  
1941 keep and maintain the payroll records required by this chapter  
1942 or and by rule of the Agency for Workforce Innovation or the  
1943 state agency providing tax collection services ~~division~~, or who  
1944 willfully fails or refuses to make any contribution,  
1945 reimbursement, or other payment required from an employer  
1946 ~~employing unit~~ under this chapter commits ~~is guilty of~~ a  
1947 misdemeanor of the second degree, punishable as provided in s.  
1948 775.082 or s. 775.083.

1949 ~~(4) Any person who shall willfully violate any provision~~  
1950 ~~of this chapter or any order or rule hereunder, the violation of~~  
1951 ~~which is made unlawful or the observance of which is required~~  
1952 ~~under the terms of this chapter, and for which a penalty is~~  
1953 ~~neither prescribed hereunder nor provided by any other~~  
1954 ~~applicable statute, is guilty of a misdemeanor of the second~~  
1955 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1956 (4)(5) In any prosecution or action under ~~the provisions~~  
1957 ~~of~~ this section, the signature of a person on a document,  
1958 letter, or other writing constitutes ~~shall constitute~~ prima  
1959 facie evidence of the ~~such~~ person's identity if the following  
1960 conditions exist:



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1961 (a) The person gives her or his name, residence address,  
 1962 home telephone number, present or former place of employment,  
 1963 gender ~~sex~~, date of birth, social security number, height,  
 1964 weight, and race.

1965 (b) The signature of the ~~such~~ person is witnessed by an  
 1966 agent or employee of the Agency for Workforce Innovation or its  
 1967 tax collection service provider ~~division~~ at the time the  
 1968 document, letter, or other writing is filed.

1969 Section 23. Section 443.091, Florida Statutes, is amended  
 1970 to read:

1971 443.091 Benefit eligibility conditions.--

1972 (1) An unemployed individual is ~~shall be~~ eligible to  
 1973 receive benefits for ~~with respect to~~ any week only if the Agency  
 1974 for Workforce Innovation ~~division~~ finds that:

1975 (a) She or he has made a claim for benefits for that ~~with~~  
 1976 ~~respect to such~~ week in accordance with the ~~such~~ rules adopted  
 1977 by the Agency for Workforce Innovation ~~as the division may~~  
 1978 ~~prescribe~~.

1979 (b) She or he has registered for work with ~~at~~, and  
 1980 subsequently thereafter continued to report to ~~at~~, the ~~division,~~  
 1981 ~~which shall be responsible for notification of the~~ Agency for  
 1982 Workforce Innovation in accordance with its ~~such~~ rules. These  
 1983 rules must not conflict with the requirement in s. 443.111(1)(b)  
 1984 that each claimant must continue to report regardless of any  
 1985 appeal or pending appeal relating to her or his eligibility or  
 1986 disqualification for benefits. The Agency for Workforce  
 1987 Innovation ~~as the division may prescribe; except that the~~  
 1988 ~~division may, by rule not inconsistent with the purposes of this~~  
 1989 ~~law, waive or alter either or both of the requirements of this~~  
 1990 paragraph for ~~subsection as to~~ individuals attached to regular



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1991 jobs. These rules must not; ~~but no such rule shall~~ conflict with  
 1992 s. 443.111(1).

1993 (c)1. She or he is able to work and is available for work.  
 1994 In order to assess eligibility for a claimed week of  
 1995 unemployment, the Agency for Workforce Innovation ~~division~~ shall  
 1996 develop criteria to determine a claimant's ability to work and  
 1997 availability for work.

1998 2. Notwithstanding any other provision of ~~provisions in~~  
 1999 this section, an ~~no~~ otherwise eligible individual may not ~~shall~~  
 2000 be denied benefits for any week because she or he is in training  
 2001 with the approval of the Agency for Workforce Innovation  
 2002 ~~division~~, and ~~nor shall~~ such an individual may not be denied  
 2003 benefits for ~~with respect to~~ any week in which she or he is in  
 2004 training with the approval of the Agency for Workforce  
 2005 Innovation ~~division~~ by reason of ~~the application of provisions~~  
 2006 ~~in~~ subparagraph 1. relating to availability for work, or ~~the~~  
 2007 ~~provisions of~~ s. 443.101(2) relating to failure to apply for, or  
 2008 refusal to accept, suitable work. Training may be approved by  
 2009 the Agency for Workforce Innovation ~~division~~ in accordance with  
 2010 criteria prescribed by rule. A claimant's eligibility during  
 2011 approved training is contingent upon satisfying eligibility  
 2012 conditions prescribed by rule.

2013 3. Notwithstanding any other provision of this chapter, an  
 2014 individual who is in training approved under s. 236(a)(1) of the  
 2015 Trade Act of 1974, as amended, may not be determined to be  
 2016 ineligible or disqualified for benefits with respect to her or  
 2017 his enrollment in such training or because of leaving work that  
 2018 ~~which~~ is not suitable employment to enter such training. As  
 2019 used in ~~For the purposes of~~ this subparagraph, the term  
 2020 "suitable employment" means, for ~~with respect to~~ a worker, work



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2021 of a substantially equal or higher skill level than the worker's  
 2022 past adversely affected employment, as defined for purposes of  
 2023 the Trade Act of 1974, as amended, the wages for which are at  
 2024 least ~~not less than~~ 80 percent of the worker's average weekly  
 2025 wage as determined for purposes of the Trade Act of 1974, as  
 2026 amended.

2027 4. Notwithstanding any other provision of this section, an  
 2028 otherwise eligible individual may ~~shall~~ not be denied benefits  
 2029 for any week by reason of ~~the application of~~ subparagraph 1.  
 2030 because she or he is before any court of the United States or  
 2031 any state under ~~pursuant to~~ a lawfully issued summons to appear  
 2032 for jury duty.

2033 (d) She or he participates in reemployment services, such  
 2034 as job search assistance services, whenever the individual has  
 2035 been determined, by ~~pursuant to~~ a profiling system established  
 2036 by rule of the Agency for Workforce Innovation ~~division~~, to be  
 2037 likely to exhaust regular benefits and to be in need of  
 2038 reemployment services.

2039 (e) She or he has been unemployed for a waiting period of  
 2040 1 week. A ~~No~~ week may not ~~shall~~ be counted as a week of  
 2041 unemployment under ~~for the purposes of~~ this subsection:

2042 1. Unless it occurs within the benefit year that ~~which~~  
 2043 includes the week for ~~with respect to~~ which she or he claims  
 2044 payment of benefits.

2045 2. If benefits have been paid for that week ~~with respect~~  
 2046 ~~thereto~~.

2047 3. Unless the individual was eligible for benefits for  
 2048 that week ~~with respect thereto~~ as provided in this section and  
 2049 s. 443.101, except for the requirements of this subsection and  
 2050 of s. 443.101(5).



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2051 (f) She or he has been paid wages for insured work equal  
 2052 to 1.5 times her or his high quarter wages during her or his  
 2053 base period, except that an unemployed individual is not  
 2054 eligible to receive benefits if the base period wages are less  
 2055 than \$3,400. ~~As amended by this act, this paragraph applies only~~  
 2056 ~~to benefit years beginning on or after July 1, 1996.~~

2057 (g) She or he submitted to the Agency for Workforce  
 2058 Innovation a valid social security number assigned to her or  
 2059 him. The Agency for Workforce Innovation may verify the social  
 2060 security number with the United States Social Security  
 2061 Administration and may deny benefits if the agency is unable to  
 2062 verify the individual's social security number, if the social  
 2063 security number is invalid, or if the social security number is  
 2064 not assigned to the individual.

2065 (2) An ~~No~~ individual may not receive benefits in a benefit  
 2066 year unless, after ~~subsequent to~~ the beginning of the next  
 2067 preceding benefit year during which she or he received benefits,  
 2068 she or he performed service, regardless of whether ~~or not~~ in  
 2069 employment as defined in s. 443.036, and earned remuneration for  
 2070 that such service of at least in an amount equal to not less  
 2071 ~~than~~ 3 times her or his weekly benefit amount as determined for  
 2072 her or his current benefit year.

2073 (3) Benefits based on service in employment described  
 2074 ~~defined in s. 443.1216(2) and (3) are s. 443.036(21)(b) and (c)~~  
 2075 ~~shall be payable in the same amount, on the same terms, and~~  
 2076 ~~subject to the same conditions as benefits payable based on the~~  
 2077 ~~basis of other service subject to this chapter, except that:~~

2078 (a) Benefits are ~~shall not payable for be paid based on~~  
 2079 services in an instructional, research, or principal  
 2080 administrative capacity for an educational institution or an



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2081 institution of higher education for any week of unemployment  
 2082 commencing during the period between 2 successive academic  
 2083 years; during a similar period between two regular terms,  
 2084 whether or not successive; or during a period of paid sabbatical  
 2085 leave provided for in the individual's contract, to any  
 2086 individual, if the ~~such~~ individual performs those ~~such~~ services  
 2087 in the first of those ~~such~~ academic years or terms and there is  
 2088 a contract or a reasonable assurance that the ~~such~~ individual  
 2089 will perform services in any such capacity for any educational  
 2090 institution or institution of higher education in the second of  
 2091 those ~~such~~ academic years or terms.

2092 (b) Benefits may ~~shall~~ not be based on services in any  
 2093 other capacity for an educational institution or an institution  
 2094 of higher education to any individual for any week that ~~which~~  
 2095 commences during a period between 2 successive academic years or  
 2096 terms if the ~~such~~ individual performs those ~~such~~ services in the  
 2097 first of the academic years or terms and there is a reasonable  
 2098 assurance that the ~~such~~ individual will perform those ~~such~~  
 2099 services in the second of the academic years or terms. However;  
 2100 ~~except that~~, if compensation is denied to any individual under  
 2101 this paragraph and the ~~such~~ individual was not offered an  
 2102 opportunity to perform those ~~such~~ services for the educational  
 2103 institution for the second of those ~~such~~ academic years or  
 2104 terms, that individual is ~~shall be~~ entitled to a retroactive  
 2105 payment of compensation for each week for which the individual  
 2106 filed a timely claim for compensation and for which compensation  
 2107 was denied solely by reason of this paragraph.

2108 (c) Benefits are ~~shall~~ not payable ~~be paid~~, based on  
 2109 services provided to an educational institution or institution  
 2110 of higher learning, to any individual for any week that ~~which~~



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2111 commences during an established and customary vacation period or  
 2112 holiday recess if the ~~such~~ individual performs any services  
 2113 described in paragraph (a) or paragraph (b) in the period  
 2114 immediately before the ~~such~~ vacation period or holiday recess  
 2115 and there is a reasonable assurance that the ~~such~~ individual  
 2116 will perform any ~~such~~ service in the period immediately after  
 2117 the ~~following such~~ vacation period or holiday recess.

2118 (d) Benefits are ~~shall not be payable for~~ ~~on the basis of~~  
 2119 services in any capacity ~~such capacities as~~ specified in  
 2120 paragraphs (a), (b), and (c) to any individual who performed  
 2121 those ~~such~~ services in an educational institution while in the  
 2122 employ of a governmental agency or governmental entity that  
 2123 ~~which~~ is established and operated exclusively for the purpose of  
 2124 providing those ~~such~~ services to one or more educational  
 2125 institutions.

2126 (e) Benefits are ~~shall not be payable for~~ ~~on the basis of~~  
 2127 services in any capacity ~~such capacities as~~ specified in  
 2128 paragraphs (a), (b), (c), and (d) to any individual who provided  
 2129 those ~~such~~ services to or on behalf of an educational  
 2130 institution, or an institution of higher education.

2131 (f) As used in this subsection, the term:

2132 1. "Fixed contract" means a written agreement of  
 2133 employment for a specified period of time., ~~and the term~~

2134 2. "Continuing contract" means a written agreement that is  
 2135 automatically renewed until terminated by one of the parties to  
 2136 the contract.

2137 (4) In the event of national emergency, in the course of  
 2138 which the Federal Emergency Unemployment Payment Plan is, at the  
 2139 request of the Governor, invoked for all or any part of the  
 2140 state, the emergency ~~such~~ plan shall supersede the procedures





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2141 prescribed by this chapter, and by rules adopted under this  
 2142 chapter hereunder, and the Agency for Workforce Innovation  
 2143 division shall act as the Florida agency for the United States  
 2144 Department of Labor in the administration of the such plan.

2145 (5) Benefits are ~~shall not payable be paid~~ to any  
 2146 individual based on ~~the basis of any~~ service, 90 percent or more  
 2147 of which consists of participating in sports or athletic events  
 2148 or training, or preparing to ~~so~~ participate, for any week that  
 2149 ~~which~~ commences during the period between two successive sport  
 2150 seasons, ~~(or similar periods,)~~ if the such individual performed  
 2151 the such service in the first of those such seasons, ~~(or similar~~  
 2152 ~~periods,)~~ and there is a reasonable assurance that the such  
 2153 individual will perform those such services in the later of  
 2154 those such seasons, ~~(or similar periods).~~

2155 ~~(6) With respect to weeks of unemployment beginning on or~~  
 2156 ~~after January 1, 1978, wages for insured work shall include~~  
 2157 ~~wages paid for previously uncovered services. For the purposes~~  
 2158 ~~of this subsection, except to the extent that assistance under~~  
 2159 ~~Title II of the Emergency Jobs and Unemployment Assistance Act~~  
 2160 ~~of 1974 was paid on the basis of such services, the term~~  
 2161 ~~"previously uncovered services" means services:~~

2162 ~~(a) Which were not employment as defined in this chapter~~  
 2163 ~~prior to January 1, 1978, and were not services covered pursuant~~  
 2164 ~~to s. 443.121(3) at any time during the 1-year period ending~~  
 2165 ~~December 31, 1975; and~~

2166 ~~(b) Which are:~~

2167 ~~1. Agricultural labor or domestic service as defined in s.~~  
 2168 ~~443.036; or~~

2169 ~~2. Services performed by an employee of this state or a~~  
 2170 ~~political subdivision thereof, as provided in s. 443.036(21)(b),~~



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2171 ~~or by an employee of a nonprofit educational institution which~~  
 2172 ~~is not an institution of higher education.~~

2173 ~~(7) Benefits paid to any individual whose base period~~  
 2174 ~~wages include wages for previously uncovered services, as~~  
 2175 ~~defined in subsection (6), shall not be charged to the employer~~  
 2176 ~~or the employer's experience rating account, to the extent that~~  
 2177 ~~such individual would not have been eligible to receive such~~  
 2178 ~~compensation had the state not provided for payment of~~  
 2179 ~~compensation on the basis of such previously uncovered services,~~  
 2180 ~~and provided benefits shall be paid for such previously~~  
 2181 ~~uncovered service only to the extent that the division~~  
 2182 ~~determines that the unemployment compensation fund may be~~  
 2183 ~~reimbursed for such benefits pursuant to Pub. L. No. 94-566, s.~~  
 2184 ~~121.~~

2185 Section 24. Section 443.101, Florida Statutes, is amended  
 2186 to read:

2187 443.101 Disqualification for benefits.--An individual  
 2188 shall be disqualified for benefits:

2189 (1)(a) For the week in which he or she has voluntarily  
 2190 left his or her work without good cause attributable to his or  
 2191 her employing unit or in which the individual has been  
 2192 discharged by his or her employing unit for misconduct connected  
 2193 with his or her work, based on a finding ~~if so found~~ by the  
 2194 Agency for Workforce Innovation division. ~~The term "work,"~~ As  
 2195 used in this paragraph, the term "work" means any work, whether  
 2196 full-time, part-time, or temporary.

2197 1. Disqualification for voluntarily quitting continues  
 2198 ~~shall continue~~ for the full period of unemployment next ensuing  
 2199 after he or she has left his or her full-time, part-time, or  
 2200 temporary work voluntarily without good cause and until the ~~such~~



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2201 individual has earned income equal to or in excess of 17 times  
 2202 his or her weekly benefit amount. ~~the term "good cause"~~ As used  
 2203 in this subsection, the term "good cause" includes only that  
 2204 ~~such~~ cause ~~as is~~ attributable to the employing unit or which  
 2205 consists of illness or disability of the individual requiring  
 2206 separation from his or her work. Any ~~Ne~~ other disqualification  
 2207 may not be imposed. An individual is ~~shall~~ not be disqualified  
 2208 under this subsection for voluntarily leaving temporary work to  
 2209 return immediately when called to work by the permanent  
 2210 employing unit that temporarily terminated his or her work  
 2211 within the previous 6 calendar months.

2212 2. Disqualification for being discharged for misconduct  
 2213 connected with his or her work continues ~~shall continue~~ for the  
 2214 full period of unemployment next ensuing after having been  
 2215 discharged and until the ~~such~~ individual has become reemployed  
 2216 and has earned income of at least ~~not less than~~ 17 times his or  
 2217 her weekly benefit amount and for not more than 52 weeks that  
 2218 immediately follow that ~~such~~ week, as determined by the Agency  
 2219 for Workforce Innovation ~~division~~ in each case according to the  
 2220 circumstances in each case or the seriousness of the misconduct,  
 2221 under the agency's rules adopted ~~pursuant to rules of the~~  
 2222 ~~division enacted~~ for determinations of disqualification for  
 2223 benefits for misconduct.

2224 (b) For any week with respect to which the Agency for  
 2225 Workforce Innovation ~~division~~ finds that his or her unemployment  
 2226 is due to a suspension for misconduct connected with the  
 2227 individual's work.

2228 (c) For any week with respect to which the Agency for  
 2229 Workforce Innovation ~~division~~ finds that his or her unemployment



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2230 is due to a leave of absence, if the ~~such~~ leave was voluntarily  
 2231 initiated by the ~~such~~ individual.

2232 (d) For any week with respect to which the Agency for  
 2233 Workforce Innovation ~~division~~ finds that his or her unemployment  
 2234 is due to a discharge for misconduct connected with the  
 2235 individual's work, consisting of drug use, as evidenced by a  
 2236 positive, confirmed drug test.

2237 (2) If the Agency for Workforce Innovation ~~division~~ finds  
 2238 that the individual has failed without good cause ~~either~~ to  
 2239 apply for available suitable work when ~~se~~ directed by the agency  
 2240 ~~division~~ or the one-stop career center ~~employment office~~, ~~or~~ to  
 2241 accept suitable work when offered to him or her, or to return to  
 2242 the individual's customary self-employment when ~~se~~ directed by  
 2243 the agency ~~division~~, the ~~such~~ disqualification continues ~~shall~~  
 2244 ~~continue~~ for the full period of unemployment next ensuing after  
 2245 he or she ~~has~~ failed without good cause ~~either~~ to apply for  
 2246 available suitable work, ~~or~~ to accept suitable work, or to  
 2247 return to his or her customary self-employment, under ~~pursuant~~  
 2248 ~~to~~ this subsection, and until the ~~such~~ individual has earned  
 2249 income of at least ~~equal to or in excess of~~ 17 times his or her  
 2250 weekly benefit amount. The Agency for Workforce Innovation  
 2251 ~~division~~ shall by rule adopt ~~provide~~ criteria for determining  
 2252 the "suitability of work," as used in this section. The Agency  
 2253 for Workforce Innovation ~~division~~ in developing these ~~such~~ rules  
 2254 shall consider the duration of a claimant's unemployment in  
 2255 determining the suitability of work and the suitability of  
 2256 proposed rates of compensation for available work. Further,  
 2257 after an individual has received 25 weeks of benefits in a  
 2258 single year, suitable work is ~~shall be~~ a job that ~~which~~ pays the



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2259 minimum wage and is 120 percent or more of the weekly benefit  
2260 amount the individual is drawing.

2261 (a) In determining whether or not any work is suitable for  
2262 an individual, the Agency for Workforce Innovation ~~division~~  
2263 shall consider the degree of risk involved to his or her health,  
2264 safety, and morals; his or her physical fitness and prior  
2265 training; the individual's experience and prior earnings; his or  
2266 her length of unemployment and prospects for securing local work  
2267 in his or her customary occupation; and the distance of the  
2268 available work from his or her residence.

2269 (b) Notwithstanding any other provisions of this chapter,  
2270 ~~no work is not shall be~~ deemed suitable and benefits may ~~shall~~  
2271 not be denied under this chapter to any otherwise eligible  
2272 individual for refusing to accept new work under any of the  
2273 following conditions:

2274 1. If the position offered is vacant due directly to a  
2275 strike, lockout, or other labor dispute.

2276 2. If the wages, hours, or other conditions of the work  
2277 offered are substantially less favorable to the individual than  
2278 those prevailing for similar work in the locality.

2279 3. If as a condition of being employed, the individual  
2280 would be required to join a company union or to resign from or  
2281 refrain from joining any bona fide labor organization.

2282 (c) If the Agency for Workforce Innovation ~~division~~ finds  
2283 that an individual was ~~has been~~ rejected for offered employment  
2284 as the direct result of a positive, confirmed drug test required  
2285 as a condition of employment, the ~~such~~ individual is ~~shall be~~  
2286 disqualified for refusing to accept an offer of suitable work.

2287 (3) For any week with respect to which he or she is  
2288 receiving or has received remuneration in the form of:



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2289 (a) Wages in lieu of notice.~~†~~

2290 (b)1. Compensation for temporary total disability or  
 2291 permanent total disability under the workers' compensation law  
 2292 of any state or under a similar law of the United States.

2293 2. However, if the remuneration referred to in paragraphs  
 2294 (a) and (b) is less than the benefits that ~~which~~ would otherwise  
 2295 be due under this chapter, he or she is ~~shall~~ be entitled to  
 2296 receive for that ~~such~~ week, if otherwise eligible, benefits  
 2297 reduced by the amount of the ~~such~~ remuneration.

2298 (4) For any week with respect to which the Agency for  
 2299 Workforce Innovation ~~division~~ finds that his or her total or  
 2300 partial unemployment is due to a labor dispute in active  
 2301 progress which exists at the factory, establishment, or other  
 2302 premises at which he or she is or was last employed; except that  
 2303 this subsection does ~~shall~~ not apply if it is shown to the  
 2304 satisfaction of the Agency for Workforce Innovation ~~division~~  
 2305 that:

2306 (a)1. He or she is not participating in, financing, or  
 2307 directly interested in the labor dispute that ~~which~~ is in active  
 2308 progress; however, the payment of regular union dues may ~~shall~~  
 2309 not be construed as financing a labor dispute within the meaning  
 2310 of this section; and

2311 2. He or she does not belong to a grade or class of  
 2312 workers of which immediately before the commencement of the  
 2313 labor dispute there were members employed at the premises at  
 2314 which the labor dispute occurs any of whom are participating in,  
 2315 financing, or directly interested in the dispute; if in any case  
 2316 separate branches of work are commonly conducted as separate  
 2317 businesses in separate premises, or are conducted in separate  
 2318 departments of the same premises, each department ~~shall~~, for the



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2319 purpose of this subsection, is ~~be~~ deemed to be a separate  
 2320 factory, establishment, or other premise.

2321 (b) His or her total or partial unemployment results from  
 2322 a lockout by his or her employer. As used in ~~For the purposes of~~  
 2323 this section, the term "lockout" means ~~shall mean~~ a situation in  
 2324 which ~~where~~ employees have not gone on strike, nor have  
 2325 employees notified the employer of a date certain for a strike,  
 2326 but in which ~~where~~ employees have been denied entry to the  
 2327 factory, establishment, or other premises of employment by the  
 2328 employer. However, benefits are ~~shall~~ not ~~be~~ payable under this  
 2329 paragraph if the lockout action was taken in response to  
 2330 threats, actions, or other indications of impending damage to  
 2331 property and equipment or possible physical violence by  
 2332 employees or in response to actual damage or violence or a  
 2333 substantial reduction in production instigated or perpetrated by  
 2334 employees.

2335 (5) For any week with respect to which or a part of which  
 2336 he or she has received or is seeking unemployment benefits under  
 2337 an unemployment compensation law of another state or of the  
 2338 United States, + For the purposes of this subsection, an  
 2339 unemployment compensation law of the United States is any law of  
 2340 the United States which provides for payment of any type and in  
 2341 any amounts for periods of unemployment due to lack of work, +  
 2342 However, if the appropriate agency of the ~~such~~ other state or of  
 2343 the United States finally determines that he or she is not  
 2344 entitled to ~~such~~ unemployment benefits, this disqualification  
 2345 does ~~shall~~ not apply.

2346 (6) For a period ~~of~~ not to exceed 1 year from the date of  
 2347 the discovery by the Agency for Workforce Innovation ~~division~~ of  
 2348 the making of any false or fraudulent representation for the



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2349 purpose of obtaining benefits contrary to ~~the provisions of~~ this  
 2350 chapter, constituting a violation under ~~within the intent of~~ s.  
 2351 443.071. ~~This; Any such~~ disqualification may be appealed ~~from~~ in  
 2352 the same manner as ~~from~~ any other disqualification imposed under  
 2353 this section hereunder. A conviction by any court of competent  
 2354 jurisdiction in this state of the offense prohibited or punished  
 2355 by s. 443.071 is ~~shall be~~ conclusive upon the appeals referee  
 2356 and the commission of the making of the ~~such~~ false or fraudulent  
 2357 representation for which disqualification is imposed under this  
 2358 section hereunder.

2359 (7) If the Agency for Workforce Innovation ~~division~~ finds  
 2360 that the individual is an alien, unless the ~~such~~ alien is an  
 2361 individual who has been lawfully admitted for permanent  
 2362 residence or otherwise is permanently residing in the United  
 2363 States under color of law, ~~(including an alien who is lawfully~~  
 2364 present in the United States as a result of the application ~~of~~  
 2365 ~~the provisions~~ of s. 203(a)(7) or s. 212(d)(5) of the  
 2366 Immigration and Nationality Act), if ~~provided that~~ any  
 2367 modifications to ~~the provisions of~~ s. 3304(a)(14) of the Federal  
 2368 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which  
 2369 specify other conditions or other effective dates than those  
 2370 stated under federal law ~~herein~~ for the denial of benefits based  
 2371 on services performed by aliens, and which modifications are  
 2372 required to be implemented under state law as a condition for  
 2373 full tax credit against the tax imposed by the Federal  
 2374 Unemployment Tax Act, are ~~shall be~~ deemed applicable under ~~the~~  
 2375 ~~provisions of~~ this section, if ~~provided~~:

2376 (a) Any data or information required of individuals  
 2377 applying for benefits to determine whether benefits are not





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2378 payable to them because of their alien status is ~~shall be~~  
 2379 uniformly required from all applicants for benefits; and

2380 (b) In the case of an individual whose application for  
 2381 benefits would otherwise be approved, a ~~no~~ determination that  
 2382 benefits to such individual are not payable because of his or  
 2383 her alien status may not ~~shall~~ be made except by ~~upon~~ a  
 2384 preponderance of the evidence.

2385  
 2386 ~~(e)~~ If the Agency for Workforce Innovation ~~division~~ finds that  
 2387 the individual has refused without good cause an offer of  
 2388 resettlement or relocation, which offer provides for suitable  
 2389 employment for the ~~such~~ individual notwithstanding the distance  
 2390 of ~~such~~ relocation, resettlement, or employment from the current  
 2391 location of the ~~such~~ individual in this state, this ~~such~~  
 2392 disqualification continues ~~shall continue~~ for the week in which  
 2393 the ~~such~~ failure occurred and for not more than 17 weeks  
 2394 immediately after that ~~following such~~ week, or a reduction by  
 2395 not more than 5 weeks from the duration of benefits, as  
 2396 determined by the Agency for Workforce Innovation ~~division~~ in  
 2397 each case.

2398 (8) For any week with respect to which he or she has  
 2399 received, from a base period employer, benefits from a  
 2400 retirement, pension, or annuity program embodied in a union  
 2401 contract or either a public or private employee benefit program,  
 2402 except:

2403 (a) For any week in which benefits from a retirement,  
 2404 pension, or annuity program, as referred to in this subsection,  
 2405 are less than the weekly benefits that ~~which~~ would otherwise be  
 2406 due under this chapter, he or she is ~~shall be~~ entitled to  
 2407 receive for that ~~such~~ week, if otherwise eligible, benefits



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2408 reduced by the amount of benefits from the retirement, pension,  
2409 or annuity program, prorated to a weekly basis;

2410 (b) For any week in which an individual has received  
2411 benefits from a retirement, pension, or annuity program, as  
2412 referred to in this subsection, for which program he or she has  
2413 paid at least one-half of the contributions, the individual is  
2414 ~~shall be~~ entitled to receive for that ~~such~~ week, if otherwise  
2415 eligible, benefits reduced by one-half of the amount of benefits  
2416 from the retirement, pension, or annuity program, prorated on a  
2417 weekly basis; or

2418 (c) For any week in which he or she has received benefits  
2419 from a retirement, pension, or annuity program under the United  
2420 States Social Security Act, for which program he or she has paid  
2421 any contribution, ~~there shall be no reduction in~~ benefits may  
2422 not be reduced because of the contribution. ~~This paragraph~~  
2423 ~~applies only to weeks of unemployment beginning on or after July~~  
2424 ~~5, 1992.~~

2425  
2426 For the purpose of this subsection, benefits from the United  
2427 States Social Security Act, a disability benefit program, or any  
2428 other similar periodic payment ~~that is~~ based on the previous  
2429 work of the ~~such~~ individual are ~~shall be~~ considered as  
2430 retirement income, except as provided in paragraph (c).

2431 (9) If the individual was terminated from his or her work  
2432 for violation of any criminal law punishable by imprisonment, or  
2433 for any dishonest act, in connection with his or her work, as  
2434 follows:

2435 (a) If the Agency for Workforce Innovation ~~division~~ or the  
2436 Unemployment Appeals Commission finds that the individual was  
2437 terminated from his or her work for violation of any criminal



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2438 law punishable by imprisonment in connection with his or her  
 2439 work, and the individual ~~was has been~~ found guilty of the  
 2440 offense, ~~has~~ made an admission of guilt in a court of law, or  
 2441 ~~has~~ entered a plea of no contest, the individual ~~is shall~~ not be  
 2442 entitled to unemployment benefits ~~compensation~~ for up to 52  
 2443 weeks, under ~~pursuant to~~ rules adopted by the Agency for  
 2444 Workforce Innovation ~~division~~, and until he or she has earned  
 2445 income ~~equal to or in excess~~ of at least 17 times his or her  
 2446 weekly benefit amount. If, ~~before~~ prior to an adjudication of  
 2447 guilt, an admission of guilt, or a plea of no contest, the  
 2448 employer shows the Agency for Workforce Innovation ~~can show~~  
 2449 ~~before a hearing examiner or appeals referee~~ that the arrest was  
 2450 due to a crime against the employer or the employer's business  
 2451 and, after considering all the evidence, the Agency for  
 2452 Workforce Innovation ~~hearing examiner or appeals referee~~ finds  
 2453 misconduct in connection with the individual's work, the  
 2454 individual ~~is shall~~ not be entitled to unemployment benefits  
 2455 ~~compensation~~.

2456 (b) If the Agency for Workforce Innovation ~~division~~ or the  
 2457 Unemployment Appeals Commission finds that the individual was  
 2458 terminated from work for any dishonest act in connection with  
 2459 his or her work, the individual ~~is shall~~ not be entitled to  
 2460 unemployment benefits ~~compensation~~ for up to 52 weeks, under  
 2461 ~~pursuant to~~ rules adopted by the Agency for Workforce Innovation  
 2462 ~~division~~, and until he or she has earned income ~~equal to or in~~  
 2463 ~~excess~~ of at least 17 times his or her weekly benefit amount. In  
 2464 addition, ~~if should~~ the employer terminates ~~terminate~~ an  
 2465 individual as a result of a dishonest act in connection with his  
 2466 or her work and the Agency for Workforce Innovation ~~hearing~~  
 2467 ~~examiner or appeals referee~~ finds misconduct in connection with



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2468 his or her work, the individual is ~~shall~~ not be entitled to  
2469 unemployment benefits ~~compensation~~.

2470  
2471 With respect to an individual ~~so~~ disqualified for benefits, the  
2472 account of the terminating employer, if the ~~such~~ employer is in  
2473 the base period, is ~~shall be~~ noncharged at the time the  
2474 disqualification is imposed.

2475 (10) Subject to the requirements of this subsection, if  
2476 the claim is made based on the ~~basis of~~ loss of employment as a  
2477 leased employee for an employee leasing company or as a  
2478 temporary employee for a temporary help firm.

2479 (a) As used in this subsection, the term:

2480 1. "Temporary help firm" means a firm that hires its own  
2481 employees and assigns them to clients to support or supplement  
2482 the client's workforce in work situations such as employee  
2483 absences, temporary skill shortages, seasonal workloads, and  
2484 special assignments and projects. The term also includes a firm  
2485 created by an entity licensed under s. 125.012(6), which hires  
2486 employees assigned by a union for the purpose of supplementing  
2487 or supporting the workforce of the temporary help firm's  
2488 clients. The term does not include employee leasing companies  
2489 regulated under part XI of chapter 468.

2490 2. "Temporary employee" means an employee assigned to work  
2491 for the clients of a temporary help firm.

2492 3. "Leased employee" means an employee assigned to work  
2493 for the clients of an employee leasing company regulated under  
2494 part XI of chapter 468.

2495 (b) A temporary or leased employee is ~~will be~~ deemed to  
2496 have voluntarily quit employment and is ~~will be~~ disqualified for  
2497 benefits under subparagraph (1)(a)1. if, upon conclusion of his



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2498 or her latest assignment, the temporary or leased employee,  
2499 without good cause, failed to contact the temporary help or  
2500 employee-leasing firm for reassignment, if ~~provided that~~ the  
2501 employer advised the temporary or leased employee at the time of  
2502 hire and that the leased employee is notified also at the time  
2503 of separation that he or she must report for reassignment upon  
2504 conclusion of each assignment, regardless of the duration of the  
2505 assignment, and that unemployment benefits may be denied for  
2506 failure to report ~~do so~~.

2507 (11) If an individual is discharged from employment for  
2508 drug use as evidenced by a positive, confirmed drug test as  
2509 provided in paragraph (1)(d), or is rejected for offered  
2510 employment because of a positive, confirmed drug test as  
2511 provided in paragraph (2)(c), test results and chain of custody  
2512 documentation provided to the employer by a licensed and  
2513 approved drug-testing laboratory is ~~will be~~ self-authenticating  
2514 and admissible in unemployment compensation hearings, and such  
2515 evidence creates ~~will create~~ a rebuttable presumption that the  
2516 individual used, or was using, controlled substances, subject to  
2517 the following conditions:

2518 (a) To qualify for the presumption described in this  
2519 subsection, an employer must have implemented a drug-free  
2520 workplace program under ss. 440.101 and 440.102, and must submit  
2521 proof that the employer has qualified for the insurance  
2522 discounts provided under s. 627.0915, as certified by the  
2523 insurance carrier or self-insurance unit. In lieu of these  
2524 requirements ~~thereof~~, an employer who does not fit the  
2525 definition of "employer" in s. 440.102 may qualify for the  
2526 presumption if ~~provided that~~ the employer is in compliance with



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2527 equivalent or more stringent drug-testing standards established  
 2528 by federal law or regulation.

2529 (b) Only laboratories licensed and approved as provided in  
 2530 s. 440.102(9), or as provided by equivalent or more stringent  
 2531 licensing requirements established by federal law or regulation  
 2532 may perform the drug ~~such~~ tests.

2533 (c) Disclosure of drug test results and other information  
 2534 pertaining to drug testing of individuals who claim or receive  
 2535 compensation under this chapter shall be governed by ~~the~~  
 2536 ~~provisions of~~ s. 443.1715.

2537 Section 25. Section 443.111, Florida Statutes, is amended  
 2538 to read:

2539 443.111 Payment of benefits.--

2540 (1) MANNER OF PAYMENT.--Benefits are ~~shall be~~ payable from  
 2541 the fund in accordance with ~~such~~ rules adopted by the Agency for  
 2542 Workforce Innovation as the division may prescribe, subject to  
 2543 the following requirements:

2544 (a) Benefits are payable ~~shall be paid through claims~~  
 2545 ~~offices or~~ by mail or electronically.

2546 (b) Each claimant must ~~shall~~ report in the manner  
 2547 prescribed by the Agency for Workforce Innovation ~~division~~ to  
 2548 certify for benefits that ~~which~~ are paid and must ~~shall~~ continue  
 2549 to report at least biweekly to receive unemployment benefits and  
 2550 to attest to the fact that she or he is able and available for  
 2551 work, has not refused suitable work, and is seeking work and, if  
 2552 she or he has worked, to report earnings from that ~~such~~ work.  
 2553 Each claimant must continue to report regardless of any appeal  
 2554 or pending appeal relating to her or his eligibility or  
 2555 disqualification for benefits.



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2556 (2) QUALIFYING REQUIREMENTS.--To establish a benefit year  
2557 for unemployment ~~insurance~~ benefits, ~~effective on or after July~~  
2558 ~~1, 1996~~, an individual must have:

2559 (a) Wage credits in two or more calendar quarters of the  
2560 individual's base period.

2561 (b) Minimum total base period wage credits equal to the  
2562 high quarter wages multiplied by 1.5, but at least ~~not less than~~  
2563 \$3,400 in the base period.

2564 (3) WEEKLY BENEFIT AMOUNT.--An individual's "weekly  
2565 benefit amount" is ~~shall be~~ an amount equal to one twenty-sixth  
2566 of the total wages for insured work paid during that quarter of  
2567 the base period in which the ~~such~~ total wages paid were the  
2568 highest, but not less than \$32 or more than \$275. ~~For claims~~  
2569 ~~with benefit years beginning January 1, 2000, through December~~  
2570 ~~31, 2000, an additional 5 percent of the weekly benefit amount~~  
2571 ~~shall be added for the first 8 compensable weeks of benefits~~  
2572 ~~paid, not to exceed \$288. The~~ Such weekly benefit amount, if not  
2573 a multiple of \$1, is ~~shall be~~ rounded downward to the nearest  
2574 full dollar amount. The maximum weekly benefit amount in effect  
2575 at the time the claimant establishes an individual weekly  
2576 benefit amount is ~~shall be~~ the maximum benefit amount applicable  
2577 throughout the claimant's benefit year.

2578 (4) WEEKLY BENEFIT FOR UNEMPLOYMENT.--

2579 (a) Total.--Each eligible individual who is totally  
2580 unemployed in any week is ~~shall be~~ paid for the ~~with respect to~~  
2581 ~~such~~ week a benefit ~~in an amount~~ equal to her or his weekly  
2582 benefit amount.

2583 (b) Partial.--Each eligible individual who is partially  
2584 unemployed in any week is ~~shall be~~ paid for the ~~with respect to~~  
2585 ~~such~~ week a benefit ~~in an amount~~ equal to her or his weekly



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2586 benefit less that part of the earned income, if any, ~~(if any)~~  
 2587 payable to her or him for the ~~with respect to such~~ week which is  
 2588 in excess of 8 times the federal hourly minimum wage. These  
 2589 ~~Such~~ benefits, if not a multiple of \$1, are ~~shall be~~ rounded  
 2590 downward to the nearest full dollar amount. ~~This paragraph~~  
 2591 ~~applies only to weeks of unemployment beginning on or after July~~  
 2592 ~~5, 1992.~~

2593 (5) DURATION OF BENEFITS.--

2594 (a)1. Each ~~Any~~ otherwise eligible individual is ~~shall be~~  
 2595 entitled during any benefit year to a total amount of benefits  
 2596 equal to 25 percent of the total wages in his or her ~~the~~ base  
 2597 period, not to exceed \$7,150. ~~For claims with benefit years~~  
 2598 ~~beginning January 1, 2000, through December 31, 2000, an~~  
 2599 ~~additional amount equal to 5 percent of the weekly benefit~~  
 2600 ~~amount multiplied by 8 shall be added to the calculated total~~  
 2601 ~~amount of benefits, the sum of which may not exceed \$7,254.~~  
 2602 However, the ~~such~~ total amount of benefits, if not a multiple of  
 2603 \$1, is ~~shall be~~ rounded downward to the nearest full dollar  
 2604 amount. These ~~Such~~ benefits are ~~shall be~~ payable at a weekly  
 2605 rate no greater than the weekly benefit amount.

2606 2. For the purposes of this subsection, wages are ~~shall be~~  
 2607 counted as "wages for insured work" for benefit purposes with  
 2608 respect to any benefit year only if the ~~such~~ benefit year begins  
 2609 after ~~subsequent to~~ the date ~~on which~~ the employing unit by whom  
 2610 the ~~such~~ wages were paid has satisfied the conditions of this  
 2611 chapter for ~~with respect to~~ becoming an employer.

2612 (b) If the remuneration of an individual is not based upon  
 2613 a fixed period or duration of time or if the individual's wages  
 2614 are paid at irregular intervals or in a ~~such~~ manner that does as  
 2615 ~~not to~~ extend regularly over the period of employment, the wages





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2616 for any week or for any calendar quarter for the purpose of  
 2617 computing an individual's right to employment benefits only are  
 2618 ~~shall be determined in the such manner as may by rule be~~  
 2619 prescribed by rule. These Such rules, to the extent practicable,  
 2620 must so far as possible, shall secure results reasonably similar  
 2621 to those that ~~which~~ would prevail if the individual were paid  
 2622 her or his wages at regular intervals.

2623 ~~(6) EXTENDED BENEFITS.~~

2624 ~~(a) Definitions. As used in this subsection, unless the~~  
 2625 ~~context clearly requires otherwise, the term:~~

2626 ~~1. "Extended benefit period" means a period which:~~

2627 ~~a. Begins with the third week after a week for which there~~  
 2628 ~~is a state "on" indicator; and~~

2629 ~~b. Ends with either of the following weeks, whichever~~  
 2630 ~~occurs later:~~

2631 ~~(I) The third week after the first week for which there is~~  
 2632 ~~a state "off" indicator; or~~

2633 ~~(II) The 13th consecutive week of such period.~~

2634  
 2635 ~~However, no extended benefit period may begin by reason of a~~  
 2636 ~~state "on" indicator before the 14th week following the end of a~~  
 2637 ~~prior extended benefit period which was in effect with respect~~  
 2638 ~~to this state.~~

2639 ~~2. There is a "state 'on' indicator" for a week if the~~  
 2640 ~~rate of insured unemployment (not seasonally adjusted) under the~~  
 2641 ~~state law, for the period consisting of such week and the 12~~  
 2642 ~~weeks immediately preceding it:~~

2643 ~~a. Equalled or exceeded 120 percent of the average of such~~  
 2644 ~~rates for the corresponding 13-week period ending in each of the~~  
 2645 ~~preceding 2 calendar years; and~~



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- 2646       ~~b. Equaled or exceeded 5 percent.~~
- 2647       ~~3. There is a "state 'off' indicator" for a week if, for~~  
2648 ~~the period consisting of such week and the immediately preceding~~  
2649 ~~12 weeks, either sub-subparagraph a. or sub-subparagraph b. of~~  
2650 ~~subparagraph 2. was not satisfied.~~
- 2651       ~~4. "Rate of insured unemployment," for purposes of~~  
2652 ~~subparagraphs 2. and 3., means the percentage derived by~~  
2653 ~~dividing the average weekly number of individuals filing claims~~  
2654 ~~for regular compensation in this state excluding extended~~  
2655 ~~benefit claimants for weeks of unemployment with respect to the~~  
2656 ~~most recent 13 consecutive week period, as determined by the~~  
2657 ~~division on the basis of its reports to the United States~~  
2658 ~~Secretary of Labor, by the average monthly employment covered~~  
2659 ~~under this chapter for the first four of the most recent six~~  
2660 ~~completed calendar quarters ending before the end of such 13-~~  
2661 ~~week period.~~
- 2662       ~~5. "Regular benefits" means benefits payable to an~~  
2663 ~~individual under this chapter or under any other state law,~~  
2664 ~~including benefits payable to federal civilian employees and to~~  
2665 ~~ex-service members pursuant to 5 U.S.C. chapter 85, other than~~  
2666 ~~extended benefits.~~
- 2667       ~~6. "Extended benefits" means benefits, including benefits~~  
2668 ~~payable to federal civilian employees and to ex-service members~~  
2669 ~~pursuant to 5 U.S.C. chapter 85, payable to an individual under~~  
2670 ~~the provisions of this subsection for weeks of unemployment in~~  
2671 ~~her or his eligibility period.~~
- 2672       ~~7. "Eligibility period" of an individual means the period~~  
2673 ~~consisting of the weeks in her or his benefit year which begin~~  
2674 ~~in an extended benefit period and, if her or his benefit year~~



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2675 ~~ends within such extended benefit period, any weeks thereafter~~  
2676 ~~which begin in such period.~~

2677 ~~8. "Exhaustee" means an individual who, with respect to~~  
2678 ~~any week of unemployment in her or his eligibility period:~~

2679 ~~a. Has received, prior to such week, all of the regular~~  
2680 ~~benefits that were available to her or him under this chapter or~~  
2681 ~~any other state law, including dependents' allowances and~~  
2682 ~~benefits payable to federal civilian employees and ex-service~~  
2683 ~~members under 5 U.S.C. chapter 85, in her or his current benefit~~  
2684 ~~year that includes such week. For the purposes of this~~  
2685 ~~subparagraph, an individual shall be deemed to have received all~~  
2686 ~~of the regular benefits that were available to her or him~~  
2687 ~~although, as a result of a pending appeal with respect to wages~~  
2688 ~~paid for insured work that were not considered in the original~~  
2689 ~~monetary determination in her or his benefit year, she or he may~~  
2690 ~~subsequently be determined to be entitled to added regular~~  
2691 ~~benefits;~~

2692 ~~b. Her or his benefit year having expired prior to such~~  
2693 ~~week, has been paid no, or insufficient, wages for insured work~~  
2694 ~~on the basis of which she or he could establish a new benefit~~  
2695 ~~year that would include such week; and~~

2696 ~~e.(I) Has no right to unemployment benefits or allowances,~~  
2697 ~~as the case may be, under the Railroad Unemployment Insurance~~  
2698 ~~Act or such other federal laws as are specified in regulations~~  
2699 ~~issued by the United States Secretary of Labor; and~~

2700 ~~(II) Has not received and is not seeking unemployment~~  
2701 ~~benefits under the unemployment compensation law of Canada; but~~  
2702 ~~if she or he is seeking such benefits and the appropriate agency~~  
2703 ~~finally determines that she or he is not entitled to benefits~~  
2704 ~~under such law, she or he is considered an exhaustee.~~



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2705 ~~(b) Effect of state law provisions relating to regular~~  
2706 ~~benefits on claims for, and the payment of, extended~~  
2707 ~~benefits.—Except when the result would be inconsistent with the~~  
2708 ~~other provisions of this subsection, as provided in the rules of~~  
2709 ~~the division, the provisions of this chapter which apply to~~  
2710 ~~claims for, or the payment of, regular benefits shall apply to~~  
2711 ~~claims for, and the payment of, extended benefits.—Such~~  
2712 ~~extended benefits shall be charged to the experience rating~~  
2713 ~~accounts of employers to the extent the share of such extended~~  
2714 ~~benefits paid from this state's unemployment compensation trust~~  
2715 ~~fund is not eligible for reimbursement from federal sources.~~

2716 ~~(c) Eligibility requirements for extended benefits.—~~

2717 ~~1. An individual shall be eligible to receive extended~~  
2718 ~~benefits with respect to any week of unemployment in her or his~~  
2719 ~~eligibility period only if the division finds that, with respect~~  
2720 ~~to such week:~~

2721 ~~a. She or he is an exhaustee as defined in subparagraph~~  
2722 ~~(a)8.~~

2723 ~~b. She or he has satisfied the requirements of this~~  
2724 ~~chapter for the receipt of regular benefits that are applicable~~  
2725 ~~to individuals claiming extended benefits, including not being~~  
2726 ~~subject to a disqualification for the receipt of benefits.—An~~  
2727 ~~individual who is disqualified to receive regular benefits due~~  
2728 ~~to her or his having voluntarily left work, having been~~  
2729 ~~discharged from work for misconduct, or having refused suitable~~  
2730 ~~work may not receive extended benefits even after the~~  
2731 ~~disqualification period for regular benefits has terminated.~~  
2732 ~~However, if the disqualification period for regular benefits~~  
2733 ~~terminates because the individual received the required amount~~



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2734 ~~of remuneration for services rendered as a common-law employee,~~  
2735 ~~she or he may receive extended benefits.~~

2736 ~~e. The individual has been paid wages for insured work~~  
2737 ~~with respect to the applicable benefit year equal to one and~~  
2738 ~~one-half times the high quarter earnings during this base~~  
2739 ~~period.~~

2740 ~~2.a. Except as provided in sub-subparagraph b., an~~  
2741 ~~individual shall not be eligible for extended benefits for any~~  
2742 ~~week if:~~

2743 ~~(I) Extended benefits are payable for such week pursuant~~  
2744 ~~to an interstate claim filed in any state under the interstate~~  
2745 ~~benefit payment plan, and~~

2746 ~~(II) No extended benefit period is in effect for such week~~  
2747 ~~in such state.~~

2748 ~~b. This subparagraph shall not apply with respect to the~~  
2749 ~~first 2 weeks for which extended benefits are payable, pursuant~~  
2750 ~~to an interstate claim filed under the interstate benefit~~  
2751 ~~payment plan, to the individual from the extended benefit~~  
2752 ~~account established for the individual with respect to the~~  
2753 ~~benefit year.~~

2754 ~~3.a. An individual shall be disqualified for receipt of~~  
2755 ~~extended benefits if the division finds that, during any week of~~  
2756 ~~unemployment in her or his eligibility period:~~

2757 ~~(I) She or he has failed to apply for suitable work or, if~~  
2758 ~~offered, has failed to accept suitable work, unless the~~  
2759 ~~individual can furnish to the division satisfactory evidence~~  
2760 ~~that her or his prospects for obtaining work in her or his~~  
2761 ~~customary occupation within a reasonably short period are good.~~  
2762 ~~If such evidence is deemed satisfactory for this purpose, the~~  
2763 ~~determination of whether any work is suitable with respect to~~



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2764 ~~such individual shall be made in accordance with the definition~~  
2765 ~~of suitable work contained in s. 443.101(2). Such~~  
2766 ~~disqualification shall begin with the week in which such failure~~  
2767 ~~occurred and shall continue until she or he has been employed~~  
2768 ~~for at least 4 weeks and has earned wages equal to or in excess~~  
2769 ~~of 17 times her or his weekly benefit amount.~~

2770 ~~(II) She or he has failed to furnish tangible evidence~~  
2771 ~~that she or he has actively engaged in a systematic and~~  
2772 ~~sustained effort to find work. Such disqualification shall begin~~  
2773 ~~with the week in which such failure occurred and shall continue~~  
2774 ~~until she or he has been employed for at least 4 weeks and has~~  
2775 ~~earned wages equal to or in excess of 4 times her or his weekly~~  
2776 ~~benefit amount.~~

2777 ~~b. Except as otherwise provided in sub-sub-subparagraph~~  
2778 ~~a.(I), for purposes of this subparagraph, the term "suitable~~  
2779 ~~work" means any work which is within the individual's~~  
2780 ~~capabilities to perform, if:~~

2781 ~~(I) The gross average weekly remuneration payable for the~~  
2782 ~~work exceeds the sum of the individual's weekly benefit amount~~  
2783 ~~plus the amount, if any, of supplemental unemployment benefits,~~  
2784 ~~as defined in s. 501(c)(17)(D) of the Internal Revenue Code of~~  
2785 ~~1954, as amended, payable to such individual for such week;~~

2786 ~~(II) The wages payable for the work equal the higher of~~  
2787 ~~the minimum wages provided by s. 6(a)(1) of the Fair Labor~~  
2788 ~~Standards Act of 1938, without regard to any exemption, or the~~  
2789 ~~state or local minimum wage;~~

2790 ~~(III) The position was offered to the individual in~~  
2791 ~~writing and was listed with the State Employment Service; and~~

2792 ~~(IV) Such work otherwise meets the definition of suitable~~  
2793 ~~work contained in s. 443.101(2) to the extent that such criteria~~



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2794 ~~of suitability are not inconsistent with the provisions of this~~  
2795 ~~subparagraph.~~

2796 ~~4. However, notwithstanding subparagraph 3., or any other~~  
2797 ~~provision of this chapter, an individual who is in training~~  
2798 ~~approved under s. 236(a)(1) of the Trade Act of 1974, as~~  
2799 ~~amended, may not be determined to be ineligible or disqualified~~  
2800 ~~for extended benefits with respect to her or his enrollment in~~  
2801 ~~such training or because of leaving work which is not suitable~~  
2802 ~~employment to enter such training. For the purposes of this~~  
2803 ~~subparagraph, the term "suitable employment" means, with respect~~  
2804 ~~to a worker, work of a substantially equal or higher skill level~~  
2805 ~~than the worker's past adversely affected employment, as defined~~  
2806 ~~for purposes of the Trade Act of 1974, as amended, the wages for~~  
2807 ~~which are not less than 80 percent of the worker's average~~  
2808 ~~weekly wage, as determined for purposes of the Trade Act of~~  
2809 ~~1974, as amended.~~

2810 ~~(d) Weekly extended benefit amount.---The weekly extended~~  
2811 ~~benefit amount payable to an individual for a week of total~~  
2812 ~~unemployment in her or his eligibility period shall be an amount~~  
2813 ~~equal to the weekly benefit amount payable to her or him during~~  
2814 ~~her or his applicable benefit year. For any individual who was~~  
2815 ~~paid benefits during the applicable benefit year in accordance~~  
2816 ~~with more than one weekly benefit amount, the weekly extended~~  
2817 ~~benefit amount shall be the average of such weekly benefit~~  
2818 ~~amounts.~~

2819 ~~(e) Total extended benefit amount.---~~

2820 ~~1. Except as provided in subparagraph 2., the total~~  
2821 ~~extended benefit amount payable to any eligible individual with~~  
2822 ~~respect to her or his applicable benefit year shall be the~~  
2823 ~~lesser of the following amounts:~~



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2824 a. ~~Fifty percent of the total amount of regular benefits~~  
2825 ~~which were payable to her or him under this chapter in her or~~  
2826 ~~his applicable benefit year; or~~

2827 b. ~~Thirteen times her or his weekly benefit amount which~~  
2828 ~~was payable to her or him under this chapter for a week of total~~  
2829 ~~unemployment in the applicable benefit year.~~

2830 2. ~~Notwithstanding any other provision of this chapter or~~  
2831 ~~any federal law, if the benefit year of an individual ends~~  
2832 ~~within an extended benefit period, the number of weeks of~~  
2833 ~~extended benefits that such individual would, but for this~~  
2834 ~~paragraph, be entitled to receive in that extended benefit~~  
2835 ~~period with respect to weeks of unemployment beginning after the~~  
2836 ~~end of the benefit year shall be reduced (but not to below zero)~~  
2837 ~~by the number of weeks for which the individual received, within~~  
2838 ~~such benefit year, trade readjustment allowances under the Trade~~  
2839 ~~Act of 1974, as amended.~~

2840 (f) ~~Beginning and termination of extended benefit~~  
2841 ~~period. Whenever an extended benefit period is to become~~  
2842 ~~effective in this state or an extended benefit period is to be~~  
2843 ~~terminated in this state, the division shall make an appropriate~~  
2844 ~~public announcement.~~

2845 (g) ~~Computations. Computations required by the provisions~~  
2846 ~~of subparagraph (a)4. shall be made by the division, in~~  
2847 ~~accordance with regulations prescribed by the United States~~  
2848 ~~Secretary of Labor.~~

2849 (h) ~~Recovery of overpayments under the Trade Act of 1974,~~  
2850 ~~as amended. Any person who has been determined by either this~~  
2851 ~~state, a cooperating state agency, the United States Secretary~~  
2852 ~~of Labor, or a court of competent jurisdiction to have received~~  
2853 ~~any payments under the Trade Act of 1974, as amended, to which~~





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2854 ~~the person was not entitled shall have such sum deducted from~~  
2855 ~~any extended benefits payable to her or him under this section,~~  
2856 ~~except that no single deduction under this paragraph shall~~  
2857 ~~exceed 50 percent of the amount otherwise payable. The amounts~~  
2858 ~~so deducted shall be paid to the agency which issued the~~  
2859 ~~payments under the Trade Act of 1974, as amended, for return to~~  
2860 ~~the United States Treasury. However, except for overpayments~~  
2861 ~~determined by a court of competent jurisdiction, no deduction~~  
2862 ~~may be made under this paragraph until a determination by the~~  
2863 ~~state agency or the United States Secretary of Labor has become~~  
2864 ~~final.~~

2865 ~~(7) SHORT-TIME COMPENSATION PROGRAM.~~

2866 ~~(a) Definitions. As used in this subsection, the term:~~

2867 ~~1. "Affected unit" means a specified plant, department,~~  
2868 ~~shift, or other definable unit of two or more employees~~  
2869 ~~designated by the employer to participate in a short-time~~  
2870 ~~compensation plan.~~

2871 ~~2. "Normal weekly hours of work" means the number of hours~~  
2872 ~~in a week that an individual would regularly work for the short-~~  
2873 ~~time compensation employer, not to exceed 40 hours, excluding~~  
2874 ~~overtime.~~

2875 ~~3. "Short-time compensation benefits" means benefits~~  
2876 ~~payable to individuals in an affected unit under an approved~~  
2877 ~~short-time compensation plan.~~

2878 ~~4. "Short-time compensation employer" means an employer~~  
2879 ~~with a short-time compensation plan in effect.~~

2880 ~~5. "Short-time compensation plan" or "plan" means an~~  
2881 ~~employer's written plan for reducing unemployment under which an~~  
2882 ~~affected unit shares the work remaining after its normal weekly~~  
2883 ~~hours of work are reduced.~~



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2884       ~~(b) Requirements for approval of short-time compensation~~  
2885 ~~plans. An employer wishing to participate in the short-time~~  
2886 ~~compensation program shall submit a signed, written, short-time~~  
2887 ~~plan to the director of the division for approval. The director~~  
2888 ~~shall approve the plan if:~~

2889           1. ~~The plan applies to and identifies the specific~~  
2890 ~~affected units.~~

2891           2. ~~The individuals in the affected unit are identified by~~  
2892 ~~name and social security number.~~

2893           3. ~~The normal weekly hours of work for individuals in the~~  
2894 ~~affected unit or units are reduced by not less than 10 percent~~  
2895 ~~and by not more than 40 percent.~~

2896           4. ~~The plan includes a certified statement by the employer~~  
2897 ~~that the aggregate reduction in work hours is in lieu of~~  
2898 ~~temporary layoffs which would have affected at least 10 percent~~  
2899 ~~of the employees in the affected unit and which would have~~  
2900 ~~resulted in an equivalent reduction in work hours.~~

2901           5. ~~The plan applies to at least 10 percent of the~~  
2902 ~~employees in the affected unit.~~

2903           6. ~~The plan is approved in writing by the collective~~  
2904 ~~bargaining agent for each collective bargaining agreement~~  
2905 ~~covering any individual in the affected unit.~~

2906           7. ~~The plan will not serve as a subsidy to seasonal~~  
2907 ~~employers during the off season or as a subsidy to employers who~~  
2908 ~~have traditionally used part-time employees.~~

2909           8. ~~The plan certifies the manner in which the employer~~  
2910 ~~will treat fringe benefits of the individuals in the affected~~  
2911 ~~unit if the hours of the individuals are reduced to less than~~  
2912 ~~their normal weekly hours of work. For purposes of this~~  
2913 ~~subparagraph, the term "fringe benefits" includes, but is not~~



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2914 ~~limited to, health insurance, retirement benefits under defined~~  
 2915 ~~benefit pension plans (as defined in subsection 35 of s. 1002 of~~  
 2916 ~~the Employee Retirement Income Security Act of 1974, 29 U.S.C.),~~  
 2917 ~~paid vacation and holidays, and sick leave.~~

2918 ~~(c) Approval or disapproval of the plan. The director~~  
 2919 ~~shall approve or disapprove a short-time compensation plan in~~  
 2920 ~~writing within 15 days after its receipt. If the plan is~~  
 2921 ~~denied, the director shall notify the employer of the reasons~~  
 2922 ~~for disapproval.~~

2923 ~~(d) Beginning and termination of short-time compensation~~  
 2924 ~~benefit period. A plan shall be effective on the date of its~~  
 2925 ~~approval by the director and shall expire at the end of the 12th~~  
 2926 ~~full calendar month after its effective date.~~

2927 ~~(e) Eligibility requirements for short-time compensation~~  
 2928 ~~benefits.~~

2929 ~~1. Except as provided in this paragraph, an individual is~~  
 2930 ~~eligible to receive short-time compensation benefits with~~  
 2931 ~~respect to any week only if she or he has satisfied the~~  
 2932 ~~requirements of this chapter and the division finds that:~~

2933 ~~a. The individual is employed as a member of an affected~~  
 2934 ~~unit in an approved plan which was approved prior to the week~~  
 2935 ~~and is in effect for the week.~~

2936 ~~b. The individual is able to work and is available for~~  
 2937 ~~additional hours of work or for full-time work with the short-~~  
 2938 ~~time employer.~~

2939 ~~c. The normal weekly hours of work of the individual were~~  
 2940 ~~reduced by at least 10 percent but not by more than 40 percent,~~  
 2941 ~~with a corresponding reduction in wages.~~

2942 ~~2. The division may not deny short-time compensation~~  
 2943 ~~benefits to an individual who is otherwise eligible for such~~



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2944 ~~benefits for any week by reason of the application of any~~  
2945 ~~provision of this chapter relating to availability for work,~~  
2946 ~~active search for work, or refusal to apply for or accept work~~  
2947 ~~from other than the short-time compensation employer of such~~  
2948 ~~individual.~~

2949 ~~3. Notwithstanding any other provision of this chapter, an~~  
2950 ~~individual is deemed unemployed in any week for which~~  
2951 ~~compensation is payable to her or him, as an employee in an~~  
2952 ~~affected unit, for less than her or his normal weekly hours of~~  
2953 ~~work in accordance with an approved short-time compensation plan~~  
2954 ~~in effect for the week.~~

2955 ~~(f) Weekly short-time compensation benefit amount. The~~  
2956 ~~weekly short-time compensation benefit amount payable to an~~  
2957 ~~individual shall be an amount equal to the product of her or his~~  
2958 ~~weekly benefit amount as provided in subsection (3) and the~~  
2959 ~~ratio of the number of normal weekly hours of work for which the~~  
2960 ~~employer would not compensate the individual to the individual's~~  
2961 ~~normal weekly hours of work. Such benefit amount, if not a~~  
2962 ~~multiple of \$1, shall be rounded downward to the next lower~~  
2963 ~~multiple of \$1.~~

2964 ~~(g) Total short-time compensation benefit amount. No~~  
2965 ~~individual shall be paid benefits under this paragraph in any~~  
2966 ~~benefit year for more than the maximum entitlement provided in~~  
2967 ~~subsection (5), nor shall an individual be paid short-time~~  
2968 ~~compensation benefits for more than 26 weeks in any benefit~~  
2969 ~~year.~~

2970 ~~(h) Effect of short-time compensation benefits relating to~~  
2971 ~~the payment of regular and extended benefits.~~



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2972 ~~1. The short-time compensation benefits paid to an~~  
 2973 ~~individual shall be deducted from the total benefit amount~~  
 2974 ~~established for that individual as provided in subsection (5).~~

2975 ~~2. An individual who has received all of the short-time~~  
 2976 ~~compensation or combined unemployment compensation and short-~~  
 2977 ~~time compensation available in a benefit year shall be~~  
 2978 ~~considered an exhaustee for purposes of the extended benefits~~  
 2979 ~~program as provided in subsection (6) and, if otherwise eligible~~  
 2980 ~~under those provisions, shall be eligible to receive extended~~  
 2981 ~~benefits.~~

2982 ~~3. No otherwise eligible individual shall be disqualified~~  
 2983 ~~from benefits for leaving employment instead of accepting a~~  
 2984 ~~reduction in hours pursuant to the implementation of an approved~~  
 2985 ~~plan.~~

2986 ~~(i) Allocation of short-time compensation benefit~~  
 2987 ~~charges.-- Except when the result would be inconsistent with the~~  
 2988 ~~other provisions of this chapter, short-time compensation~~  
 2989 ~~benefits shall be charged to the employment record of employers~~  
 2990 ~~as provided in s. 443.131(3).~~

2991 Section 26. Section 443.1115, Florida Statutes, is created  
 2992 to read:

2993 443.1115 Extended benefits.--

2994 (1) DEFINITIONS.--As used in this section, the term:

2995 (a) "Extended benefit period" means a period that:

2996 1. Begins with the third week after a week for which there  
 2997 is a state "on" indicator; and

2998 2. Ends with either of the following weeks, whichever  
 2999 occurs later:

3000 a. The third week after the first week for which there is  
 3001 a state "off" indicator; or



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3002 b. The 13th consecutive week of that period.

3003  
 3004 However, an extended benefit period may not begin by reason of a  
 3005 state "on" indicator before the 14th week after the end of a  
 3006 prior extended benefit period that was in effect for this state.

3007 (b) "State 'on' indicator" means the occurrence of a week  
 3008 in which the rate of insured unemployment under state law, not  
 3009 seasonally adjusted, for the period consisting of that week and  
 3010 the 12 weeks immediately preceding it:

3011 1. Equals or exceeds 120 percent of the average of those  
 3012 rates for the corresponding 13-week period ending in each of the  
 3013 preceding 2 calendar years; and

3014 2. Equals or exceeds 5 percent.

3015 (c) "State 'off' indicator" means the occurrence of a week  
 3016 in which there is no state "on" indicator.

3017 (d) "Rate of insured unemployment" means the percentage  
 3018 derived by dividing the average weekly number of individuals  
 3019 filing claims for regular compensation in this state, excluding  
 3020 extended-benefit claimants for weeks of unemployment with  
 3021 respect to the most recent 13-consecutive-week period, as  
 3022 determined by the Agency for Workforce Innovation on the basis  
 3023 of its reports to the United States Secretary of Labor, by the  
 3024 average monthly employment covered under this chapter for the  
 3025 first four of the most recent six completed calendar quarters  
 3026 ending before the end of that 13-week period.

3027 (e) "Regular benefits" means benefits payable to an  
 3028 individual under this chapter or under any other state law,  
 3029 including benefits payable to federal civilian employees and to  
 3030 ex-service members under 5 U.S.C. ss. 8501-8525, other than  
 3031 extended benefits.



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3032        (f) "Extended benefits" means benefits, including benefits  
3033 payable to federal civilian employees and to ex-service members  
3034 under 5 U.S.C. ss. 8501-8525, payable to an individual under  
3035 this section for weeks of unemployment in her or his eligibility  
3036 period.

3037        (g) "Eligibility period" means the period consisting of  
3038 the weeks in her or his benefit year which begin in an extended  
3039 benefit period and, if her or his benefit year ends within that  
3040 extended benefit period, any subsequent weeks beginning in that  
3041 period.

3042        (h) "Exhaustee" means an individual who, for any week of  
3043 unemployment in her or his eligibility period:

3044            1. Has received, before that week, all of the regular  
3045 benefits available to her or him under this chapter or any other  
3046 state law, including dependents' allowances and benefits payable  
3047 to federal civilian employees and ex-service members under 5  
3048 U.S.C. ss. 8501-8525, in her or his current benefit year that  
3049 includes that week. For the purposes of this paragraph, an  
3050 individual has received all of the regular benefits available to  
3051 her or him although, as a result of a pending appeal for wages  
3052 paid for insured work which were not considered in the original  
3053 monetary determination in her or his benefit year, she or he may  
3054 subsequently be determined to be entitled to added regular  
3055 benefits;

3056            2. Her or his benefit year having expired before that  
3057 week, was paid no, or insufficient, wages for insured work on  
3058 the basis of which she or he could establish a new benefit year  
3059 that includes that week; and

3060            3.a. Has no right to unemployment benefits or allowances  
3061 under the Railroad Unemployment Insurance Act or other federal



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3062 laws as specified in regulations issued by the United States  
 3063 Secretary of Labor; and

3064 b. Has not received and is not seeking unemployment  
 3065 benefits under the unemployment compensation law of Canada; but  
 3066 if she or he is seeking those benefits and the appropriate  
 3067 agency finally determines that she or he is not entitled to  
 3068 benefits under that law, she or he is considered an exhaustee.

3069 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,  
 3070 EXTENDED BENEFITS.--Except when the result is inconsistent with  
 3071 the other provisions of this section and as provided in the  
 3072 rules of the Agency for Workforce Innovation, the provisions of  
 3073 this chapter applying to claims for, or the payment of, regular  
 3074 benefits apply to claims for, and the payment of, extended  
 3075 benefits. These extended benefits are charged to the employment  
 3076 records of employers to the extent that the share of those  
 3077 extended benefits paid from this state's Unemployment  
 3078 Compensation Trust Fund is not eligible to be reimbursed from  
 3079 federal sources.

3080 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.--

3081 (a) An individual is eligible to receive extended benefits  
 3082 for any week of unemployment in her or his eligibility period  
 3083 only if the Agency for Workforce Innovation finds that, for that  
 3084 week:

3085 1. She or he is an exhaustee as defined in subsection (1).

3086 2. She or he satisfies the requirements of this chapter  
 3087 for the receipt of regular benefits applicable to individuals  
 3088 claiming extended benefits, including not being subject to  
 3089 disqualification from the receipt of benefits. An individual  
 3090 disqualified from receiving regular benefits may not receive  
 3091 extended benefits after the disqualification period terminates





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3092 if he or she was disqualified for voluntarily leaving work,  
 3093 being discharged from work for misconduct, or refusing suitable  
 3094 work. However, if the disqualification period for regular  
 3095 benefits terminates because the individual received the required  
 3096 amount of remuneration for services rendered as a common-law  
 3097 employee, she or he may receive extended benefits.

3098 3. The individual was paid wages for insured work for the  
 3099 applicable benefit year equal to 1.5 times the high quarter  
 3100 earnings during the base period.

3101 (b)1. Except as provided in subparagraph 2., an individual  
 3102 is not eligible for extended benefits for any week if:

3103 a. Extended benefits are payable for the week pursuant to  
 3104 an interstate claim filed in any state under the interstate  
 3105 benefit payment plan; and

3106 b. An extended benefit period is not in effect for the  
 3107 week in the other state.

3108 2. This paragraph does not apply with respect to the first  
 3109 2 weeks for which extended benefits are payable, pursuant to an  
 3110 interstate claim filed under the interstate benefit payment  
 3111 plan, to the individual from the extended benefit account  
 3112 established for the individual for the benefit year.

3113 (c)1. An individual is disqualified from receiving  
 3114 extended benefits if the Agency for Workforce Innovation finds  
 3115 that, during any week of unemployment in her or his eligibility  
 3116 period:

3117 a. She or he failed to apply for suitable work or, if  
 3118 offered, failed to accept suitable work, unless the individual  
 3119 can furnish to the agency satisfactory evidence that her or his  
 3120 prospects for obtaining work in her or his customary occupation  
 3121 within a reasonably short period are good. If this evidence is



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3122 deemed satisfactory for this purpose, the determination of  
3123 whether any work is suitable for the individual shall be made in  
3124 accordance with the definition of suitable work in s.  
3125 443.101(2). This disqualification begins with the week the  
3126 failure occurred and continues until she or he is employed for  
3127 at least 4 weeks and receives earned income of at least 17 times  
3128 her or his weekly benefit amount.

3129 b. She or he failed to furnish tangible evidence that she  
3130 or he actively engaged in a systematic and sustained effort to  
3131 find work. This disqualification begins with the week the  
3132 failure occurred and continues until she or he is employed for  
3133 at least 4 weeks and receives earned income of at least 4 times  
3134 her or his weekly benefit amount.

3135 2. Except as otherwise provided in sub-subparagraph 1.a.,  
3136 as used in this paragraph, the term "suitable work" means any  
3137 work within the individual's capabilities to perform, if:

3138 a. The gross average weekly remuneration payable for the  
3139 work exceeds the sum of the individual's weekly benefit amount  
3140 plus the amount, if any, of supplemental unemployment benefits,  
3141 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of  
3142 1954, as amended, payable to the individual for that week;

3143 b. The wages payable for the work equal the higher of the  
3144 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards  
3145 Act of 1938, without regard to any exemption, or the state or  
3146 local minimum wage; and

3147 c. The work otherwise meets the definition of suitable  
3148 work in s. 443.101(2) to the extent that the criteria for  
3149 suitability are not inconsistent with this paragraph.

3150 (d) However, notwithstanding paragraph (c), or any other  
3151 provision of this chapter, an individual who is in training



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3152 approved under s. 236(a)(1) of the Trade Act of 1974, as  
3153 amended, may not be determined to be ineligible or disqualified  
3154 for extended benefits for her or his enrollment in training or  
3155 because of leaving work that is not suitable employment to enter  
3156 such training. As used in this paragraph, the term "suitable  
3157 employment" means work of a substantially equal or higher skill  
3158 level than the worker's past adversely affected employment, as  
3159 defined for purposes of the Trade Act of 1974, as amended, the  
3160 wages for which are at least 80 percent of the worker's average  
3161 weekly wage, as determined for purposes of the Trade Act of  
3162 1974, as amended.

3163 (4) WEEKLY EXTENDED BENEFIT AMOUNT.--The weekly extended  
3164 benefit amount payable to an individual for a week of total  
3165 unemployment in her or his eligibility period is equal to the  
3166 weekly benefit amount payable to her or him during her or his  
3167 applicable benefit year. For any individual who is paid benefits  
3168 during the applicable benefit year in accordance with more than  
3169 one weekly benefit amount, the weekly extended benefit amount is  
3170 the average of those weekly benefit amounts.

3171 (5) TOTAL EXTENDED BENEFIT AMOUNT.--

3172 (a) Except as provided in paragraph (b), the total  
3173 extended benefit amount payable to an eligible individual for  
3174 her or his applicable benefit year is the lesser of:

3175 1. Fifty percent of the total regular benefits payable to  
3176 her or him under this chapter in her or his applicable benefit  
3177 year; or

3178 2. Thirteen times her or his weekly benefit amount payable  
3179 to her or him under this chapter for a week of total  
3180 unemployment in the applicable benefit year.



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3181 (b) Notwithstanding any other provision of this chapter,  
 3182 if the benefit year of an individual ends within an extended  
 3183 benefit period, the number of weeks of extended benefits the  
 3184 individual is entitled to receive in that extended benefit  
 3185 period for weeks of unemployment beginning after the end of the  
 3186 benefit year, except as provided in this subsection, is reduced,  
 3187 but not to below zero, by the number of weeks for which the  
 3188 individual received, within that benefit year, trade  
 3189 readjustment allowances under the Trade Act of 1974, as amended.

3190 (6) COMPUTATIONS.--The Agency for Workforce Innovation  
 3191 shall perform the computations required under paragraph (1)(d)  
 3192 in accordance with regulations of the United States Secretary of  
 3193 Labor.

3194 (7) RECOVERY OF OVERPAYMENTS UNDER THE TRADE ACT OF 1974,  
 3195 AS AMENDED.--If the state, a cooperating state agency, the  
 3196 United States Secretary of Labor, or a court of competent  
 3197 jurisdiction finds that a person has received payments under the  
 3198 Trade Act of 1974, as amended, to which the person was not  
 3199 entitled, the sum of those payments shall be deducted from the  
 3200 extended benefits payable to that person under this section,  
 3201 except that each single deduction under this subsection may not  
 3202 exceed 50 percent of the amount otherwise payable. The amounts  
 3203 deducted must be paid to the agency that issued the payments  
 3204 under the Trade Act of 1974, as amended, for return to the  
 3205 United States Treasury. However, except for overpayments  
 3206 determined by a court of competent jurisdiction, a deduction may  
 3207 not be made under this subsection until a determination by the  
 3208 state agency or the United States Secretary of Labor is final.

3209 Section 27. Section 443.1116, Florida Statutes, is created  
 3210 to read:



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3211 443.1116 Short-time compensation.--  
3212 (1) DEFINITIONS.--As used in this section, the term:  
3213 (a) "Affected unit" means a specified plant, department,  
3214 shift, or other definable unit of two or more employees  
3215 designated by the employer to participate in a short-time  
3216 compensation plan.  
3217 (b) "Normal weekly hours of work" means the number of  
3218 hours in a week that an individual would regularly work for the  
3219 short-time compensation employer, not to exceed 40 hours,  
3220 excluding overtime.  
3221 (c) "Short-time compensation benefits" means benefits  
3222 payable to individuals in an affected unit under an approved  
3223 short-time compensation plan.  
3224 (d) "Short-time compensation employer" means an employer  
3225 with a short-time compensation plan in effect.  
3226 (e) "Short-time compensation plan" or "plan" means an  
3227 employer's written plan for reducing unemployment under which an  
3228 affected unit shares the work remaining after its normal weekly  
3229 hours of work are reduced.  
3230 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.--An  
3231 employer wishing to participate in the short-time compensation  
3232 program must submit a signed, written, short-time plan to the  
3233 director of the Agency for Workforce Innovation for approval.  
3234 The director or his or her designee shall approve the plan if:  
3235 (a) The plan applies to and identifies each specific  
3236 affected unit;  
3237 (b) The individuals in the affected unit are identified by  
3238 name and social security number;



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3239 (c) The normal weekly hours of work for individuals in the  
3240 affected unit are reduced by at least 10 percent and by not more  
3241 than 40 percent;

3242 (d) The plan includes a certified statement by the  
3243 employer that the aggregate reduction in work hours is in lieu  
3244 of temporary layoffs that would affect at least 10 percent of  
3245 the employees in the affected unit and that would have resulted  
3246 in an equivalent reduction in work hours;

3247 (e) The plan applies to at least 10 percent of the  
3248 employees in the affected unit;

3249 (f) The plan is approved in writing by the collective  
3250 bargaining agent for each collective bargaining agreement  
3251 covering any individual in the affected unit;

3252 (g) The plan does not serve as a subsidy to seasonal  
3253 employers during the off season or as a subsidy to employers who  
3254 traditionally use part-time employees; and

3255 (h) The plan certifies the manner in which the employer  
3256 will treat fringe benefits of the individuals in the affected  
3257 unit if the hours of the individuals are reduced to less than  
3258 their normal weekly hours of work. As used in this paragraph,  
3259 the term "fringe benefits" includes, but is not limited to,  
3260 health insurance, retirement benefits under defined benefit  
3261 pension plans as defined in subsection 35 of s. 1002 of the  
3262 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid  
3263 vacation and holidays, and sick leave.

3264 (3) APPROVAL OR DISAPPROVAL OF THE PLAN.--The director or  
3265 his or her designee shall approve or disapprove a short-time  
3266 compensation plan in writing within 15 days after its receipt.  
3267 If the plan is denied, the director or his or her designee shall  
3268 notify the employer of the reasons for disapproval.



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3269           (4) BEGINNING AND TERMINATION OF SHORT-TIME COMPENSATION  
 3270 BENEFIT PERIOD.--A plan takes effect on the date of its approval  
 3271 by the director or his or her designee and expires at the end of  
 3272 the 12th full calendar month after its effective date.

3273           (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION  
 3274 BENEFITS.--

3275           (a) Except as provided in this subsection, an individual  
 3276 is eligible to receive short-time compensation benefits for any  
 3277 week only if she or he complies with this chapter and the Agency  
 3278 for Workforce Innovation finds that:

3279           1. The individual is employed as a member of an affected  
 3280 unit in an approved plan that was approved before the week and  
 3281 is in effect for the week;

3282           2. The individual is able to work and is available for  
 3283 additional hours of work or for full-time work with the short-  
 3284 time employer; and

3285           3. The normal weekly hours of work of the individual are  
 3286 reduced by at least 10 percent but not by more than 40 percent,  
 3287 with a corresponding reduction in wages.

3288           (b) The Agency for Workforce Innovation may not deny  
 3289 short-time compensation benefits to an individual who is  
 3290 otherwise eligible for these benefits for any week by reason of  
 3291 the application of any provision of this chapter relating to  
 3292 availability for work, active search for work, or refusal to  
 3293 apply for or accept work from other than the short-time  
 3294 compensation employer of that individual.

3295           (c) Notwithstanding any other provision of this chapter,  
 3296 an individual is deemed unemployed in any week for which  
 3297 compensation is payable to her or him, as an employee in an  
 3298 affected unit, for less than her or his normal weekly hours of



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3299 work in accordance with an approved short-time compensation plan  
3300 in effect for the week.

3301 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.--The  
3302 weekly short-time compensation benefit amount payable to an  
3303 individual is equal to the product of her or his weekly benefit  
3304 amount as provided in s. 443.111(3) and the ratio of the number  
3305 of normal weekly hours of work for which the employer would not  
3306 compensate the individual to the individual's normal weekly  
3307 hours of work. The benefit amount, if not a multiple of \$1, is  
3308 rounded downward to the next lower multiple of \$1.

3309 (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.--An  
3310 individual may not be paid benefits under this section in any  
3311 benefit year for more than the maximum entitlement provided in  
3312 s. 443.111(5), and an individual may not be paid short-time  
3313 compensation benefits for more than 26 weeks in any benefit  
3314 year.

3315 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO  
3316 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.--

3317 (a) The short-time compensation benefits paid to an  
3318 individual shall be deducted from the total benefit amount  
3319 established for that individual in s. 443.111(5).

3320 (b) An individual who receives all of the short-time  
3321 compensation or combined unemployment compensation and short-  
3322 time compensation available in a benefit year is considered an  
3323 exhaustee for purposes of the extended benefits program in s.  
3324 443.1115 and, if otherwise eligible under those provisions, is  
3325 eligible to receive extended benefits.

3326 (c) An otherwise eligible individual may not be  
3327 disqualified from benefits for leaving employment instead of  
3328 accepting a reduction in hours under an approved plan.





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3329           (9) ALLOCATION OF SHORT-TIME COMPENSATION BENEFIT  
 3330 CHARGES.--Except when the result is inconsistent with the other  
 3331 provisions of this chapter, short-time compensation benefits  
 3332 shall be charged to the employment record of employers as  
 3333 provided in s. 443.131(3).

3334           Section 28. Section 443.121, Florida Statutes, is amended  
 3335 to read:

3336           443.121 Employing units affected.--

3337           (1) PERIODS OF LIABILITY.--

3338           (a) Any employing unit that ~~which~~ is or becomes an  
 3339 employer subject to this chapter as described ~~defined~~ in s.  
 3340 443.1215(1)(a), (1)(b), (1)(c), (1)(d), or (2) s.  
 3341 ~~443.036(19)(a), (b), (c), (d), or (e)~~ within any calendar year  
 3342 is ~~shall be~~ subject to this chapter during the entire ~~whole of~~  
 3343 ~~such~~ calendar year.

3344           (b) Any employing unit that ~~which~~ is or becomes an  
 3345 employer subject to this chapter solely by reason of s.  
 3346 443.1215(1)(e) ~~is the provisions of s. 443.036(19)(f)~~ shall be  
 3347 subject to this chapter only during its operation of the  
 3348 business acquired.

3349           (c) Any employing unit that ~~which~~ is or becomes an  
 3350 employer subject to this chapter solely by reason of s.  
 3351 443.1215(1)(f) ~~is the provisions of s. 443.036(19)(g)~~ shall be  
 3352 subject to this chapter only for ~~with respect to~~ employment  
 3353 occurring after ~~subsequent to~~ the date of the ~~such~~ acquisition.

3354           (2) TERMINATION OF COVERAGE.--

3355           (a) General.--Except as otherwise provided in this  
 3356 section, an employing unit ceases ~~shall cease~~ to be an employer  
 3357 subject to this chapter as of January 1 of any calendar year  
 3358 only if it files with the tax collection service provider



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3359 ~~division~~, by April 30 of the year for which termination is  
 3360 requested, a written application for termination of coverage and  
 3361 the service provider ~~division~~ finds that the employing unit, in  
 3362 the preceding calendar year, did not meet the requirements of an  
 3363 employer, as described ~~defined~~ in s. 443.1215(1)(a), (1)(d), or  
 3364 (2) s. 443.036(19)(a), (d), or (e). ~~This~~ However, the above-  
 3365 ~~prescribed~~ time limit ~~limitation~~ for the filing an ~~of~~ such  
 3366 ~~written~~ application may be waived by the tax collection service  
 3367 provider ~~division~~ in cases in which the time limit expires  
 3368 before ~~where such time limitation had expired prior to the~~  
 3369 ~~establishment in the records of the division of~~ the liability of  
 3370 the ~~such~~ employing unit is established in the records of the  
 3371 service provider. For the purposes of this subsection, the two  
 3372 or more employing units listed ~~mentioned~~ in s. 443.1215(1)(e),  
 3373 (1)(f), and (1)(h) ~~s. 443.036(19)(f), (g), and (i)~~ shall be  
 3374 treated as a single employing unit.

3375 (b) Nonprofit organizations.--Except as otherwise provided  
 3376 in subsection (4), an employing unit subject to this chapter  
 3377 under s. 443.1216(3) ceases ~~by reason of s. 443.036(21)(c) shall~~  
 3378 ~~cease~~ to be an employer ~~so~~ subject to this chapter as of January  
 3379 1 of any calendar year only if it files with the tax collection  
 3380 service provider ~~division~~, by April 30 of the year for which  
 3381 termination is requested, a written application for termination  
 3382 of coverage and the service provider ~~division~~ finds that there  
 3383 were fewer than ~~no~~ 20 different days, each day being in a  
 3384 different week within the preceding calendar year, within which  
 3385 the ~~such~~ employing unit employed four or more individuals in  
 3386 employment subject to this chapter. The timely filing of  
 3387 application may be waived as provided in paragraph (a).



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3388 (c) Public employers ~~State and political~~  
 3389 ~~subdivisions.--Each public employer in The state and any~~  
 3390 ~~political subdivision~~ of the state is ~~shall remain~~ an employer  
 3391 subject to this chapter for the duration of any employment  
 3392 defined in s. 443.1216(2) ~~s. 443.036(21)(b)~~ and ceases to be  
 3393 ~~shall cease being so~~ subject to this chapter only as provided in  
 3394 ~~pursuant to~~ subsection (4).

3395 (3) ELECTIVE COVERAGE.--

3396 (a) General.--An employing unit, not otherwise subject to  
 3397 this chapter, which files with the tax collection service  
 3398 provider division its written election to become an employer  
 3399 subject to this chapter hereto for at least not less than 1  
 3400 calendar year, ~~shall,~~ with written approval of the such election  
 3401 by the service provider, becomes division, ~~become~~ an employer  
 3402 subject to this chapter hereto to the same extent as all other  
 3403 employers as of the date stated in the such approval, and ceases  
 3404 ~~shall cease~~ to be subject to this chapter hereto as of January 1  
 3405 of any calendar year after subsequent to the first calendar year  
 3406 of its election only if, by April 30 of the next such subsequent  
 3407 year, the such employing unit files has filed with the division  
 3408 a written notice to that effect with the tax collection service  
 3409 provider. However, at the expiration of the calendar year of  
 3410 the such election, the tax collection service provider division  
 3411 may reconsider the such voluntary election of coverage and may  
 3412 ~~in its discretion~~ notify the such employer that the such  
 3413 employer will not be carried upon the records of the service  
 3414 provider division as an employer, and thereupon the such  
 3415 employer ceases shall cease to be an employer under ~~the~~  
 3416 ~~provisions of~~ this chapter as of January 1 of the year next



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3417 succeeding the last calendar year during which it was an  
3418 employer under this chapter.

3419 (b) Public employers State and political subdivisions.--An  
3420 Any employing unit that, ~~including this state or any political~~  
3421 ~~subdivision thereof, or any instrumentality of any one or more~~  
3422 ~~of the foregoing which is a public employer as defined in s.~~  
3423 443.036 wholly owned by this state or by one or more of its  
3424 ~~political subdivisions~~, for which services that do not  
3425 constitute employment as defined in this chapter are performed,  
3426 may file with the tax collection service provider division a  
3427 written election that all those ~~such~~ services performed by  
3428 individuals in its employ in one or more distinct establishments  
3429 or places of business ~~shall be deemed to~~ constitute employment  
3430 for ~~all the~~ purposes of this chapter for at least ~~not less than~~  
3431 1 calendar year. Upon written approval of the ~~such~~ election by  
3432 the tax collection service provider division, these ~~such~~  
3433 services ~~shall be deemed to~~ constitute employment subject to  
3434 this chapter from and after the date stated in the ~~such~~  
3435 approval. These ~~Such~~ services ~~shall~~ cease to be ~~deemed~~  
3436 employment subject to this chapter ~~hereto~~ as of January 1 of any  
3437 calendar year after that ~~subsequent to such~~ calendar year only  
3438 if, by April 30 of the next ~~such subsequent~~ year, the ~~such~~  
3439 employing unit files ~~has filed with the division~~ a written  
3440 notice to that effect with the tax collection service provider.

3441 (c) Certain services for political subdivisions.--

3442 1. Any political subdivision of this state may elect to  
3443 cover under this chapter, for at least ~~not less than~~ 1 calendar  
3444 year, service performed by employees in all of the hospitals and  
3445 institutions of higher education operated by the ~~such~~ political  
3446 subdivision. Election must ~~is to~~ be made by filing with the tax



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3447 collection service provider division a notice of ~~such~~ election  
 3448 at least 30 days before ~~prior to~~ the effective date of the ~~such~~  
 3449 election. The election may exclude any services described in s.  
 3450 443.1216(4) ~~s. 443.036(21)(d)~~. Any political subdivision  
 3451 electing coverage under this paragraph must be a reimbursing  
 3452 employer and shall make reimbursements ~~payments~~ in lieu of  
 3453 contributions for ~~with respect to~~ benefits attributable to this  
 3454 ~~such~~ employment, as provided for ~~with respect to~~ nonprofit  
 3455 organizations in s. 443.1312(3) and (5) ~~s. 443.131(4)(b) and~~  
 3456 ~~(d)~~.

3457 2. The provisions of ~~in~~ s. 443.091(4) relating with  
 3458 ~~respect~~ to benefit rights based on service for nonprofit  
 3459 organizations and state hospitals and institutions of higher  
 3460 education ~~shall be applicable~~ also apply to service covered by  
 3461 an election under this section.

3462 3. The amounts required to be reimbursed ~~paid~~ in lieu of  
 3463 contributions by any political subdivision under this paragraph  
 3464 shall be billed, and payment made, as provided in s. 443.1312(3)  
 3465 for ~~s. 443.131(4)(b) with respect to~~ similar reimbursements  
 3466 ~~payments~~ by nonprofit organizations.

3467 4. An election under this paragraph may be terminated  
 3468 after at least ~~not less than~~ 1 calendar year of coverage by  
 3469 filing with the tax collection service provider division written  
 3470 notice not later than 30 days before ~~preceding~~ the last day of  
 3471 the calendar year in which the termination is to be effective.  
 3472 The ~~Such~~ termination takes effect on ~~becomes effective as of~~  
 3473 January 1 of the next ensuing calendar year for ~~with respect to~~  
 3474 services performed after that date.

3475 (4) INACTIVE EMPLOYERS.--Notwithstanding the other  
 3476 provisions of this section, if the tax collection service



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3477 provider ~~division~~ finds that an employer is ~~has become~~ inactive  
3478 and has ceased to be an employing unit as defined by this  
3479 chapter for a complete calendar year, the service provider  
3480 ~~division~~ may ~~automatically~~ terminate the account of the such  
3481 employer as of January 1 of any year following a complete  
3482 calendar year in which the such employer ~~has~~ ceased to be an  
3483 employing unit, and the thereupon such employer ceases shall  
3484 cease to be an employer subject to ~~the provisions of~~ this  
3485 chapter.

3486 Section 29. Section 443.1215, Florida Statutes, is created  
3487 to read:

3488 443.1215 Employers.--

3489 (1) Each of the following employing units is an employer  
3490 subject to this chapter:

3491 (a) An employing unit that:

3492 1. In a calendar quarter during the current or preceding  
3493 calendar year paid wages of at least \$1,500 for service in  
3494 employment; or

3495 2. For any portion of a day in each of 20 different  
3496 calendar weeks, regardless of whether the weeks were  
3497 consecutive, during the current or the preceding calendar year,  
3498 employed at least one individual in employment, irrespective of  
3499 whether the same individual was in employment during each day.

3500 (b) An employing unit for which service in employment, as  
3501 defined in s. 443.1216(2), is performed, except as provided in  
3502 subsection (2).

3503 (c) An employing unit for which service in employment, as  
3504 defined in s. 443.1216(3), is performed, except as provided in  
3505 subsection (2).



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3506 (d)1. An employing unit for which agricultural labor, as  
3507 defined in s. 443.1216(5), is performed.

3508 2. An employing unit for which domestic service in  
3509 employment, as defined in s. 443.1216(6), is performed.

3510 (e) An individual or employing unit that acquires the  
3511 organization, trade, or business, or substantially all of the  
3512 assets of another individual or employing unit, which, at the  
3513 time of the acquisition, is an employer subject to this chapter,  
3514 or that acquires a part of the organization, trade, or business  
3515 of another individual or employing unit which, at the time of  
3516 the acquisition, is an employer subject to this chapter, if the  
3517 other individual or employing unit would be an employer under  
3518 paragraph (a) if that part constitutes its entire organization,  
3519 trade, or business.

3520 (f) An individual or employing unit that acquires the  
3521 organization, trade, or business, or substantially all of the  
3522 assets of another employing unit, if the employment record of  
3523 the predecessor before the acquisition, together with the  
3524 employment record of the individual or employing unit after the  
3525 acquisition, both within the same calendar year, is sufficient  
3526 to render an employing unit subject to this chapter as an  
3527 employer under paragraph (a).

3528 (g) An employing unit that is not otherwise an employer  
3529 subject to this chapter under this section:

3530 1. For which, during the current or preceding calendar  
3531 year, service is or was performed for which the employing unit  
3532 is liable for any federal tax against which credit may be taken  
3533 for contributions required to be paid into a state unemployment  
3534 fund.



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3535 2. Which, as a condition for approval of this chapter for  
3536 full tax credit against the tax imposed by the Federal  
3537 Unemployment Tax Act, is required under the federal act to be an  
3538 employer that is subject to this chapter.

3539 (h) An employing unit that became an employer under  
3540 paragraph (a), paragraph (b), paragraph (c), paragraph (d),  
3541 paragraph (e), paragraph (f), or paragraph (g) and that remains  
3542 an employer subject to this chapter, as provided in s. 443.121.

3543 (i) During the effective period of its election, an  
3544 employing unit that elects to become subject to this chapter.

3545 (2)(a) In determining whether an employing unit for which  
3546 service, other than domestic service, is also performed is an  
3547 employer under paragraph(a), paragraph (b), paragraph (c), or  
3548 subparagraph (d)1., the wages earned or the employment of an  
3549 employee performing domestic service may not be taken into  
3550 account.

3551 (b) In determining whether an employing unit for which  
3552 service, other than agricultural labor, is also performed is an  
3553 employer under paragraph (a), paragraph (b), paragraph (c) or  
3554 subparagraph (d)1., the wages earned or the employment of an  
3555 employee performing service in agricultural labor may not be  
3556 taken into account. If an employing unit is determined to be an  
3557 employer of agricultural labor, the employing unit is considered  
3558 an employer for purposes of subsection (1).

3559 (3) An employing unit that fails to keep the records of  
3560 employment required by this chapter and by the rules of the  
3561 Agency for Workforce Innovation and the state agency providing  
3562 unemployment tax collection services is presumed to be an  
3563 employer liable for the payment of contributions under this  
3564 chapter, regardless of the number of individuals employed by the





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3565 employing unit. However, the tax collection service provider  
3566 shall make written demand that the employing unit keep and  
3567 maintain required payroll records. The demand must be made at  
3568 least 6 months before assessing contributions against an  
3569 employing unit determined to be an employer that is subject to  
3570 this chapter solely by reason of this subsection.

3571 (4) For purposes of this section, if a week includes both  
3572 December 31 and January 1, the days of that week through  
3573 December 31 are deemed a calendar week, and the days of that  
3574 week beginning January 1 are deemed another calendar week.

3575 Section 30. Section 443.1216, Florida Statutes, is created  
3576 to read:

3577 443.1216 Employment.--Employment, as defined in s.  
3578 443.036, is subject to this chapter under the following  
3579 conditions:

3580 (1)(a) The employment subject to this chapter includes a  
3581 service performed, including a service performed in interstate  
3582 commerce, by:

3583 1. An officer of a corporation.

3584 2. An individual who, under the usual common-law rules  
3585 applicable in determining the employer-employee relationship, is  
3586 an employee. However, whenever a client, as defined in s.  
3587 443.036(18), which would otherwise be designated as an employing  
3588 unit has contracted with an employee leasing company to supply  
3589 it with workers, those workers are considered employees of the  
3590 employee leasing company. An employee leasing company may lease  
3591 corporate officers of the client to the client and to other  
3592 workers, except as prohibited by regulations of the Internal  
3593 Revenue Service. Employees of an employee leasing company must  
3594 be reported under the employee leasing company's tax



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3595 identification number and contribution rate for work performed  
3596 for the employee leasing company.

3597 3. An individual other than an individual who is an  
3598 employee under subparagraph 1. or subparagraph 2., who performs  
3599 services for remuneration for any person:

3600 a. As an agent-driver or commission-driver engaged in  
3601 distributing meat products, vegetable products, fruit products,  
3602 bakery products, beverages other than milk, or laundry or  
3603 drycleaning services for his or her principal.

3604 b. As a traveling or city salesperson engaged on a full-  
3605 time basis in the solicitation on behalf of, and the  
3606 transmission to, his or her principal of orders from  
3607 wholesalers, retailers, contractors, or operators of hotels,  
3608 restaurants, or other similar establishments for merchandise for  
3609 resale or supplies for use in their business operations. This  
3610 sub-subparagraph does not apply to an agent-driver or a  
3611 commission-driver and does not apply to sideline sales  
3612 activities performed on behalf of a person other than the  
3613 salesperson's principal.

3614 4. The services described in subparagraph 3. are  
3615 employment subject to this chapter only if:

3616 a. The contract of service contemplates that substantially  
3617 all of the services are to be performed personally by the  
3618 individual;

3619 b. The individual does not have a substantial investment  
3620 in facilities used in connection with the services, other than  
3621 facilities used for transportation; and

3622 c. The services are not in the nature of a single  
3623 transaction that is not part of a continuing relationship with  
3624 the person for whom the services are performed.



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3625 (b) Notwithstanding any other provision of this section,  
3626 service for which a tax is required to be paid under any federal  
3627 law imposing a tax against which credit may be taken for  
3628 contributions required to be paid into a state unemployment fund  
3629 or which as a condition for full tax credit against the tax  
3630 imposed by the Federal Unemployment Tax Act is required to be  
3631 covered under this chapter.

3632 (c) If the services performed during at least one-half of  
3633 a pay period by an employee for the person employing him or her  
3634 constitute employment, all of the services performed by the  
3635 employee during the period are deemed to be employment. If the  
3636 services performed during more than one-half of the pay period  
3637 by an employee for the person employing him or her do not  
3638 constitute employment, all of the services performed by the  
3639 employee during the period are not deemed to be employment. This  
3640 paragraph does not apply to services performed in a pay period  
3641 by an employee for the person employing him or her if any of  
3642 those services are exempted under paragraph (13)(g).

3643 (d) If two or more related corporations concurrently  
3644 employ the same individual and compensate the individual through  
3645 a common paymaster, each related corporation is considered to  
3646 have paid wages to the individual only in the amounts actually  
3647 disbursed by that corporation to the individual and is not  
3648 considered to have paid the wages actually disbursed to the  
3649 individual by another of the related corporations.

3650 1. As used in this paragraph, the term "common paymaster"  
3651 means a member of a group of related corporations that disburses  
3652 wages to concurrent employees on behalf of the related  
3653 corporations and that is responsible for keeping payroll records  
3654 for those concurrent employees. A common paymaster is not



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3655 required to disburse wages to all the employees of the related  
3656 corporations; however, this subparagraph does not apply to wages  
3657 of concurrent employees which are not disbursed through a common  
3658 paymaster. A common paymaster must pay concurrently employed  
3659 individuals under this subparagraph by one combined paycheck.

3660 2. As used in this paragraph, the term "concurrent  
3661 employment" means the existence of simultaneous employment  
3662 relationships between an individual and related corporations.  
3663 Those relationships require the performance of services by the  
3664 employee for the benefit of the related corporations, including  
3665 the common paymaster, in exchange for wages that, if deductible  
3666 for the purposes of federal income tax, are deductible by the  
3667 related corporations.

3668 3. Corporations are considered related corporations for an  
3669 entire calendar quarter if they satisfy any one of the following  
3670 tests at any time during the calendar quarter:

3671 a. The corporations are members of a "controlled group of  
3672 corporations" as defined in s. 1563 of the Internal Revenue Code  
3673 of 1986 or would be members if paragraph 1563(a)(4) and  
3674 subsection 1563(b) did not apply.

3675 b. In the case of a corporation that does not issue stock,  
3676 at least 50 percent of the members of the board of directors or  
3677 other governing body of one corporation are members of the board  
3678 of directors or other governing body of the other corporation or  
3679 the holders of at least 50 percent of the voting power to select  
3680 those members are concurrently the holders of at least 50  
3681 percent of the voting power to select those members of the other  
3682 corporation.

3683 c. At least 50 percent of the officers of one corporation  
3684 are concurrently officers of the other corporation.



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3685 d. At least 30 percent of the employees of one corporation  
3686 are concurrently employees of the other corporation.

3687 4. The common paymaster must report to the tax collection  
3688 service provider, as part of the unemployment compensation  
3689 quarterly tax and wage report, the state unemployment  
3690 compensation account number and name of each related corporation  
3691 for which concurrent employees are being reported. Failure to  
3692 timely report this information shall result in the related  
3693 corporations being denied common paymaster status for that  
3694 calendar quarter.

3695 5. The common paymaster also has the primary  
3696 responsibility for remitting contributions due under this  
3697 chapter for the wages it disburses as the common paymaster. The  
3698 common paymaster must compute these contributions as though it  
3699 were the sole employer of the concurrently employed individuals.  
3700 If a common paymaster fails to timely remit these contributions  
3701 or reports, in whole or in part, the common paymaster remains  
3702 liable for the full amount of the unpaid portion of these  
3703 contributions. In addition, each of the other related  
3704 corporations using the common paymaster is jointly and severally  
3705 liable for its appropriate share of these contributions. Each  
3706 related corporation's share equals the greater of:

3707 a. The liability of the common paymaster under this  
3708 chapter, after taking into account any contributions made.

3709 b. The liability under this chapter which, notwithstanding  
3710 this section, would have existed for the wages from the other  
3711 related corporations, reduced by an allocable portion of any  
3712 contributions previously paid by the common paymaster for those  
3713 wages.



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3714 (2) The employment subject to this chapter includes  
 3715 service performed in the employ of a public employer as defined  
 3716 in s. 443.036, if the service is excluded from the definition of  
 3717 "employment" in s. 3306(c)(7) of the Federal Unemployment Tax  
 3718 Act and is not excluded from the employment subject to this  
 3719 chapter under subsection (4).

3720 (3) The employment subject to this chapter includes  
 3721 service performed by an individual in the employ of a religious,  
 3722 charitable, educational, or other organization, if:

3723 (a) The service is excluded from the definition of  
 3724 "employment" in the Federal Unemployment Tax Act solely by  
 3725 reason of s. 3306(c)(8) of that act; and

3726 (b) The organization had at least four individuals in  
 3727 employment for some portion of a day in each of 20 different  
 3728 weeks during the current or preceding calendar year, regardless  
 3729 of whether the weeks were consecutive and whether the  
 3730 individuals were employed at the same time.

3731 (4) For purposes of subsections (2) and (3), the  
 3732 employment subject to this chapter does not apply to service  
 3733 performed:

3734 (a) In the employ of:

3735 1. A church or a convention or association of churches.

3736 2. An organization that is operated primarily for  
 3737 religious purposes and that is operated, supervised, controlled,  
 3738 or principally supported by a church or a convention or  
 3739 association of churches.

3740 (b) By a duly ordained, commissioned, or licensed minister  
 3741 of a church in the exercise of his or her ministry or by a  
 3742 member of a religious order in the exercise of duties required  
 3743 by the order.



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3744 (c) In the employ of a public employer if the service is  
3745 performed by an individual in the exercise of duties:

3746 1. As an elected official.

3747 2. As a member of a legislative body, or a member of the  
3748 judiciary, of a state or a political subdivision of a state.

3749 3. As an employee serving on a temporary basis in case of  
3750 fire, storm, snow, earthquake, flood, or similar emergency.

3751 4. In a position that, under state law, is designated as a  
3752 major nontenured policymaking or advisory position, including a  
3753 position in the Senior Management Service created under s.  
3754 110.402, or a policymaking or advisory position for which the  
3755 duties do not ordinarily require more than 8 hours per week.

3756 5. As an election official or election worker if the  
3757 amount of remuneration received by the individual during the  
3758 calendar year for those services is less than \$1,000.

3759 (d) In a facility operating a program of rehabilitation  
3760 for individuals whose earning capacity is impaired by age,  
3761 physical or mental deficiency, or injury, or a program providing  
3762 remunerative work for individuals who cannot be readily absorbed  
3763 in the competitive labor market because of their impaired  
3764 physical or mental capacity, by an individual receiving such  
3765 rehabilitation or remunerative work.

3766 (e) As part of an unemployment work-relief or work-  
3767 training program assisted or financed in whole or in part by any  
3768 federal agency or an agency of a state or political subdivision  
3769 of a state, by an individual receiving the work relief or work  
3770 training. This paragraph does not apply to unemployment work-  
3771 relief or work-training programs for which unemployment  
3772 compensation coverage is required by the Federal Government.

3773 (f) By an inmate of a custodial or penal institution.



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3774 (5) The employment subject to this chapter includes  
3775 service performed by an individual in agricultural labor if:  
3776 (a) The service is performed for a person who:  
3777 1. Paid remuneration in cash of at least \$10,000 to  
3778 individuals employed in agricultural labor in a calendar quarter  
3779 during the current or preceding calendar year.  
3780 2. Employed in agricultural labor at least five  
3781 individuals for some portion of a day in each of 20 different  
3782 calendar weeks during the current or preceding calendar year,  
3783 regardless of whether the weeks were consecutive or whether the  
3784 individuals were employed at the same time.  
3785 (b) The service is performed by a member of a crew  
3786 furnished by a crew leader to perform agricultural labor for  
3787 another person.  
3788 1. For purposes of this paragraph, a crew member is  
3789 treated as an employee of the crew leader if:  
3790 a. The crew leader holds a valid certificate of  
3791 registration under the Migrant and Seasonal Agricultural Worker  
3792 Protection Act of 1983 or substantially all of the crew members  
3793 operate or maintain tractors, mechanized harvesting or crop-  
3794 dusting equipment, or any other mechanized equipment provided by  
3795 the crew leader; and  
3796 b. The individual does not perform that agricultural labor  
3797 as an employee of an employer other than the crew leader.  
3798 2. For purposes of this paragraph, in the case of an  
3799 individual who is furnished by a crew leader to perform  
3800 agricultural labor for another person and who is not treated as  
3801 an employee of the crew leader under subparagraph 1.:  
3802 a. The other person and not the crew leader is treated as  
3803 the employer of the individual; and





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3804 b. The other person is treated as having paid cash  
3805 remuneration to the individual equal to the cash remuneration  
3806 paid to the individual by the crew leader, either on his or her  
3807 own behalf or on behalf of the other person, for the  
3808 agricultural labor performed for the other person.

3809 (6) The employment subject to this chapter includes  
3810 domestic service performed by maids, cooks, maintenance workers,  
3811 chauffeurs, social secretaries, caretakers, private yacht crews,  
3812 butlers, and houseparents, in a private home, local college  
3813 club, or local chapter of a college fraternity or sorority  
3814 performed for a person who paid cash remuneration of at least  
3815 \$1,000 during a calendar quarter in the current calendar year or  
3816 the preceding calendar year to individuals employed in the  
3817 domestic service.

3818 (7) The employment subject to this chapter includes an  
3819 individual's entire service, performed inside or both inside and  
3820 outside this state if:

3821 (a) The service is localized within this state; or

3822 (b) The service is not localized within any state, but  
3823 some of the service is performed in this state, and:

3824 1. The base of operations, or, if there is no base of  
3825 operations, the place from which the service is directed or  
3826 controlled, is located within this state; or

3827 2. The base of operations or place from which the service  
3828 is directed or controlled is not located within any state in  
3829 which some part of the service is performed, but the  
3830 individual's residence is located within this state.

3831 (8) Services not covered under paragraph (7)(b) which are  
3832 performed entirely outside of this state, and for which  
3833 contributions are not required or paid under an unemployment



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3834 compensation law of any other state or of the Federal  
 3835 Government, are deemed to be employment subject to this chapter  
 3836 if the individual performing the services is a resident of this  
 3837 state and the tax collection service provider approves the  
 3838 election of the employing unit for whom the services are  
 3839 performed, electing that the entire service of the individual is  
 3840 deemed to be employment subject to this chapter.

3841 (9) Service is deemed to be localized within a state if:

3842 (a) The service is performed entirely inside the state; or

3843 (b) The service is performed both inside and outside the  
 3844 state, but the service performed outside the state is incidental  
 3845 to the individual's service inside the state. Incidental service  
 3846 includes, but is not limited to, service that is temporary or  
 3847 transitory in nature or consists of isolated transactions.

3848 (10) The employment subject to this chapter includes  
 3849 service performed outside the United States, except in Canada,  
 3850 by a citizen of the United States who is in the employ of an  
 3851 American employer, other than service deemed employment subject  
 3852 to this chapter under subsection (2), subsection(3), or similar  
 3853 provisions of another state's law, if:

3854 (a) The employer's principal place of business in the  
 3855 United States is located within this state.

3856 (b) The employer does not have a place of business located  
 3857 in the United States, but:

3858 1. The employer is a natural person who is a resident of  
 3859 this state.

3860 2. The employer is a corporation organized under the laws  
 3861 of this state.

3862 3. The employer is a partnership or a trust and the number  
 3863 of the partners or trustees who are residents of this state is



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3864 greater than the number who are residents of any one other  
 3865 state.

3866 (c) The employer is not an American employer, or neither  
 3867 paragraph(a) nor paragraph (b) apply, but the employer elects  
 3868 coverage in this state or the employer fails to elect coverage  
 3869 in any state and the individual files a claim for benefits based  
 3870 on that service under the laws of this state.

3871 (11) The employment subject to this chapter includes all  
 3872 service performed by an officer or member of a crew of an  
 3873 American vessel or American aircraft on, or in connection with,  
 3874 the vessel or aircraft, if the operating office from which the  
 3875 operations of the vessel or aircraft operating inside or both  
 3876 inside and outside the United States is ordinarily and regularly  
 3877 supervised, managed, directed, and controlled within this state.

3878 (12) The employment subject to this chapter includes  
 3879 services covered by a reciprocal arrangement under s. 443.221  
 3880 between the Agency for Workforce Innovation or its tax  
 3881 collection service provider and the agency charged with the  
 3882 administration of another state unemployment compensation law or  
 3883 a federal unemployment compensation law, under which all  
 3884 services performed by an individual for an employing unit are  
 3885 deemed to be performed entirely within this state, if the Agency  
 3886 for Workforce Innovation or its tax collection service provider  
 3887 approved an election of the employing unit in which all of the  
 3888 services performed by the individual during the period covered  
 3889 by the election are deemed to be insured work.

3890 (13) The following employment is exempt from this chapter:

3891 (a) Domestic service in a private home, local college  
 3892 club, or local chapter of a college fraternity or sorority,  
 3893 except as provided in subsection(6).



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3894        (b) Service performed on or in connection with a vessel or  
3895 aircraft that is not an American vessel or American aircraft, if  
3896 the employee is employed on and in connection with the vessel or  
3897 aircraft while the vessel or aircraft is outside the United  
3898 States.

3899        (c) Service performed by an individual engaged in, or as  
3900 an officer or member of the crew of a vessel engaged in, the  
3901 catching, taking, harvesting, cultivating, or farming of any  
3902 kind of fish, shellfish, crustacea, sponges, seaweeds, or other  
3903 aquatic forms of animal and vegetable life, including service  
3904 performed by an individual as an ordinary incident to engaging  
3905 in those activities, except:

3906            1. Service performed in connection with the catching or  
3907 taking of salmon or halibut for commercial purposes.

3908            2. Service performed on, or in connection with, a vessel  
3909 of more than 10 net tons, determined in the manner provided for  
3910 determining the registered tonnage of merchant vessels under the  
3911 laws of the United States.

3912        (d) Service performed by an individual in the employ of  
3913 his or her son, daughter, or spouse, including step  
3914 relationships, and service performed by a child, or stepchild,  
3915 under the age of 21 in the employ of his or her father, mother,  
3916 stepfather, or stepmother.

3917        (e) Service performed in the employ of the Federal  
3918 Government or of an instrumentality of the Federal Government  
3919 which is:

3920            1. Wholly or partially owned by the United States.

3921            2. Exempt from the tax imposed by s. 3301 of the Internal  
3922 Revenue Code under a federal law that specifically cites s.  
3923 3301, or the corresponding section of prior law, in granting the



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3924 exemption. However, to the extent that the United States  
3925 Congress permits the state to require an instrumentality of the  
3926 Federal Government to make payments into the Unemployment  
3927 Compensation Trust Fund under this chapter, this chapter applies  
3928 to that instrumentality, and to services performed for that  
3929 instrumentality, in the same manner, to the same extent, and on  
3930 the same terms as other employers, employing units, individuals,  
3931 and services. If this state is not certified for any year by the  
3932 Secretary of Labor under s. 3304 of the federal Internal Revenue  
3933 Code, the tax collection service provider shall refund the  
3934 payments required of each instrumentality of the Federal  
3935 Government for that year from the fund in the same manner and  
3936 within the same period as provided in s. 443.141(6) for  
3937 contributions erroneously collected.

3938 (f) Service performed in the employ of a public employer  
3939 as defined in s. 443.036, except as provided in subsection (2),  
3940 and service performed in the employ of an instrumentality of a  
3941 public employer as described in s. 443.036(35)(b) or (c), to the  
3942 extent that the instrumentality is immune under the United  
3943 States Constitution from the tax imposed by s. 3301 of the  
3944 Internal Revenue Code for that service.

3945 (g) Service performed in the employ of a corporation,  
3946 community chest, fund, or foundation that is organized and  
3947 operated exclusively for religious, charitable, scientific,  
3948 testing for public safety, literary, or educational purposes or  
3949 for the prevention of cruelty to children or animals. This  
3950 exemption does not apply to an employer if part of the  
3951 employer's net earnings inures to the benefit of any private  
3952 shareholder or individual or if a substantial part of the  
3953 employer's activities involve carrying on propaganda, otherwise



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3954 attempting to influence legislation, or participating or  
 3955 intervening in, including the publishing or distributing of  
 3956 statements, a political campaign on behalf of a candidate for  
 3957 public office, except as provided in subsection (3).

3958 (h) Service for which unemployment compensation is payable  
 3959 under an unemployment compensation system established by the  
 3960 United States Congress, of which this chapter is not a part.

3961 (i)1. Service performed during a calendar quarter in the  
 3962 employ of an organization exempt from the federal income tax  
 3963 under s. 501(a) of the Internal Revenue Code, other than an  
 3964 organization described in s. 401(a), or under s. 521, if the  
 3965 remuneration for the service is less than \$50.

3966 2. Service performed in the employ of a school, college,  
 3967 or university, if the service is performed by a student who is  
 3968 enrolled and is regularly attending classes at the school,  
 3969 college, or university.

3970 (j) Service performed in the employ of a foreign  
 3971 government, including service as a consular or other officer or  
 3972 employee of a nondiplomatic representative.

3973 (k) Service performed in the employ of an instrumentality  
 3974 wholly owned by a foreign government if:

3975 1. The service is of a character similar to that performed  
 3976 in foreign countries by employees of the Federal Government or  
 3977 of an instrumentality of the Federal Government; and

3978 2. The United States Secretary of State certifies to the  
 3979 United States Secretary of the Treasury that the foreign  
 3980 government for whose instrumentality the exemption is claimed  
 3981 grants an equivalent exemption for similar service performed in  
 3982 the foreign country by employees of the Federal Government and  
 3983 of instrumentalities of the Federal Government.



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3984 (l) Service performed as a student nurse in the employ of  
3985 a hospital or a nurses' training school by an individual who is  
3986 enrolled and is regularly attending classes in a nurses'  
3987 training school chartered or approved under state law, service  
3988 performed as an intern in the employ of a hospital by an  
3989 individual who has completed a 4-year course in a medical school  
3990 chartered or approved under state law, and service performed by  
3991 a patient of a hospital for the hospital.

3992 (m) Service performed by an individual for a person as an  
3993 insurance agent or as an insurance solicitor, if all of the  
3994 service performed by the individual for that person is performed  
3995 for remuneration solely by way of commission, except for  
3996 services performed in accordance with 26 U.S.C. s. 3306(c)(7)  
3997 and (8). For purposes of this section, those benefits excluded  
3998 from the wages subject to this chapter under s. 443.1217(2)(b)-  
3999 (f), inclusive, are not considered remuneration.

4000 (n) Service performed by an individual for a person as a  
4001 real estate salesperson or agent, if all of the service  
4002 performed by the individual for that person is performed for  
4003 remuneration solely by way of commission.

4004 (o) Service performed by an individual under the age of 18  
4005 in the delivery or distribution of newspapers or shopping news,  
4006 excluding delivery or distribution to any point for subsequent  
4007 delivery or distribution.

4008 (p) Service covered by an arrangement between the Agency  
4009 for Workforce Innovation, or its tax collection service  
4010 provider, and the agency charged with the administration of  
4011 another state or federal unemployment compensation law under  
4012 which all services performed by an individual for an employing  
4013 unit during the period covered by the employing unit's duly



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4014 approved election is deemed to be performed entirely within the  
4015 other agency's state or under the federal law.

4016 (q) Service performed by an individual enrolled at a  
4017 nonprofit or public educational institution that normally  
4018 maintains a regular faculty and curriculum and normally has a  
4019 regularly organized body of students in attendance at the place  
4020 where its educational activities are carried on, if the  
4021 institution certifies to the employer that the individual is a  
4022 student in a full-time program, taken for credit at the  
4023 institution that combines academic instruction with work  
4024 experience, and that the service is an integral part of the  
4025 program. This paragraph does not apply to service performed in a  
4026 program established for or on behalf of an employer or group of  
4027 employers.

4028 (r) Service performed by an individual for a person as a  
4029 barber, if all of the service performed by the individual for  
4030 that person is performed for remuneration solely by way of  
4031 commission.

4032 (s) Casual labor not in the course of the employer's trade  
4033 or business.

4034 (t) Service performed by a speech therapist, occupational  
4035 therapist, or physical therapist who is nonsalaried and working  
4036 under a written contract with a home health agency as defined in  
4037 s. 400.462.

4038 (u) Service performed by a direct seller. As used in this  
4039 paragraph, the term "direct seller" means a person:

4040 1.a. Who is engaged in the trade or business of selling or  
4041 soliciting the sale of consumer products to buyers on a buy-sell  
4042 basis, on a deposit-commission basis, or on a similar basis, for





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4043 resale in the home or in another place that is not a permanent  
4044 retail establishment; or

4045 b. Who is engaged in the trade or business of selling or  
4046 soliciting the sale of consumer products in the home or in  
4047 another place that is not a permanent retail establishment;

4048 2. Substantially all of whose remuneration for services  
4049 described in subparagraph 1., regardless of whether paid in  
4050 cash, is directly related to sales or other output, rather than  
4051 to the number of hours worked; and

4052 3. Who performs the services under a written contract with  
4053 the person for whom the services are performed, if the contract  
4054 provides that the person will not be treated as an employee for  
4055 those services for federal tax purposes.

4056 (v) Service performed by a nonresident alien for the  
4057 period he or she is temporarily present in the United States as  
4058 a nonimmigrant under subparagraph (F) or subparagraph (J) of s.  
4059 101(a)(15) of the Immigration and Nationality Act, and which is  
4060 performed to carry out the purpose specified in subparagraph (F)  
4061 or subparagraph (J), as applicable.

4062 (w) Service performed by an individual for remuneration  
4063 for a private, for-profit delivery or messenger service, if the  
4064 individual:

4065 1. Is free to accept or reject jobs from the delivery or  
4066 messenger service and the delivery or messenger service does not  
4067 have control over when the individual works;

4068 2. Is remunerated for each delivery, or the remuneration  
4069 is based on factors that relate to the work performed, including  
4070 receipt of a percentage of any rate schedule;

4071 3. Pays all expenses, and the opportunity for profit or  
4072 loss rests solely with the individual;



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- 4073        4. Is responsible for operating costs, including fuel,  
 4074 repairs, supplies, and motor vehicle insurance;
- 4075        5. Determines the method of performing the service,  
 4076 including selection of routes and order of deliveries;
- 4077        6. Is responsible for the completion of a specific job and  
 4078 is liable for any failure to complete that job;
- 4079        7. Enters into a contract with the delivery or messenger  
 4080 service which specifies that the individual is an independent  
 4081 contractor and not an employee of the delivery or messenger  
 4082 service; and
- 4083        8. Provides the vehicle used to perform the service.  
 4084        (x) Service performed in agricultural labor by an  
 4085 individual who is an alien admitted to the United States to  
 4086 perform service in agricultural labor under ss. 101(a)(15)(H)  
 4087 and 214(c) of the Immigration and Nationality Act.  
 4088        (y) Service performed by a person who is an inmate of a  
 4089 penal institution.

4090        Section 31. Section 443.1217, Florida Statutes, is created  
 4091 to read:

4092        443.1217 Wages.--  
 4093        (1) The wages subject to this chapter include all  
 4094 remuneration for employment, including commissions, bonuses,  
 4095 back pay awards, and the cash value of all remuneration paid in  
 4096 any medium other than cash. The reasonable cash value of  
 4097 remuneration in any medium other than cash must be estimated and  
 4098 determined in accordance with rules adopted by the Agency for  
 4099 Workforce Innovation or the state agency providing tax  
 4100 collection services. The wages subject to this chapter include  
 4101 tips or gratuities received while performing services that  
 4102 constitute employment and are included in a written statement



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4103 furnished to the employer under s. 6053(a) of the Internal  
4104 Revenue Code of 1954.

4105 (2) The following wages are exempt from this chapter:

4106 (a) That part of remuneration paid to an individual by an  
4107 employer for employment during a calendar year in excess of the  
4108 first \$7,000 of remuneration paid to the individual by the  
4109 employer or his or her predecessor during that calendar year,  
4110 unless that part of the remuneration is subject to a tax, under  
4111 a federal law imposing the tax, against which credit may be  
4112 taken for contributions required to be paid into a state  
4113 unemployment fund. As used in this section only, the term  
4114 "employment" includes services constituting employment under any  
4115 employment security law of another state or of the Federal  
4116 Government.

4117 (b) Payment by an employing unit with respect to services  
4118 performed for, or on behalf of, an individual employed by the  
4119 employing unit under a plan or system established by the  
4120 employing unit which provides for payment to its employees  
4121 generally or to a class of its employees, including any amount  
4122 paid by the employing unit for insurance or annuities or paid  
4123 into a fund on account of:

4124 1. Sickness or accident disability. When payment is made  
4125 to an employee or any of his or her dependents, this  
4126 subparagraph exempts from the wages subject to this chapter only  
4127 those payments received under a workers' compensation law.

4128 2. Medical and hospitalization expenses in connection with  
4129 sickness or accident disability.

4130 3. Death, if the employee:

4131 a. Does not have the option to receive, in lieu of the  
4132 death benefit, part of the payment or, if the death benefit is



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4133 insured, part of the premiums or contributions to premiums paid  
4134 by his or her employing unit; and

4135 b. Does not have the right under the plan, system, or  
4136 policy providing the death benefit to assign the benefit or to  
4137 receive cash consideration in lieu of the benefit upon his or  
4138 her withdrawal from the plan or system; upon termination of the  
4139 plan, system, or policy; or upon termination of his or her  
4140 services with the employing unit.

4141 (c) Payment on account of sickness or accident disability,  
4142 or payment of medical or hospitalization expenses in connection  
4143 with sickness or accident disability, by an employing unit to,  
4144 or on behalf of, an individual performing services for the  
4145 employing unit more than 6 calendar months after the last  
4146 calendar month the individual performed services for the  
4147 employing unit.

4148 (d) Payment by an employing unit, without deduction from  
4149 the remuneration of an individual employed by the employing  
4150 unit, of the tax imposed upon the individual under s. 3101 of  
4151 the Internal Revenue Code for services performed.

4152 (e) The value of:

4153 1. Meals furnished to an employee or the employee's spouse  
4154 or dependents by the employer on the business premises of the  
4155 employer for the convenience of the employer; or

4156 2. Lodging furnished to an employee or the employee's  
4157 spouse or dependents by the employer on the business premises of  
4158 the employer for the convenience of the employer when lodging is  
4159 included as a condition of employment.

4160 (f) Payment made by an employing unit to, or on behalf of,  
4161 an individual performing services for the employing unit or a  
4162 beneficiary of the individual:



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4163 1. From or to a trust described in s. 401(a) of the  
4164 Internal Revenue Code of 1954 which is exempt from tax under s.  
4165 501(a) of the Internal Revenue Code of 1954 at the time of  
4166 payment, unless payment is made to an employee of the trust as  
4167 remuneration for services rendered as an employee of the trust  
4168 and not as a beneficiary of the trust;

4169 2. Under or to an annuity plan that, at the time of  
4170 payment, is a plan described in s. 403(a) of the Internal  
4171 Revenue Code of 1954;

4172 3. Under a simplified employee pension if, at the time of  
4173 payment, it is reasonable to believe that the employee is  
4174 entitled to a deduction under s. 219(b)(2) of the Internal  
4175 Revenue Code of 1954 for the payment;

4176 4. Under or to an annuity contract described in s. 403(b)  
4177 of the Internal Revenue Code of 1954, other than a payment for  
4178 the purchase of an annuity contract as part of a salary  
4179 reduction agreement, regardless of whether the agreement is  
4180 evidenced by a written instrument or otherwise;

4181 5. Under or to an exempt governmental deferred  
4182 compensation plan described in s. 3121(v)(3) of the Internal  
4183 Revenue Code of 1954;

4184 6. To supplement pension benefits under a plan or trust  
4185 described in subparagraphs 1.-5. to account for some portion or  
4186 all of the increase in the cost of living, as determined by the  
4187 United States Secretary of Labor, since retirement, but only if  
4188 the supplemental payments are under a plan that is treated as a  
4189 welfare plan under s. 3(2)(B)(ii) of the Employee Retirement  
4190 Income Security Act of 1974; or

4191 7. Under a cafeteria plan, as defined in s. 125 of the  
4192 Internal Revenue Code of 1986, as amended, if the payment would



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4193 not be treated as wages without regard to such plan and it is  
 4194 reasonable to believe that, if s. 125 of the Internal Revenue  
 4195 Code of 1986, as amended, applied for purposes of this section,  
 4196 s. 125 of the Internal Revenue Code of 1986, as amended, would  
 4197 not treat any wages as constructively received.

4198 (g) Payment made, or benefit provided, by an employing  
 4199 unit to or for the benefit of an individual performing services  
 4200 for the employing unit or a beneficiary of the individual if, at  
 4201 the time of such payment or provision of the benefit, it is  
 4202 reasonable to believe that the individual may exclude the  
 4203 payment or benefit from income under s. 127 of the Internal  
 4204 Revenue Code of 1986, as amended.

4205 Section 32. Section 443.131, Florida Statutes, is amended  
 4206 to read:

4207 443.131 Contributions.--

4208 (1) PAYMENT OF CONTRIBUTIONS ~~WHEN PAYABLE~~.--Contributions  
 4209 ~~shall~~ accrue and are ~~become~~ payable by each employer for each  
 4210 calendar quarter ~~in which~~ he or she is subject to this chapter  
 4211 ~~for, with respect to~~ wages paid during each ~~such~~ calendar  
 4212 quarter for employment. ~~Such~~ Contributions are ~~shall become~~ due  
 4213 and payable ~~be paid~~ by each employer to the tax collection  
 4214 service provider ~~Agency for Workforce Innovation or its designee~~  
 4215 ~~for the fund~~, in accordance with the ~~such~~ rules adopted by ~~as~~  
 4216 the Agency for Workforce Innovation or the state agency  
 4217 providing tax collection services ~~its designee may prescribe~~.  
 4218 ~~However, nothing in~~ This subsection does not ~~shall be construed~~  
 4219 ~~to~~ prohibit the tax collection service provider ~~Agency for~~  
 4220 ~~Workforce Innovation or its designee~~ from allowing, at the  
 4221 request of the employer, employers of employees performing  
 4222 domestic services, as defined in s. 443.1216(6) ~~s.~~



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4223 ~~443.036(21)(g)~~, to pay contributions or report wages at  
 4224 intervals other than quarterly when the nonquarterly such  
 4225 payment or reporting assists is to the service provider  
 4226 ~~advantage of the Agency for Workforce Innovation or its~~  
 4227 ~~designee~~, and when ~~such~~ nonquarterly payment and reporting is  
 4228 authorized under federal law. ~~This provision gives~~ Employers of  
 4229 employees performing domestic services may the option to elect  
 4230 ~~to~~ report wages and pay contributions taxes annually, with a due  
 4231 date of January 1 and a delinquency date of February 1. ~~In order~~  
 4232 To qualify for this election, the employer must employ only  
 4233 employees performing ~~who perform~~ domestic services, be eligible  
 4234 for a variation from the standard rate ~~as~~ computed under  
 4235 ~~pursuant to~~ subsection (3), apply to this program no later than  
 4236 December 1 of the preceding calendar year, and agree to provide  
 4237 the Agency for Workforce Innovation or its tax collection  
 4238 service provider designee with any special reports that are  
 4239 ~~which might be requested, as required by rule 60BB-2.025(5),~~  
 4240 ~~Florida Administrative Code~~, including copies of all federal  
 4241 employment tax forms. An employer who fails ~~Failure~~ to timely  
 4242 furnish any wage information ~~when~~ required by the Agency for  
 4243 Workforce Innovation or its tax collection service provider  
 4244 loses ~~designee shall result in the employer's loss of the~~  
 4245 privilege to participate ~~elect participation~~ in this program,  
 4246 effective the calendar quarter immediately after ~~following~~ the  
 4247 calendar quarter the in which ~~such~~ failure occurred. The  
 4248 employer may is ~~eligible to~~ reapply for annual reporting when a  
 4249 ~~after 1~~ complete calendar year elapses after ~~has elapsed since~~  
 4250 the employer's disqualification if the employer timely furnished  
 4251 any requested wage information during the period in which annual  
 4252 reporting was denied. An employer may not deduct contributions,



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4253 interests, penalties, fines, or fees required under this chapter  
 4254 ~~shall not be deducted, in whole or in part,~~ from any part of the  
 4255 wages of his or her employees individuals in such employer's  
 4256 ~~employ. In the payment of any contributions,~~ A fractional part  
 4257 of a cent less than one-half cent shall be disregarded from the  
 4258 payment of contributions, but a fractional part of at least  
 4259 ~~unless it amounts to one-half cent or more, in which case it~~  
 4260 shall be increased to 1 cent.

4261 (2) CONTRIBUTION RATES.--Each employer must ~~is required to~~  
 4262 pay contributions equal to the following percentages of wages  
 4263 paid by him or her for ~~with respect to~~ employment:

4264 (a) Initial rate.--Each employer whose employment record  
 4265 is has been chargeable with benefits ~~benefit payments~~ for less  
 4266 than 8 ~~eight~~ calendar quarters shall pay contributions at the  
 4267 initial rate of 2.7 percent ~~with respect to wages paid on or~~  
 4268 ~~after January 1, 1978.~~

4269 (b) Variable rates.--Each employer whose employment record  
 4270 is has been chargeable ~~with benefit payments~~ for benefits during  
 4271 at least 8 ~~eight~~ calendar quarters shall pay contributions at  
 4272 the standard rate in paragraph (3)(c) ~~of 5.4 percent,~~ except as  
 4273 otherwise varied through ~~determined by~~ experience rating under  
 4274 subsection (3) ~~provisions of this chapter.~~ For the purposes of  
 4275 this section, the total wages on which contributions were ~~have~~  
 4276 ~~been~~ paid by a single employer or his or her predecessor to an  
 4277 individual in any state during ~~within~~ a single calendar year  
 4278 shall be counted to determine whether more remuneration was than  
 4279 ~~constitutes wages has been~~ paid to the ~~such~~ individual by the  
 4280 ~~such~~ employer or his or her predecessor in 1 calendar year than  
 4281 constituted wages.





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4282           ~~(c)1. Should the Congress either amend or repeal the~~  
4283 ~~Wagner-Peyser Act, the Federal Unemployment Tax Act, the Social~~  
4284 ~~Security Act, or subtitle C of the Internal Revenue Code, any~~  
4285 ~~act or acts supplemental to or in lieu thereof, or any part or~~  
4286 ~~parts of either or all of said laws, or should either or all of~~  
4287 ~~said laws, or any part or parts thereof, be held invalid, to the~~  
4288 ~~end and with such effect that appropriations of funds by the~~  
4289 ~~Congress and grants thereof to this state for the payment of~~  
4290 ~~costs of administration of the division become no longer~~  
4291 ~~available for such purposes, or should employers in this state~~  
4292 ~~subject to the payment of tax under the Federal Unemployment Tax~~  
4293 ~~Act be granted full credit upon such a tax for contributions or~~  
4294 ~~taxes paid to the Unemployment Compensation Trust Fund, then in~~  
4295 ~~such case, beginning with the effective date of such change in~~  
4296 ~~liability for payment of such federal tax, and for each year~~  
4297 ~~thereafter, the standard contribution rate under this chapter~~  
4298 ~~shall be 3 percent per annum of each such employer's payroll~~  
4299 ~~subject to contributions. With respect to each such employer~~  
4300 ~~having a reduced rate of contribution for such year pursuant to~~  
4301 ~~the terms of subsection (3), to the rate of contribution, as~~  
4302 ~~determined for such year in which such change occurs, shall be~~  
4303 ~~added three-tenths of 1 percent.~~

4304           ~~2. The amount of the excess of tax for which such employer~~  
4305 ~~is or may become liable, by reason of this subsection, over the~~  
4306 ~~amount which such employer would pay or become liable for except~~  
4307 ~~for the provisions of this subsection, shall be paid and~~  
4308 ~~transferred into the Employment Security Administration Trust~~  
4309 ~~Fund to be disbursed and paid out under the same conditions and~~  
4310 ~~for the same purposes as are other moneys provided to be paid~~  
4311 ~~into such fund; provided, that if the division determines that~~



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4312 ~~as of January 1 of any year, there is an excess in the fund over~~  
 4313 ~~the moneys and funds required to be disbursed therefrom for the~~  
 4314 ~~purposes thereof for such year, then, and in such cases an~~  
 4315 ~~amount equal to such excess, as determined by the division,~~  
 4316 ~~shall be transferred to and become a part of the Unemployment~~  
 4317 ~~Compensation Trust Fund, and such funds shall be deemed to be~~  
 4318 ~~and are hereby appropriated for the purposes set out in this~~  
 4319 ~~chapter.~~

4320 ~~(d) In the event that the Federal Unemployment Tax Act is~~  
 4321 ~~amended to permit credit against such tax in excess of 2.7~~  
 4322 ~~percent with respect to any calendar year, payment of the amount~~  
 4323 ~~of contributions necessary to qualify an employer for such~~  
 4324 ~~additional credit shall be deemed to be required under this~~  
 4325 ~~chapter.~~

4326 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
 4327 EXPERIENCE.--

4328 (a) Employment records.--The regular and short-time  
 4329 compensation benefits paid ~~benefit payments made to an~~ any  
 4330 eligible individual shall be charged to the employment record of  
 4331 each employer who paid the such individual wages of at least  
 4332 equal to \$100 during ~~or more within~~ the individual's base period  
 4333 ~~of such individual in the proportion to which wages paid by each~~  
 4334 ~~such employer to such individual within the base period bears to~~  
 4335 total wages paid by all ~~such~~ employers who paid the to such  
 4336 individual wages during ~~within~~ the individual's base period.  
 4337 Benefits may not ~~No benefit charges shall be charged~~ made to the  
 4338 employment record of an ~~any~~ employer who furnishes ~~has furnished~~  
 4339 part-time work to an individual who, because of loss of  
 4340 employment with one or more other employers, is ~~becomes~~ eligible  
 4341 for partial benefits while ~~still~~ being furnished part-time work



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4342 by the ~~such~~ employer on substantially the same basis and in  
 4343 substantially the same amount as the individual's employment ~~has~~  
 4344 ~~been made available to such worker~~ during his or her base  
 4345 period, regardless of whether this part-time work is the  
 4346 ~~employments were~~ simultaneous or successive to the individual's  
 4347 lost employment. Further, benefits may ~~benefit payments will~~  
 4348 not be charged to the employment record ~~accounts~~ of an employer  
 4349 who furnishes ~~employers when such employers have furnished~~ the  
 4350 Agency for Workforce Innovation ~~division~~ with notice, as  
 4351 prescribed in such notices regarding separations of individuals  
 4352 ~~from work and the refusal of individuals to accept offers of~~  
 4353 ~~suitable work as are required by the provisions of this chapter~~  
 4354 and the agency's rules of the division, that any if one or more  
 4355 of the following apply ~~conditions are found to be applicable~~:

4356 1. When an individual leaves ~~has left~~ his or her work job  
 4357 without good cause attributable to the ~~his or her~~ employer or is  
 4358 ~~has been~~ discharged by the ~~his or her~~ employer for misconduct  
 4359 connected with his or her work, ~~no~~ benefits subsequently paid to  
 4360 the individual based ~~him or her on the basis of~~ wages paid ~~to~~  
 4361 ~~such individual~~ by the ~~such~~ employer before the ~~prior to~~ such  
 4362 separation may not ~~shall~~ be charged to the employment record of  
 4363 the employer ~~such employer's account~~.

4364 2. When an individual is ~~has been~~ discharged by the ~~an~~  
 4365 employer for unsatisfactory performance during an initial  
 4366 employment probationary period, ~~no~~ benefits subsequently paid to  
 4367 the individual based ~~on the basis of~~ wages paid during ~~to~~ such  
 4368 ~~individual in~~ the probationary period by the employer before the  
 4369 ~~prior to employment~~ separation may not ~~shall~~ be charged to the  
 4370 employer's employment record. ~~account, provided~~ The employer  
 4371 must notify ~~has so notified~~ the Agency for Workforce Innovation



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4372 of the discharge ~~division~~ in writing within 10 days after ~~from~~  
 4373 the mailing date of the notice of initial determination of a  
 4374 claim. As used in this subparagraph ~~paragraph~~, the term "initial  
 4375 employment probationary period" means an established  
 4376 probationary plan that ~~which~~ applies to all employees or a  
 4377 specific group of employees and that does not exceed 90 calendar  
 4378 days following ~~from~~ the first day a new employee begins work.  
 4379 The employee must be informed of the probationary period within  
 4380 the first 7 days of work ~~workdays~~. The employer ~~There~~ must  
 4381 demonstrate by ~~be~~ conclusive evidence ~~to establish~~ that the  
 4382 individual was separated because of ~~due to~~ unsatisfactory work  
 4383 performance and not ~~separated~~ because of lack of work due to  
 4384 temporary, seasonal, casual, or other similar employment that is  
 4385 not of a regular, permanent, and year-round nature.

4386 3. Benefits subsequently ~~which are~~ paid to an ~~any~~  
 4387 individual after his or her ~~subsequent to the~~ refusal without  
 4388 good cause to accept ~~by such individual of an offer of~~ suitable  
 4389 work ~~employment~~ from an employer may ~~will~~ not be charged to the  
 4390 employment record ~~account~~ of the ~~such~~ employer when ~~all or~~ any  
 4391 part of those ~~such~~ benefits are based on ~~upon the basis of~~ wages  
 4392 paid ~~to such individual~~ by the ~~such~~ employer before ~~prior to~~ the  
 4393 individual's ~~refusal by such individual~~ to accept ~~such offer of~~  
 4394 suitable work. As used in ~~For purposes of~~ this subparagraph, the  
 4395 term "good cause" does not include distance to employment caused  
 4396 by ~~due to~~ a change of residence by the ~~such~~ individual. ~~(The~~  
 4397 Agency for Workforce Innovation ~~division~~ shall adopt rules  
 4398 prescribing, for ~~determine with respect to~~ the payment of all  
 4399 benefits, whether this subparagraph applies regardless of  
 4400 ~~proviso shall be applied without regard to~~ whether a  
 4401 disqualification under ~~pursuant to the provisions of~~ s. 443.101



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4402 ~~applies to the claim has or may be invoked against a claimant or~~  
 4403 ~~claimants for benefits.)~~

4404 4. When an individual is separated from work ~~an employer~~  
 4405 as a direct result of a natural disaster declared under ~~pursuant~~  
 4406 ~~to~~ the Robert T. Stafford Disaster Relief and Emergency  
 4407 Assistance Act, 42 U.S.C. s. 5121, et seq. ~~Disaster Relief Act~~  
 4408 ~~of 1974 and the Disaster Relief and Emergency Assistance~~  
 4409 ~~Amendments of 1988, no~~ benefits subsequently paid to the  
 4410 individual based on the basis of wages paid by the employer  
 4411 before the separation may not ~~to such individual shall be~~  
 4412 charged to the employment record of the employer ~~such employer's~~  
 4413 ~~account.~~

4414  
 4415 ~~In the event subparagraph 2. has the effect of placing this~~  
 4416 ~~state out of compliance with the Federal Unemployment~~  
 4417 ~~Compensation Law, as determined by the appropriate court of law,~~  
 4418 ~~by affecting the amount of federal funds due to the state or~~  
 4419 ~~adversely affecting the unemployment compensation tax rate, then~~  
 4420 ~~subparagraph 2. shall be null and void and shall stand repealed~~  
 4421 ~~upon the date on which any of such conditions occur.~~

4422 (b) Benefit ratio.--

4423 1. As used in this paragraph, the term "annual payroll"  
 4424 means the calendar quarter taxable payroll reported to the tax  
 4425 collection service provider for the quarters used in computing  
 4426 the benefit ratio. The term does not include a penalty resulting  
 4427 from the untimely filing of required wage and tax reports. All  
 4428 of the taxable payroll reported to the tax collection service  
 4429 provider by the end of the quarter preceding the quarter for  
 4430 which the contribution rate is to be computed must be used in  
 4431 the computation.



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4432        ~~2.(b)1.~~ The division shall, For each calendar year, the  
 4433 tax collection service provider shall compute a benefit ratio  
 4434 for each employer whose employment record was ~~has been~~  
 4435 chargeable ~~with benefit payments~~ for benefits during the 12  
 4436 consecutive quarters ending June 30 of the calendar year  
 4437 preceding the calendar year for which the benefit ratio is  
 4438 computed. An employer's benefit ratio is ~~shall be~~ the quotient  
 4439 obtained by dividing the total benefits charged ~~benefit payments~~  
 4440 ~~chargeable~~ to the employer's ~~his or her~~ employment record during  
 4441 the 3-year period ending June 30 of the preceding calendar year  
 4442 by the total of the employer's ~~his or her~~ annual payroll  
 4443 ~~payrolls (as defined in paragraph (f))~~ for the 3-year period  
 4444 ending June 30 of the preceding calendar year. The ~~Such~~ benefit  
 4445 ratio shall be computed to the fifth decimal place and rounded  
 4446 to the fourth decimal place.

4447        ~~3.2.~~ The tax collection service provider division shall  
 4448 compute a benefit ratio for each employer who was not previously  
 4449 eligible under subparagraph 2., ~~therefor~~ whose contribution  
 4450 ~~initial tax~~ rate is set at the initial contribution rate in  
 4451 paragraph (2)(a), 2.7 percent and whose employment record was  
 4452 ~~unemployment has been~~ chargeable ~~with benefit payments~~ for  
 4453 benefits during at least 8 calendar quarters immediately  
 4454 preceding the calendar quarter for which the benefit ratio is  
 4455 computed. The ~~Such~~ employer's benefit ratio is ~~shall be~~ the  
 4456 quotient obtained by dividing the total benefits ~~benefit~~  
 4457 ~~payments~~ charged to the employer's ~~his or her~~ employment record  
 4458 during the first 6 of the 8 completed calendar quarters  
 4459 immediately preceding the calendar quarter for which the benefit  
 4460 ratio is computed by the total of the employer's annual payroll  
 4461 during ~~payrolls (as defined in paragraph (f))~~ for the first 7 of



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4462 the 9 completed calendar quarters immediately preceding the  
 4463 calendar quarter for which the benefit ratio is computed. The  
 4464 ~~Such~~ benefit ratio shall be computed to the fifth decimal place  
 4465 and rounded to the fourth decimal place and applies ~~shall be~~  
 4466 ~~applicable~~ for the remainder of the calendar year. The employer  
 4467 must subsequently ~~will next~~ be rated on an annual basis using up  
 4468 to 12 calendar quarters of benefits charged and up to 12  
 4469 calendar quarters of annual payroll ~~payrolls~~. That ~~Such~~  
 4470 employer's benefit ratio is ~~shall be~~ the quotient obtained by  
 4471 dividing the total benefits ~~benefit payments~~ charged to the  
 4472 employer's ~~his or her~~ employment record by the total of the  
 4473 employer's annual payroll ~~during payrolls~~, ~~as defined in~~  
 4474 ~~paragraph (f)~~, for the quarters used in his or her first  
 4475 computation plus the subsequent quarters reported through June  
 4476 30 of the preceding calendar ~~prior~~ year. Each subsequent  
 4477 calendar year, ~~thereafter~~ the rate shall ~~will~~ be computed under  
 4478 ~~as provided in~~ subparagraph 2. 1. The tax collection service  
 4479 provider shall assign a variation from the standard rate of  
 4480 contributions in paragraph (c) ~~contribution shall be assigned~~ on  
 4481 a quarterly basis to each ~~such employers~~ eligible employer  
 4482 ~~therefor~~ in the same ~~like~~ manner as an assignment ~~assignments~~  
 4483 ~~made~~ for a calendar year under paragraph (e).

4484 (c) Standard rate.--The standard rate of contributions  
 4485 payable by each employer shall be 5.4 percent.

4486 (d) Eligibility for variation from the standard rate.--An  
 4487 employer is ~~Employers shall be~~ eligible for a variation rate  
 4488 ~~variations~~ from the standard rate of contributions, ~~as~~  
 4489 ~~hereinafter described~~, in any calendar year, only if the  
 4490 employer's ~~their~~ employment record was ~~records have been~~  
 4491 chargeable for benefits ~~with benefit payments~~ throughout the 12



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4492 consecutive quarters ending on June 30 of the preceding calendar  
 4493 year. The contribution rate of an employer who, as a result of  
 4494 having at least 8 consecutive quarters of payroll insufficient  
 4495 to be chargeable for benefits with benefit payments, has not  
 4496 been chargeable for benefits with benefit payments throughout  
 4497 the 12 consecutive quarters reverts stated 12-quarter period  
 4498 ~~shall revert~~ to the initial contribution rate status until the  
 4499 employer subsequently becomes they again become eligible for an  
 4500 earned rate.

4501 (e) Assignment of variations from the standard rate.--

4502 1. The tax collection service provider shall assign a  
 4503 variation Variations from the standard rate of contributions for  
 4504 ~~shall be assigned with respect to~~ each calendar year to each  
 4505 ~~employers~~ eligible employer therefor. In determining the  
 4506 contribution rate, varying from the standard rate to be assigned  
 4507 each employer, adjustment factors computed under provided for in  
 4508 sub-subparagraphs a.-c. shall will be added to the benefit  
 4509 ratio. This addition shall will be accomplished in two steps by  
 4510 adding a variable adjustment factor and a final adjustment  
 4511 factor ~~as defined below~~. The sum of these adjustment factors  
 4512 computed under provided for in sub-subparagraphs a.-c. shall  
 4513 ~~will~~ first be algebraically summed. The sum of these adjustment  
 4514 factors shall next will then be divided by a gross benefit ratio  
 4515 ~~to be~~ determined as follows: Total benefit payments for the 3-  
 4516 year period described previous 3 years, as defined in  
 4517 subparagraph (b)2. shall be (b)1., charged to employers eligible  
 4518 for a variation from to be assigned a contribution rate  
 4519 ~~different from~~ the standard rate, minus excess payments for the  
 4520 same period, divided by taxable payroll entering into the  
 4521 computation of individual benefit ratios for the calendar year





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4522 for which the contribution rate is being computed. The ratio of  
 4523 the sum of the adjustment factors computed under ~~provided for in~~  
 4524 sub-subparagraphs a.-c. to the gross benefit ratio shall ~~will~~ be  
 4525 multiplied by each individual benefit ratio that is less than  
 4526 ~~below~~ the maximum contribution ~~tax~~ rate to obtain variable  
 4527 adjustment factors; except that in any instance in which the sum  
 4528 of an employer's individual benefit ratio and variable  
 4529 adjustment factor exceeds the maximum contribution ~~tax~~ rate, the  
 4530 variable adjustment factor shall ~~will~~ be reduced in order ~~so~~  
 4531 that the sum equals the maximum contribution ~~tax~~ rate. The  
 4532 variable adjustment factor for ~~of~~ each of these employers is  
 4533 ~~such employer will be~~ multiplied by his or her taxable payroll  
 4534 entering into the computation of his or her benefit ratio. The  
 4535 sum of these products shall ~~will~~ be divided by the taxable  
 4536 payroll of the ~~such~~ employers who ~~that~~ entered into the  
 4537 computation of their benefit ratios. The resulting ratio shall  
 4538 ~~will~~ be subtracted from the sum of the adjustment factors  
 4539 computed under ~~provided for in~~ sub-subparagraphs a.-c. to obtain  
 4540 the final adjustment factor. The variable adjustment factors and  
 4541 the final adjustment factor shall ~~will~~ be computed to five  
 4542 decimal places and rounded to the fourth decimal place. This  
 4543 final adjustment factor shall ~~will~~ be added to the variable  
 4544 adjustment factor and benefit ratio of each employer to obtain  
 4545 each employer's contribution rate. ~~; however, at no time shall~~ An  
 4546 employer's contribution rate may not, however, be rounded to  
 4547 less than 0.1 percent.

4548 a. An adjustment factor for noncharge benefits shall ~~will~~  
 4549 be computed to the fifth decimal place, and rounded to the  
 4550 fourth decimal place, by dividing the amount of noncharge  
 4551 benefits during benefit payments noncharged in the 3-year period



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4552 described ~~3 preceding years as defined~~ in subparagraph (b)2.  
 4553 ~~(b)1.~~ by the taxable payroll of employers eligible ~~to be~~  
 4554 ~~considered for assignment of a~~ variation ~~contribution rate~~  
 4555 ~~different~~ from the standard rate who ~~that~~ have a benefit ratio  
 4556 for the current year which is less than the maximum contribution  
 4557 rate. For purposes of computing this adjustment factor, the  
 4558 taxable payroll of these ~~such~~ employers is ~~will be~~ the taxable  
 4559 payrolls for the 3 years ending June 30 of the current calendar  
 4560 year as that had been reported to the tax collection service  
 4561 provider ~~division~~ by September 30 of the same calendar year. As  
 4562 used in this sub-subparagraph, the term "noncharge benefits"  
 4563 means benefits paid for the purpose of this section shall be  
 4564 ~~defined as benefit payments~~ to an individual ~~which were paid~~  
 4565 from the Unemployment Compensation Trust Fund, but which were  
 4566 not charged to the employment ~~unemployment~~ record of any  
 4567 employer.

4568       b. An ~~excess payments~~ adjustment factor for excess  
 4569 payments shall ~~will~~ be computed to the fifth decimal place, and  
 4570 rounded to the fourth decimal place, by dividing the total  
 4571 excess payments during the 3-year period described ~~3 preceding~~  
 4572 ~~years as defined~~ in subparagraph (b)2. ~~(b)1.~~ by the taxable  
 4573 payroll of employers eligible ~~to be considered for assignment of~~  
 4574 a variation ~~contribution rate different~~ from the standard rate  
 4575 who ~~that~~ have a benefit ratio for the current year which is less  
 4576 than the maximum contribution rate. For purposes of computing  
 4577 this adjustment factor, the taxable payroll of these ~~such~~  
 4578 employers is ~~will be~~ the same figure ~~as used to compute in~~  
 4579 ~~computing the noncharge~~ adjustment factor for noncharge benefits  
 4580 under as described in sub-subparagraph a. As used in this sub-  
 4581 subparagraph, the term "excess payments" means for the purpose



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4582 ~~of this section is defined as~~ the amount of benefits ~~benefit~~  
 4583 ~~payments~~ charged to the employment record of an employer during  
 4584 the 3-year period described ~~3 preceding years,~~ as defined in  
 4585 subparagraph (b)2. ~~(b)1.,~~ less the product of the maximum  
 4586 contribution rate and the employer's ~~his or her~~ taxable payroll  
 4587 for the 3 years ending June 30 of the current calendar year as  
 4588 ~~that had been~~ reported to the tax collection service provider  
 4589 ~~division~~ by September 30 of the same calendar year. As used in  
 4590 this sub-subparagraph, the term "total excess payments" means ~~is~~  
 4591 ~~defined as~~ the sum of the individual employer excess payments  
 4592 for those employers ~~that were~~ eligible ~~to be considered~~ for  
 4593 ~~assignment of a~~ variation ~~contribution rate different~~ from the  
 4594 standard rate.

4595 c. If the balance of ~~in~~ the Unemployment Compensation  
 4596 Trust Fund on ~~as of~~ June 30 of the calendar year immediately  
 4597 preceding the calendar year for which the contribution rate is  
 4598 being computed is less than 3.7 percent of the taxable payrolls  
 4599 for the year ending June 30 as reported to the tax collection  
 4600 service provider ~~division~~ by September 30 of that calendar year,  
 4601 a positive adjustment factor shall ~~will~~ be computed. The  
 4602 positive ~~Such~~ adjustment factor shall be computed annually to  
 4603 the fifth decimal place, and rounded to the fourth decimal  
 4604 place, by dividing the sum of the total taxable payrolls for the  
 4605 year ending June 30 of the current calendar year as reported to  
 4606 the tax collection service provider ~~division~~ by September 30 of  
 4607 that ~~such~~ calendar year into a sum equal to one-fourth of the  
 4608 difference between the balance of ~~amount in~~ the fund as of June  
 4609 30 of that ~~such~~ calendar year and the sum of 4.7 percent of the  
 4610 total taxable payrolls for that year. The positive ~~Such~~  
 4611 adjustment factor remains ~~will remain~~ in effect for ~~in~~



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4612 subsequent years until the ~~a~~ balance of ~~in~~ the Unemployment  
 4613 Compensation Trust Fund as of June 30 of the year immediately  
 4614 preceding the effective date of the ~~such~~ contribution rate  
 4615 equals or exceeds 3.7 percent of the taxable payrolls for the  
 4616 year ending June 30 of the current calendar year as reported to  
 4617 the tax collection service provider ~~division~~ by September 30 of  
 4618 that calendar year. If the balance of ~~in~~ the Unemployment  
 4619 Compensation Trust Fund as of June 30 of the year immediately  
 4620 preceding the calendar year for which the contribution rate is  
 4621 being computed exceeds 4.7 percent of the taxable payrolls for  
 4622 the year ending June 30 of the current calendar year as reported  
 4623 to the tax collection service provider ~~division~~ by September 30  
 4624 of that calendar year, a negative adjustment factor shall ~~will~~  
 4625 be computed. The negative ~~Such~~ adjustment factor shall be  
 4626 computed annually to the fifth decimal place~~,~~ and rounded to the  
 4627 fourth decimal place~~,~~ by dividing the sum of the total taxable  
 4628 payrolls for the year ending June 30 of the current calendar  
 4629 year as reported to the tax collection service provider ~~division~~  
 4630 by September 30 of the ~~such~~ calendar year into a sum equal to  
 4631 one-fourth of the difference between the balance of ~~amount in~~  
 4632 the fund as of June 30 of the current calendar year and 4.7  
 4633 percent of the total taxable payrolls of that ~~such~~ year. The  
 4634 negative ~~Such~~ adjustment factor remains ~~will remain~~ in effect  
 4635 for ~~in~~ subsequent years until the balance of ~~in~~ the Unemployment  
 4636 Compensation Trust Fund as of June 30 of the year immediately  
 4637 preceding the effective date of the ~~such~~ contribution rate is  
 4638 less than 4.7 percent~~,~~ but more than 3.7 percent of the taxable  
 4639 payrolls for the year ending June 30 of the current calendar  
 4640 year as reported to the tax collection service provider ~~division~~  
 4641 by September 30 of that calendar year.



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4642 d. The maximum contribution rate that may ~~can~~ be assigned  
 4643 to an any employer is ~~shall be~~ 5.4 percent, except ~~these~~  
 4644 employers participating in an approved short-time compensation  
 4645 plan may be assigned a ~~in which case the~~ maximum contribution  
 4646 rate that is ~~shall be~~ 1 percent greater than ~~above~~ the current  
 4647 maximum contribution rate for other employers in, ~~with respect~~  
 4648 ~~to~~ any calendar year in which short-time compensation benefits  
 4649 are charged to ~~in~~ the employer's employment record.

4650 2. If ~~In~~ the event of the transfer of an employer's  
 4651 employment record ~~records~~ to an employing unit under ~~pursuant to~~  
 4652 paragraph (f) ~~(g)~~ which, before the ~~prior to~~ such transfer, was  
 4653 an employer, the tax collection service provider ~~division~~ shall  
 4654 recompute a benefit ratio for the successor employer based on  
 4655 ~~the basis of~~ the combined employment records and reassign an  
 4656 appropriate contribution rate to the ~~such~~ successor employer  
 4657 effective on the first day as ~~of the beginning of~~ the calendar  
 4658 quarter immediately after ~~following~~ the effective date of the  
 4659 ~~such transfer of employment records.~~

4660 ~~(f) As used in paragraph (b), the term "annual payroll"~~  
 4661 ~~means the calendar quarter taxable payroll reported to the~~  
 4662 ~~division for the quarters used in the benefit ratio computation,~~  
 4663 ~~so that no tax rate penalty in the benefit ratio computation~~  
 4664 ~~will result from the untimely filing of required wage and tax~~  
 4665 ~~reports. All of the taxable payroll reported to the division by~~  
 4666 ~~the end of the quarter preceding the quarter in which the tax~~  
 4667 ~~rate is to be computed shall be used in the computation.~~

4668 (f) Transfer of employment records.--

4669 ~~(g)~~1. For the purposes of this subsection, two or more  
 4670 employers who are parties to a transfer of business or the  
 4671 subject of a merger, consolidation, or other form of



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4672 reorganization, effecting a change in legal identity or form,  
 4673 ~~are shall be deemed to be~~ a single employer and ~~are shall be~~  
 4674 considered to be as one employer with a continuous employment  
 4675 record if the tax collection service provider division ~~division~~ finds  
 4676 that the successor employer continues to carry on the employing  
 4677 enterprises of all of the predecessor ~~employer or~~ employers and  
 4678 that the successor employer has paid all contributions required  
 4679 of and due from all of the predecessor ~~employer or~~ employers and  
 4680 has assumed liability for all contributions that may become due  
 4681 from all of the predecessor ~~employer or~~ employers. As used in  
 4682 this paragraph, notwithstanding s. 443.036(14), the term  
 4683 "contributions" means all indebtedness to the tax collection  
 4684 service provider division, including, but not limited to,  
 4685 interest, penalty, collection fee, and service fee. A successor  
 4686 ~~employer must has 30 days from the date of the official~~  
 4687 ~~notification of liability by succession to~~ accept the transfer  
 4688 of all of the predecessor employers' ~~predecessor's or~~  
 4689 ~~predecessors'~~ employment records within 30 days after the date  
 4690 of the official notification of liability by succession record  
 4691 ~~or records~~. If a the predecessor employer has ~~or predecessors~~  
 4692 ~~have~~ unpaid contributions or outstanding quarterly reports, the  
 4693 successor employer must has 30 days from the date of the notice  
 4694 listing the total amount due to pay the total amount with  
 4695 certified funds within 30 days after the date of the notice  
 4696 listing the total amount due. After the total indebtedness is  
 4697 ~~has been~~ paid, the tax collection service provider shall  
 4698 transfer the employment ~~record or~~ records of all of the  
 4699 predecessor employers ~~or predecessors~~ will be transferred to the  
 4700 successor employer's employment record. ~~Employment records may~~  
 4701 ~~be transferred by the division~~. The tax collection service



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4702 provider shall determine the contribution tax rate of the  
 4703 combined total successor and predecessor employers upon the  
 4704 transfer of the employment records, shall be determined by the  
 4705 division as prescribed by rule, in order to calculate any tax  
 4706 rate change in the contribution rate resulting from the transfer  
 4707 of the employment records.

4708 2. Regardless of whether or not there is a predecessor  
 4709 employer's transfer of employment record is transferred to a  
 4710 successor employer under as contemplated in this paragraph, the  
 4711 tax collection service provider shall treat the predecessor  
 4712 employer, if shall in the event he or she subsequently again  
 4713 employs individuals, persons be treated as an employer without a  
 4714 previous employment record or, if his or her coverage is has  
 4715 been terminated under as provided in s. 443.121, as a new  
 4716 employing unit.

4717 3. The state agency providing unemployment tax collection  
 4718 services division may adopt rules governing the provide by rule  
 4719 for partial transfer of experience rating when an employer  
 4720 transfers has transferred at any time an identifiable and  
 4721 segregable portion of his or her payrolls and business to a  
 4722 successor employing unit. As a condition of each such partial  
 4723 transfer of experience, these the rules must shall require the  
 4724 following to be filed with the tax collection service provider:  
 4725 an application by the successor employing unit, an agreement by  
 4726 the predecessor employer, and the such evidence required by the  
 4727 tax collection service provider to show as the division may  
 4728 prescribe of the benefit experience and payrolls attributable to  
 4729 the transferred portion through up to the date of the transfer.  
 4730 These The rules must shall provide that the successor employing  
 4731 unit, if not already an employer subject to this chapter,



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4732 becomes ~~shall become~~ an employer as of the date of the transfer  
 4733 and that the ~~experience of the~~ transferred portion of the  
 4734 predecessor employer's employment record is predecessor's  
 4735 ~~account shall be~~ removed from the employment ~~experience rating~~  
 4736 record of the predecessor employer., ~~and~~ For each calendar year  
 4737 after following the date of the transfer of the employment  
 4738 record in ~~on~~ the records books of the tax collection service  
 4739 provider division, the service provider division shall compute  
 4740 the contribution rate of contribution payable by the successor  
 4741 employer or employing unit based on ~~the basis of~~ his or her  
 4742 employment record ~~experience, if any,~~ combined with the  
 4743 transferred experience of the portion of the predecessor  
 4744 employer's employment record transferred. These The rules may  
 4745 also prescribe ~~provide~~ what contribution rates are ~~shall be~~  
 4746 payable by the predecessor and successor employers for the  
 4747 period between the date of the transfer of the ~~employment record~~  
 4748 ~~of the~~ transferred portion of the predecessor employer's  
 4749 employment record in ~~unit on~~ the records books of the tax  
 4750 collection service provider division and the first day of the  
 4751 next calendar year.

4752 4. This paragraph does ~~shall~~ not apply to an ~~the~~ employee  
 4753 leasing company and client contractual agreement as defined in  
 4754 s. 443.036. The tax collection service provider ~~client~~ shall, if  
 4755 ~~in the event of termination of the~~ contractual agreement is  
 4756 terminated or ~~failure by~~ the employee leasing company fails to  
 4757 submit reports or pay contributions as required by the service  
 4758 provider division, treat the client ~~be treated~~ as a new employer  
 4759 without previous employment record unless the client is  
 4760 otherwise eligible for a variation from the standard a rate  
 4761 computation.





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4762            (g)(h) Additional conditions for variation from the  
 4763            standard rate.--An employer's contribution rate may not be  
 4764            reduced ~~No reduction~~ below the standard ~~contribution rate shall~~  
 4765            ~~be allowed an employer~~ under the ~~provisions of~~ this section  
 4766            unless:

4767            1. All contributions, reimbursements, interest, and  
 4768            penalties incurred by the such employer for ~~with respect to~~  
 4769            wages paid by him or her in all previous calendar quarters,  
 4770            except the 4 calendar quarters immediately preceding the  
 4771            calendar quarter or calendar year for which the benefit ratio is  
 4772            computed, are ~~have been~~ paid; and

4773            2. The employer entitled to a rate reduction must ~~thereto~~  
 4774            ~~shall~~ have at least one annual payroll as defined in  
 4775            subparagraph(b)1. paragraph (f) ~~and~~ unless the such employer is  
 4776            eligible for additional credit under ~~the provisions of~~ the  
 4777            Federal Unemployment Tax Act. If; ~~and in the event~~ the Federal  
 4778            Unemployment Tax Act is ~~shall be revised,~~ amended, or repealed  
 4779            in a manner affecting credit under the federal act, this section  
 4780            applies ~~shall be applicable~~ only to the extent that additional  
 4781            credit is ~~may be~~ allowed against the payment of the tax imposed  
 4782            by the Federal Unemployment Tax Act.

4783  
 4784            The tax collection service provider shall assign an earned  
 4785            contribution ~~tax rate will be assigned~~ to an employer under  
 4786            subparagraph 1. the quarter immediately after ~~following~~ the  
 4787            quarter in which all contributions, reimbursements, interest,  
 4788            and penalties are ~~The aforesaid indebtedness is~~ paid in full.

4789            (h)(i) Notice of determinations of contribution rates;  
 4790            redeterminations.--The state agency providing tax collection  
 4791            services division:



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4792 1. Shall promptly notify each employer of his or her  
 4793 contribution rate of contributions as determined for any  
 4794 calendar year under ~~pursuant to~~ this section. The ~~Such~~  
 4795 determination ~~is shall become~~ conclusive and binding on ~~upon~~ the  
 4796 employer unless within 20 days after ~~the~~ mailing the ~~of~~ notice  
 4797 of determination thereof to the employer's ~~his or her~~ last known  
 4798 address, or, in the absence of mailing, within 20 days after ~~the~~  
 4799 delivery of the ~~such~~ notice, the employer files an application  
 4800 for review and redetermination setting forth the grounds for  
 4801 review ~~his or her reasons therefor~~. An ~~No~~ employer may not ~~shall~~  
 4802 ~~be allowed~~, in any proceeding involving his or her contribution  
 4803 rate of contributions or contribution liability for  
 4804 contributions, ~~to~~ contest the chargeability to his or her  
 4805 employment record ~~account~~ of any benefits paid in accordance  
 4806 with a determination, redetermination, or decision under  
 4807 ~~pursuant to~~ s. 443.151, except on ~~upon~~ the ground that the  
 4808 ~~services on the basis of which such~~ benefits charged were found  
 4809 ~~to be chargeable did not~~ based on constitute services performed  
 4810 in employment for him or her and then only if ~~in the event that~~  
 4811 the employer was not a party to the ~~such~~ determination,  
 4812 redetermination, or decision, or to any other proceeding under  
 4813 ~~proceedings provided for in~~ this chapter, in which the character  
 4814 of those ~~such~~ services was determined.

4815 2. Shall, upon ~~the~~ discovery of an error in computation,  
 4816 reconsider any prior determination or redetermination of a  
 4817 contribution rate after the 20-day period has expired and issue  
 4818 a revised notice of contribution rate as ~~so~~ redetermined. A ~~Such~~  
 4819 redetermination ~~is shall be~~ subject to review, and is ~~become~~  
 4820 conclusive and binding if review is not sought ~~in absence~~  
 4821 ~~thereof~~, in the same manner as review of a ~~the~~ determination



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4822 under ~~provided in~~ subparagraph 1. A ~~No such~~ reconsideration may  
 4823 not shall be made after ~~the~~ March 31 of the calendar year  
 4824 immediately after ~~following~~ the calendar year for ~~with respect~~  
 4825 ~~to~~ which the contribution rate is applicable, and ~~nor shall~~  
 4826 interest may not accrue on any additional contributions found to  
 4827 be due until 30 days after the employer is mailed notice of his  
 4828 or her revised contribution rate.

4829 3. May adopt rules providing ~~provide by rule~~ for periodic  
 4830 notification to employers of benefits paid and charged  
 4831 ~~chargeable~~ to their employment records ~~accounts~~ or of the status  
 4832 of those employment records. A ~~such accounts, and any such~~  
 4833 notification, unless in the absence of an application for  
 4834 redetermination is filed in the ~~such~~ manner and within the time  
 4835 limits prescribed by ~~such period as~~ the Agency for Workforce  
 4836 Innovation ~~division~~ may prescribe, is ~~shall become~~ conclusive  
 4837 and binding on ~~upon~~ the employer under ~~for all purposes of this~~  
 4838 chapter. The ~~Such~~ redetermination, and the Agency for Workforce  
 4839 Innovation's ~~division's~~ finding of fact in connection with the  
 4840 redetermination therewith, may be introduced in any subsequent  
 4841 administrative or judicial proceeding involving the  
 4842 determination of the contribution rate of an ~~contributions of~~  
 4843 ~~any~~ employer for any calendar year. A redetermination becomes  
 4844 final in ~~and shall be entitled to~~ the same manner ~~finality as is~~  
 4845 provided in this subsection for ~~with respect to the~~ findings of  
 4846 fact made by the Agency for Workforce Innovation ~~division~~ in  
 4847 proceedings to redetermine the contribution rate of an employer.  
 4848 Pending a ~~such~~ redetermination or an administrative or judicial  
 4849 proceeding, the employer must ~~shall~~ file reports and pay  
 4850 contributions in accordance with this section.



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4851 ~~(i)(j)~~ Employment records of employers entering the armed  
 4852 forces.--

4853 1. If the tax collection service provider ~~division~~ finds  
 4854 that an employer's business is closed solely because of the  
 4855 entrance of one or more of the owners, officers, partners, or  
 4856 the majority stockholder into the Armed Forces of the United  
 4857 States, or any of its allies, or of the United Nations, the such  
 4858 employer's employment ~~experience-rating~~ record may ~~shall~~ not be  
 4859 terminated. ~~and,~~ If the business is resumed within 2 years  
 4860 after the discharge or release from active duty in the armed  
 4861 forces of that such person or persons, the employer's benefit  
 4862 experience is ~~shall be~~ deemed to have been continuous throughout  
 4863 that such period. The benefit ratio of the any such employer for  
 4864 the calendar year in which he or she resumed business and the 3  
 4865 calendar years immediately after resuming business ~~following~~  
 4866 ~~shall be~~ a percentage equal to the total of his or her benefit  
 4867 charges, ~~(including charges of benefits paid to any individual~~  
 4868 ~~during the period the employer was in the armed forces based on~~  
 4869 ~~upon wages paid by him or her before~~ ~~prior to~~ the employer's  
 4870 entrance into the armed such forces) for the 3 most recently  
 4871 completed calendar years divided by that part of his or her  
 4872 total payroll, for with respect to which contributions were have  
 4873 ~~been~~ paid to the tax collection service provider ~~division~~, for  
 4874 the 3 most recent calendar years during the whole of which,  
 4875 respectively, the such employer was ~~has been~~ in business.

4876 2. A No-cash refund ~~shall be~~ made under this paragraph  
 4877 ~~with respect to any adjustment required hereunder, but such~~  
 4878 ~~refund~~ shall be made in accordance with s. 443.141(6) ~~by credit~~  
 4879 ~~memorandum only.~~



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4880 ~~(j)(k) Applicability to contributing employers.-- This~~  
4881 ~~subsection applies only to contributing employers who are liable~~  
4882 ~~for contributions under the contributory system of financing~~  
4883 ~~unemployment compensation benefits. This subsection shall not in~~  
4884 ~~any way be construed to apply to employers who are liable for~~  
4885 ~~payments in lieu of contributions as provided in subsections (4)~~  
4886 ~~and(5).~~

4887 ~~(4) REIMBURSING EMPLOYERS.--Subsections~~

4888 ~~(1) The provisions of subsection (2) and (3) do of this~~  
4889 ~~subsection are not apply applicable to reimbursing employers~~  
4890 ~~using the reimbursable method of financing benefit payments.~~

4891 ~~(4) FINANCING BENEFITS PAID TO EMPLOYEES OF NONPROFIT~~  
4892 ~~ORGANIZATIONS. Benefits paid to employees of nonprofit~~  
4893 ~~organizations shall be financed in accordance with the~~  
4894 ~~provisions of this subsection. For the purpose of this~~  
4895 ~~subsection, a "nonprofit" organization is an organization or~~  
4896 ~~group of organizations described in s. 501(c)(3) of the United~~  
4897 ~~States Internal Revenue Code which is exempt from income tax~~  
4898 ~~under s. 501(a) of such code.~~

4899 ~~(a) Liability for contributions and election of~~  
4900 ~~reimbursement. Any nonprofit organization which, pursuant to s.~~  
4901 ~~443.036(19)(c) or s. 443.121(3)(a) is, or becomes, subject to~~  
4902 ~~this chapter shall pay contributions under the provisions of~~  
4903 ~~subsection (1), unless it elects, in accordance with this~~  
4904 ~~paragraph, to pay to the division for the Unemployment~~  
4905 ~~Compensation Trust Fund an amount equal to the amount of regular~~  
4906 ~~benefits and of one-half of the extended benefits paid, that is~~  
4907 ~~attributable to service in the employ of such nonprofit~~  
4908 ~~organization, to individuals for weeks of unemployment which~~  
4909 ~~begin during the effective period of such election.~~



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4910 ~~1. Any nonprofit organization which becomes subject to~~  
4911 ~~this chapter may elect to become liable for payments in lieu of~~  
4912 ~~contributions for not less than the period beginning with the~~  
4913 ~~date on which such subjectivity begins and ending at the end of~~  
4914 ~~the next calendar year by filing a written notice of its~~  
4915 ~~election with the division not later than 30 days immediately~~  
4916 ~~following the date of the determination of such subjectivity.~~

4917 ~~2. Any nonprofit organization which makes an election in~~  
4918 ~~accordance with subparagraph 1. will continue to be liable for~~  
4919 ~~payments in lieu of contributions until it files with the~~  
4920 ~~division a written notice terminating its election not later~~  
4921 ~~than 30 days prior to the beginning of the calendar year for~~  
4922 ~~which such termination shall first be effective.~~

4923 ~~3. Any nonprofit organization which has been paying~~  
4924 ~~contributions under this chapter may change to a reimbursable~~  
4925 ~~basis by filing with the division not later than 30 days prior~~  
4926 ~~to the beginning of any calendar year a written notice of~~  
4927 ~~election to become liable for payments in lieu of contributions.~~  
4928 ~~Such election shall not be terminable by the organization for~~  
4929 ~~that and the next calendar year.~~

4930 ~~4. The division, in accordance with such rules as the~~  
4931 ~~division may prescribe, shall notify each nonprofit organization~~  
4932 ~~of any determination of its status as an employer and of the~~  
4933 ~~effective date of any election which it makes and of any~~  
4934 ~~termination of such election. Such determinations shall be~~  
4935 ~~subject to reconsideration, appeal, and review in accordance~~  
4936 ~~with the provisions of s. 443.141(2)(b).~~

4937 ~~(b) Reimbursement payments. Payments in lieu of~~  
4938 ~~contributions shall be made in accordance with the provisions of~~  
4939 ~~this paragraph.~~



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4940           ~~1. At the end of each calendar quarter or at the end of~~  
4941 ~~any other period as determined by the division, the division~~  
4942 ~~shall bill each nonprofit organization, or group of such~~  
4943 ~~organizations, which has elected to make payments in lieu of~~  
4944 ~~contributions for an amount equal to the full amount of regular~~  
4945 ~~benefits plus one-half of the amount of extended benefits paid~~  
4946 ~~during such quarter or other prescribed period that is~~  
4947 ~~attributable to service in the employ of such organization.~~

4948           ~~2. Payment of any bill rendered under subparagraph 1.~~  
4949 ~~shall be made not later than 30 days after such bill was mailed~~  
4950 ~~to the last known address of the nonprofit organization or was~~  
4951 ~~otherwise delivered to it, unless there has been an application~~  
4952 ~~for review and redetermination in accordance with subparagraph~~  
4953 ~~4.~~

4954           ~~3. Payments made by any nonprofit organization under the~~  
4955 ~~provisions of this subsection shall not be deducted or~~  
4956 ~~deductible, in whole or in part, from the remuneration of~~  
4957 ~~individuals in the employ of the organization.~~

4958           ~~4. The amount due specified in any bill from the division~~  
4959 ~~shall be conclusive on the organization unless, not later than~~  
4960 ~~20 days after the bill was mailed to its last known address or~~  
4961 ~~otherwise delivered to it, the organization files an application~~  
4962 ~~for redetermination by the division, setting forth the grounds~~  
4963 ~~for such application. The division shall promptly review and~~  
4964 ~~reconsider the amount due specified in the bill and shall~~  
4965 ~~thereafter issue a redetermination in any case in which such~~  
4966 ~~application for redetermination has been filed. Any such~~  
4967 ~~redetermination shall be conclusive on the organization unless,~~  
4968 ~~not later than 20 days after the redetermination was mailed to~~  
4969 ~~its last known address or otherwise delivered to it, the~~



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4970 ~~organization files its protest thereof, setting forth the~~  
4971 ~~grounds for the appeal. Proceedings on such protest shall be in~~  
4972 ~~accordance with the provisions of s. 443.141(2), relating to~~  
4973 ~~protests of assessments.~~

4974 ~~5. Past due payments of amounts in lieu of contributions~~  
4975 ~~shall be subject to the same interest and penalties that,~~  
4976 ~~pursuant to s. 443.141(1), apply to past due contributions.~~

4977 ~~6. Each employer who is liable for payments in lieu of~~  
4978 ~~contributions shall be charged his or her proportionate share of~~  
4979 ~~benefits, and the Unemployment Compensation Trust Fund shall be~~  
4980 ~~reimbursed in full.~~

4981 ~~(c) Authority to terminate elections. If any nonprofit~~  
4982 ~~organization is delinquent in making payments in lieu of~~  
4983 ~~contributions as required under paragraph (b), the division may~~  
4984 ~~terminate such organization's election to make payments in lieu~~  
4985 ~~of contributions as of the beginning of the next calendar year,~~  
4986 ~~and such termination shall be effective for that and the next~~  
4987 ~~calendar year.~~

4988 ~~(d) Allocations of benefit costs. Each employer that is~~  
4989 ~~liable for payments in lieu of contributions shall pay to the~~  
4990 ~~division for the fund the amount of regular benefits, short-time~~  
4991 ~~compensation benefits, plus the amount of one-half of extended~~  
4992 ~~benefits paid that are attributable to service in the employ of~~  
4993 ~~such employer. If benefits paid to an individual are based on~~  
4994 ~~wages paid by more than one employer and one or more of such~~  
4995 ~~employers are liable for payments in lieu of contributions, the~~  
4996 ~~amount payable to the fund by each employer that is liable for~~  
4997 ~~such payments shall be determined in accordance with the~~  
4998 ~~provisions of subparagraph 1. or subparagraph 2.~~





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4999 ~~1. Proportionate allocation when fewer than all base-~~  
5000 ~~period employers are liable for reimbursement. If benefits paid~~  
5001 ~~to an individual are based on wages paid by one or more~~  
5002 ~~employers that are liable for payments in lieu of contributions~~  
5003 ~~and on wages paid by one or more employers who are liable for~~  
5004 ~~contributions, the amount of benefits payable by each employer~~  
5005 ~~that is liable for payments in lieu of contributions shall be an~~  
5006 ~~amount which bears the same ratio to the total benefits paid to~~  
5007 ~~the individual as the total base-period wages paid to the~~  
5008 ~~individual by such employer bears to the total base-period wages~~  
5009 ~~paid to the individual by all of his or her base-period~~  
5010 ~~employers.~~

5011 ~~2. Proportionate allocation when all base-period employers~~  
5012 ~~are liable for reimbursement. If benefits paid to an individual~~  
5013 ~~are based on wages paid by two or more employers that are liable~~  
5014 ~~for payments in lieu of contributions, the amount of benefits~~  
5015 ~~payable by each such employer shall be an amount which bears the~~  
5016 ~~same ratio to the total benefits paid to the individual as the~~  
5017 ~~total base-period wages paid to the individual by such employer~~  
5018 ~~bears to the total base-period wages paid to the individual by~~  
5019 ~~all of his or her base-period employers.~~

5020 ~~(c) Group accounts. Two or more employers that have~~  
5021 ~~become liable for payments in lieu of contributions, in~~  
5022 ~~accordance with the provisions of paragraph (a) and s.~~  
5023 ~~443.121(3), may file a joint application to the division for the~~  
5024 ~~establishment of a group account for the purpose of sharing the~~  
5025 ~~cost of benefits paid that are attributable to service in the~~  
5026 ~~employ of such employers. Each such application shall identify~~  
5027 ~~and authorize a group representative to act as the group's agent~~  
5028 ~~for the purposes of this paragraph. Upon its approval of the~~



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5029 ~~application, the division shall establish a group account for~~  
5030 ~~such employers effective as of the beginning of the calendar~~  
5031 ~~year in which it receives the application and shall notify the~~  
5032 ~~group's representative of the effective date of the account.~~  
5033 ~~Such account shall remain in effect for not less than 2 calendar~~  
5034 ~~years and thereafter until terminated at the discretion of the~~  
5035 ~~division or upon application by the group. Upon establishment of~~  
5036 ~~the account, each member of the group shall be liable for~~  
5037 ~~payments in lieu of contributions with respect to each calendar~~  
5038 ~~quarter in the amount that bears the same ratio to the total~~  
5039 ~~benefits paid in such quarter that are attributable to service~~  
5040 ~~performed in the employ of all members of the group as the total~~  
5041 ~~wages paid for service in employment by such member in such~~  
5042 ~~quarter bears to the total wages paid during such quarter for~~  
5043 ~~service performed in the employ of all members of the group.~~  
5044 ~~The division shall prescribe such rules as it deems necessary~~  
5045 ~~with respect to applications for establishment, maintenance, and~~  
5046 ~~termination of group accounts that are authorized by this~~  
5047 ~~paragraph; for addition of new members to, and withdrawal of~~  
5048 ~~active members from, such accounts; and for the determination of~~  
5049 ~~the amounts that are payable under this paragraph by members of~~  
5050 ~~the group and the time and manner of such payments.~~

5051 ~~(5) FINANCING BENEFITS PAID TO EMPLOYEES OF THE STATE AND~~  
5052 ~~POLITICAL SUBDIVISIONS OF THE STATE. Benefits paid to employees~~  
5053 ~~of this state or any instrumentality of this state, or to~~  
5054 ~~employees of any political subdivision of this state or any~~  
5055 ~~instrumentality thereof, based upon service defined in s.~~  
5056 ~~443.036(21)(b), shall be financed in accordance with this~~  
5057 ~~subsection.~~



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5058 ~~(a)1. Unless an election is made as provided in paragraph~~  
5059 ~~(c), the state or any political subdivision of the state shall~~  
5060 ~~pay into the Unemployment Compensation Trust Fund an amount~~  
5061 ~~equivalent to the amount of regular benefits, short-time~~  
5062 ~~compensation benefits, and extended benefits paid to~~  
5063 ~~individuals, based on wages paid by the state or the political~~  
5064 ~~subdivision for service defined in s. 443.036(21)(b).~~

5065 ~~2. Should any state agency become more than 120 days~~  
5066 ~~delinquent on reimbursements due to the Unemployment~~  
5067 ~~Compensation Trust Fund, the division shall certify to the~~  
5068 ~~Comptroller the amount due and the Comptroller shall transfer~~  
5069 ~~the amount due to the Unemployment Compensation Trust Fund from~~  
5070 ~~the funds of such agency that may legally be used for such~~  
5071 ~~purpose. In the event any political subdivision of the state or~~  
5072 ~~any instrumentality thereof becomes more than 120 days~~  
5073 ~~delinquent on reimbursements due to the Unemployment~~  
5074 ~~Compensation Trust Fund, then, upon request by the division~~  
5075 ~~after a hearing, the Department of Revenue or the Department of~~  
5076 ~~Banking and Finance, as the case may be, shall deduct the amount~~  
5077 ~~owed by the political subdivision or instrumentality from any~~  
5078 ~~funds to be distributed by it to the county, city, special~~  
5079 ~~district, or consolidated form of government for further~~  
5080 ~~distribution to the trust fund in accordance with this chapter.~~  
5081 ~~Should any employer for whom the city or county tax collector~~  
5082 ~~collects taxes fail to make the reimbursements to the~~  
5083 ~~Unemployment Compensation Trust Fund required by this chapter,~~  
5084 ~~the tax collector after a hearing, at the request of the~~  
5085 ~~division and upon receipt of a certificate showing the amount~~  
5086 ~~owed by the employer, shall deduct the amount so certified from~~  
5087 ~~any taxes collected for the employer and remit same to the~~



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5088 ~~Department of Labor and Employment Security for further~~  
5089 ~~distribution to the trust fund in accordance with this chapter.~~  
5090 ~~This subparagraph does not apply to those amounts due for~~  
5091 ~~benefits paid prior to October 1, 1979. This subparagraph does~~  
5092 ~~not apply to amounts owed by a political subdivision for~~  
5093 ~~benefits erroneously paid where the claimant is required to~~  
5094 ~~repay to the division under s. 443.151(6)(a) or (b) any sum as~~  
5095 ~~benefits received.~~

5096 ~~(b) The provisions of paragraphs (4)(b), (d), and (e),~~  
5097 ~~relating to reimbursement payments, allocation of benefit costs,~~  
5098 ~~and group accounts with respect to nonprofit organizations, are~~  
5099 ~~applicable also, to the extent allowed by federal law, with~~  
5100 ~~respect to the duties of this state or any political subdivision~~  
5101 ~~of this state as an employer by reason of s. 443.036(19)(b).~~

5102 ~~(c) Any employer subject to the provisions of this~~  
5103 ~~subsection may elect the contribution financing method as~~  
5104 ~~provided by law in lieu of the reimbursement financing method~~  
5105 ~~provided in paragraphs (a) and (b).~~

5106 ~~(d) Upon establishing a financing method as provided by~~  
5107 ~~this subsection, such financing method shall be applicable for~~  
5108 ~~not less than 2 calendar years. Nothing herein shall be~~  
5109 ~~construed to prevent an employer subject to the provisions of~~  
5110 ~~this subsection from electing to change its method of financing~~  
5111 ~~or its method of reporting after completing 2 calendar years~~  
5112 ~~under another financing method, so long as such new election is~~  
5113 ~~timely filed. The division may prescribe by rule the procedures~~  
5114 ~~for changing methods of reporting.~~

5115 ~~(6) PUBLIC EMPLOYERS UNEMPLOYMENT COMPENSATION BENEFIT~~  
5116 ~~ACCOUNT.—~~



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5117 ~~(a) There is established a Public Employers Unemployment~~  
5118 ~~Compensation Benefit Account which will be maintained with~~  
5119 ~~separate accounting as a part of the Florida Unemployment~~  
5120 ~~Compensation Trust Fund. All benefits paid to public employees~~  
5121 ~~shall be charged to the Public Employers Unemployment~~  
5122 ~~Compensation Benefit Account.~~

5123 ~~(b) Governmental entities subject to the Florida~~  
5124 ~~Unemployment Compensation Law under s. 443.036(21)(b) who~~  
5125 ~~exercise the option to elect the contributory system of~~  
5126 ~~financing unemployment compensation benefits shall have their~~  
5127 ~~accounts maintained and shall be subject to the provisions of~~  
5128 ~~subsections (1), (2), and (3), except that:~~

5129 ~~1. The term "taxable wages" means total gross wages.~~

5130 ~~2. The initial contribution rate shall be 0.25 percent.~~

5131 ~~3. Any election by an employer to be taxed under this~~  
5132 ~~subsection shall be effective January 1 and shall be taxed at~~  
5133 ~~the initial rate. Effective January 1 of the following year, the~~  
5134 ~~rate shall be computed based on 2 calendar quarters of~~  
5135 ~~chargeability and payroll; effective January 1 of the second~~  
5136 ~~year after such election, the rate shall be computed based on 6~~  
5137 ~~quarters of chargeability and payroll; and effective January 1~~  
5138 ~~of the third year after such election, the rate shall be~~  
5139 ~~computed based on 10 quarters of chargeability and payrolls.~~  
5140 ~~Each January 1 thereafter, the tax rates shall be computed based~~  
5141 ~~on 12 quarters of chargeability and payroll.~~

5142 ~~4. An employer electing to be taxed under the provisions~~  
5143 ~~of this subsection shall make such election not later than 30~~  
5144 ~~days prior to January 1 of the year for which the election is to~~  
5145 ~~be effective. Upon electing this financing method, such method~~  
5146 ~~shall be applicable for not less than 2 years.~~



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5147 ~~5. Any election under this subsection may be terminated by~~  
5148 ~~filing with the division, not later than 30 days prior to~~  
5149 ~~January 1, a written notice of termination.~~

5150 Section 33. Section 443.1312, Florida Statutes, is created  
5151 to read:

5152 443.1312 Reimbursements; nonprofit  
5153 organizations.--Benefits paid to employees of nonprofit  
5154 organizations shall be financed in accordance with this section.

5155 (1) DEFINITION.--As used in this section, the term  
5156 "nonprofit organization" means an organization or group of  
5157 organizations exempt from the federal income tax under s.  
5158 501(c)(3) of the United States Internal Revenue Code.

5159 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
5160 REIMBURSEMENT.--A nonprofit organization that is, or becomes,  
5161 subject to this chapter under s. 443.1215(1)(c) or s.  
5162 443.121(3)(a) must pay contributions under s. 443.131 unless it  
5163 elects, in accordance with this subsection, to reimburse the  
5164 Unemployment Compensation Trust Fund for all of the regular  
5165 benefits, short-time compensation benefits, and one-half of the  
5166 extended benefits paid, which are attributable to service in the  
5167 employ of the nonprofit organization, to individuals for weeks  
5168 of unemployment which begin during the effective period of the  
5169 election.

5170 (a) When a nonprofit organization becomes subject to this  
5171 chapter, the organization may elect to become a reimbursing  
5172 employer. The effective date of this election must begin on the  
5173 date the organization becomes subject to this chapter and may  
5174 not terminate before the end of the next calendar year. The  
5175 nonprofit organization must make this election by filing a  
5176 written notice of election with the tax collection service



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5177 provider within 30 days after the determination that the  
5178 organization is subject to this chapter.

5179 (b) Each nonprofit organization that makes the election  
5180 under paragraph (a) remains liable for reimbursements in lieu of  
5181 contributions until it files with the tax collection service  
5182 provider a written notice terminating the organization's  
5183 election at least 30 days before the beginning of the first  
5184 calendar year for which the termination shall be effective.

5185 (c) Each nonprofit organization paying contributions under  
5186 s. 443.131 may become a reimbursing employer by filing with the  
5187 tax collection service provider, at least 30 days before the  
5188 beginning of any calendar year, a written notice of election to  
5189 become liable for reimbursements in lieu of contributions. This  
5190 election may not be terminated by the organization before the  
5191 end of 2 calendar years after the effective date of the  
5192 election.

5193 (d) In accordance with rules adopted by the Agency for  
5194 Workforce Innovation or the state agency providing unemployment  
5195 tax collection services, the tax collection service provider  
5196 shall notify each nonprofit organization of any determination of  
5197 the organization's status as an employer, the effective date of  
5198 any election the organization makes, and the effective date of  
5199 any termination of the election. Each determination is subject  
5200 to reconsideration, appeal, and review under s. 443.141(2)(c).

5201 (3) PAYMENT OF REIMBURSEMENTS.--Reimbursements in lieu of  
5202 contributions must be paid in accordance with this subsection.

5203 (a) At the end of each calendar quarter, or at the end of  
5204 any other period prescribed by rule, the tax collection service  
5205 provider shall bill each nonprofit organization or group of  
5206 organizations that has elected to make reimbursements in lieu of



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5207 contributions for an amount equal to the full amount of regular  
5208 benefits, short-time compensation benefits, and one-half of the  
5209 extended benefits paid during the quarter, or other prescribed  
5210 period, which is attributable to service in the employ of the  
5211 organization.

5212 (b) A nonprofit organization must pay each bill rendered  
5213 under paragraph (a) within 30 days after the bill is mailed to  
5214 the last known address of the organization or is otherwise  
5215 delivered to the organization, unless the organization files an  
5216 application for review and redetermination under paragraph (d).

5217 (c) A nonprofit organization may not deduct  
5218 reimbursements, interest, penalties, fines, or fees required  
5219 under this chapter from any part of the remuneration of  
5220 individuals in the employ of the organization.

5221 (d) The amount due, as specified in any bill from the tax  
5222 collection service provider, is conclusive, and the nonprofit  
5223 organization is liable for payment of that amount unless, within  
5224 20 days after the bill is mailed to the organization's last  
5225 known address or otherwise delivered to the organization, the  
5226 organization files an application for redetermination by the  
5227 Agency for Workforce Innovation, setting forth the grounds for  
5228 the application. The Agency for Workforce Innovation shall  
5229 promptly review and reconsider the amount due, as specified in  
5230 the bill, and shall issue a redetermination in each case in  
5231 which an application for redetermination is filed. The  
5232 redetermination is conclusive and the nonprofit organization is  
5233 liable for payment of the amount due, as specified in the  
5234 redetermination, unless, within 20 days after the  
5235 redetermination is mailed to the organization's last known  
5236 address or otherwise delivered to the organization, the





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5237 organization files a protest, setting forth the grounds for the  
5238 appeal. Proceedings on the protest shall be conducted in  
5239 accordance with s. 443.141(2).

5240 (e) Past due amounts of reimbursements in lieu of  
5241 contributions are subject to the same interest and penalties  
5242 that apply to past due contributions under s. 443.141(1).

5243 (f) Each reimbursing employer shall be billed his or her  
5244 proportionate share of benefits, and the Unemployment  
5245 Compensation Trust Fund must be reimbursed in full.

5246 (4) AUTHORITY TO TERMINATE ELECTIONS.--If a nonprofit  
5247 organization is delinquent in making reimbursements in lieu of  
5248 contributions under subsection (3), the tax collection service  
5249 provider may terminate the organization's election to be a  
5250 reimbursing employer, effective at the beginning of the next  
5251 calendar year, and the termination must remain in effect for 2  
5252 calendar years after the effective date of the termination.

5253 (5) ALLOCATION OF BENEFIT COSTS.--Each reimbursing  
5254 employer must pay to the tax collection service provider the  
5255 amount of regular benefits, short-time compensation benefits,  
5256 and one-half of the extended benefits paid which are  
5257 attributable to service in the employ of the employer. If  
5258 benefits paid to an individual are based on wages paid by more  
5259 than one employer and one or more of those employers are  
5260 reimbursing employers, the amount payable to the fund by each  
5261 reimbursing employer is determined as follows:

5262 (a) Proportionate allocation for combination of  
5263 reimbursing and contributing employers.--If benefits paid to an  
5264 individual are based on wages paid by one or more reimbursing  
5265 employers and on wages paid by one or more contributing  
5266 employers, the amount of benefits payable by each reimbursing



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5267 employer is a proportionate share of the total benefits paid to  
5268 the individual in the same ratio as the total wages paid to the  
5269 individual during his or her base period by the employer during  
5270 the base period, as compared to the total wages paid to the  
5271 individual by all of his or her employers during the base  
5272 period.

5273 (b) Proportionate allocation among reimbursing  
5274 employers.--If benefits paid to an individual are based on wages  
5275 paid by two or more reimbursing employers, the amount of  
5276 benefits payable by each employer is a proportionate share of  
5277 the total benefits paid to the individual in the same ratio as  
5278 the total wages paid to the individual during his or her base  
5279 period by the employer during the base period, as compared to  
5280 the total wages paid to the individual by all of his or her  
5281 employers during the base period.

5282 (6) GROUP EMPLOYMENT RECORDS.--Two or more employers that  
5283 become reimbursing employers under subsection (2) and s.  
5284 443.121(3) may file a joint application with the tax collection  
5285 service provider for the establishment of a group employment  
5286 record for the purpose of sharing the cost of benefits paid that  
5287 are attributable to service in the employ of the employers. Each  
5288 application must identify and authorize a group representative  
5289 to act as the group's agent for the purposes of this subsection.  
5290 Upon its approval of the application, the tax collection service  
5291 provider shall establish a group employment record for the  
5292 employers which is effective at the beginning of the calendar  
5293 year in which the service provider receives the application and  
5294 shall notify the group's representative of the effective date of  
5295 the employment record. Each group employment record remains in  
5296 effect until terminated and must remain in effect at least 2



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5297 calendar years before it may be terminated. A group employment  
 5298 record may be terminated by the tax collection service provider  
 5299 on its own motion or upon application by the group. Upon  
 5300 establishment of a group employment record, the amount of  
 5301 benefits payable by each member of the group for a calendar  
 5302 quarter is a proportionate share of the total benefits paid  
 5303 during the quarter which are attributable to service performed  
 5304 in the employ of all members of the group in the same ratio as  
 5305 the total wages paid for service in employment by the member  
 5306 during the quarter, as compared to the total wages paid during  
 5307 the quarter for service performed in the employ of all members  
 5308 of the group. The state agency providing tax collection services  
 5309 may adopt rules prescribing applications and procedures for  
 5310 establishing, maintaining, and terminating group employment  
 5311 records authorized by this subsection; for adding of new members  
 5312 to, and withdrawal of active members from, group employment  
 5313 records; and for determining the amounts that are payable under  
 5314 this subsection by members of the group and the time and manner  
 5315 of those payments.

5316 Section 34. Section 443.1313, Florida Statutes, is created  
 5317 to read:

5318 443.1313 Public employers; reimbursements; election to pay  
 5319 contributions.--Benefits paid to employees of a public employer,  
 5320 as defined in s. 443.036, based on service described in s.  
 5321 443.1216(2) shall be financed in accordance with this section.

5322 (1) PAYMENT OF REIMBURSEMENTS.--

5323 (a) Unless an election is made under subsection (2), each  
 5324 public employer shall reimburse the Unemployment Compensation  
 5325 Trust Fund the amount of regular benefits, short-time  
 5326 compensation benefits, and extended benefits paid to individuals



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5327 based on wages paid by the public employer for service described  
5328 in s. 443.1216(2).

5329 (b) If a state agency is more than 120 days delinquent on  
5330 reimbursements due to the Unemployment Compensation Trust Fund,  
5331 the tax collection service provider shall certify to the Chief  
5332 Financial Officer the amount due and the Chief Financial Officer  
5333 shall transfer the amount due to the Unemployment Compensation  
5334 Trust Fund from the funds of the agency which legally may be  
5335 used for that purpose. If a public employer other than a state  
5336 agency is more than 120 days delinquent on reimbursements due to  
5337 the Unemployment Compensation Trust Fund, upon request by the  
5338 tax collection service provider after a hearing, the Department  
5339 of Revenue or the Department of Financial Services, as  
5340 applicable, shall deduct the amount owed by the public employer  
5341 from any funds to be distributed by the applicable department to  
5342 the public employer for further distribution to the trust fund  
5343 in accordance with this chapter. If an employer for whom the  
5344 municipal or county tax collector collects taxes fails to make  
5345 the reimbursements to the Unemployment Compensation Trust Fund  
5346 required by this chapter, the tax collector after a hearing, at  
5347 the request of the tax collection service provider and upon  
5348 receipt of a certificate showing the amount owed by the  
5349 employer, shall deduct the certified amount from any taxes  
5350 collected for the employer and remit that amount to the tax  
5351 collection service provider for further distribution to the  
5352 trust fund in accordance with this chapter. This paragraph does  
5353 not apply to amounts owed by a political subdivision of the  
5354 state for benefits erroneously paid in which the claimant must  
5355 repay to the Agency for Workforce Innovation under s.  
5356 443.151(6)(a) or (b) any sum as benefits received.



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5357 (c) The provisions of s. 443.1312(3), (5), and (6),  
5358 relating to payment of reimbursements, allocation of benefit  
5359 costs, and group employment records for nonprofit organizations,  
5360 apply, to the extent allowed by federal law, to each public  
5361 employer in the state as an employer under s. 443.1216(2).

5362 (2) ELECTION TO PAY CONTRIBUTIONS.--A public employer  
5363 subject to this section may elect to become a contributing  
5364 employer under s. 443.131 in lieu of being a reimbursing  
5365 employer under subsection (1).

5366 (3) CHANGE OF ELECTION.--Upon electing to be a reimbursing  
5367 or contributing employer under this section, a public employer  
5368 may not change this election for at least 2 calendar years. This  
5369 subsection does not prevent a public employer subject to this  
5370 subsection from changing its election after completing 2  
5371 calendar years under another financing method if the new  
5372 election is timely filed. The state agency providing  
5373 unemployment tax collection services may adopt rules prescribing  
5374 procedures for changing methods of reporting.

5375 (4) PUBLIC EMPLOYERS UNEMPLOYMENT COMPENSATION BENEFIT  
5376 ACCOUNT.--

5377 (a) There is established within the Unemployment  
5378 Compensation Trust Fund a Public Employers Unemployment  
5379 Compensation Benefit Account, which must be maintained as a  
5380 separate account within the trust fund. All benefits paid to the  
5381 employees of a public employer that elects to become a  
5382 contributing employer under paragraph (b) must be charged to the  
5383 Public Employers Unemployment Compensation Benefit Account.

5384 (b) Each public employer subject to this chapter under s.  
5385 443.1216(2) which elects to become a contributing employer is



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5386 subject to, and shall have its employment record maintained  
5387 under s. 443.131, except that:

5388 1. The term "taxable wages" means total gross wages.

5389 2. The initial contribution rate is 0.25 percent.

5390 3. An election by a public employer to be liable for  
5391 contributions under this subsection takes effect January 1 and  
5392 the employer is liable for contributions at the initial rate.  
5393 Effective January 1 of the following year, the contribution rate  
5394 shall be computed based on 2 calendar quarters of chargeability  
5395 and payroll. Effective January 1 of the second year after the  
5396 election, the contribution rate shall be computed based on 6  
5397 quarters of chargeability and payroll. Effective January 1 of  
5398 the third year after the election, the contribution rate shall  
5399 be computed based on 10 quarters of chargeability and payrolls.  
5400 Each January 1 of subsequent years, the contribution rate shall  
5401 be computed based on 12 quarters of chargeability and payroll.

5402 4. Each public employer electing to be a contributing  
5403 employer under this subsection must make the election at least  
5404 30 days before January 1 of the year for which the election is  
5405 to be effective. Upon electing to be a contributing employer  
5406 under this subsection, a public employer may not change this  
5407 election for at least 2 calendar years.

5408 5. An election under this subsection may be terminated by  
5409 filing with the tax collection service provider, at least 30  
5410 days before January 1, a written notice of termination.

5411 Section 35. Section 443.1315, Florida Statutes, is amended  
5412 to read:

5413 443.1315 Treatment of Indian tribes.--

5414 (1) As used in this section, the term:



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5415 (a) "Employer" means ~~includes~~ any Indian tribe for which  
5416 service in employment as defined by this chapter is performed.

5417 (b) "Employment" means ~~includes~~ service performed in the  
5418 employ of an Indian tribe, as defined by s. 3306(u) of the  
5419 Federal Unemployment Tax Act, if this ~~provided~~ ~~such~~ service is  
5420 excluded from employment as defined by that act solely by reason  
5421 of s. 3306(c)(7) of that ~~such~~ act and is not otherwise excluded  
5422 from employment under this chapter. For purposes of this  
5423 section, the exclusions from employment under s. 443.1216(4) ~~s.~~  
5424 ~~443.036(21)(d)~~ apply to services performed in the employ of an  
5425 Indian tribe.

5426 (2) Benefits based on service in employment are ~~shall be~~  
5427 payable in the same amount, on the same terms, and subject to  
5428 the same conditions as benefits payable based ~~on the basis of~~  
5429 other service subject to this chapter.

5430 (3)(a) Indian tribes or tribal units of Indian tribes  
5431 ~~thereof~~, including subdivisions, subsidiaries, or business  
5432 enterprises wholly owned by those ~~such~~ Indian tribes, subject to  
5433 this chapter must ~~shall~~ pay contributions under the same terms  
5434 and conditions as all other subject employers unless they elect  
5435 to become reimbursing employers and reimburse ~~pay into~~ the  
5436 Unemployment Compensation Trust Fund amounts equal to the amount  
5437 of benefits attributable to service in the employ of the Indian  
5438 tribe.

5439 (b) Indian tribes electing to make reimbursements ~~payments~~  
5440 in lieu of contributions must make this ~~such~~ election in the  
5441 same manner and under the same conditions in s. 443.1312 ~~as~~  
5442 ~~provided by s. 443.131~~ for ~~state and local governments and~~  
5443 nonprofit organizations subject to this chapter. Indian tribes  
5444 must ~~shall~~ determine whether reimbursement for benefits paid



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5445 will be elected by the tribe as a whole, by individual tribal  
 5446 units of an Indian tribe ~~thereof~~, or by combinations of  
 5447 individual tribal units.

5448 (c) Indian tribes or tribal units ~~thereof~~ shall be billed  
 5449 for the full amount of benefits attributable to service in the  
 5450 employ of the Indian tribe or tribal unit on the same schedule  
 5451 as other employing units that elect ~~have elected~~ to make  
 5452 reimbursements ~~payments~~ in lieu of contributions.

5453 (d) The tax collection service provider may require an ~~At~~  
 5454 ~~the discretion of the director of the Agency for Workforce~~  
 5455 ~~Innovation or his or her designee, any~~ Indian tribe or tribal  
 5456 unit ~~thereof~~ that elects to become a reimbursing employer to  
 5457 ~~liable for payments in lieu of contributions shall be required,~~  
 5458 within 90 days after the effective date of that ~~such~~ election,  
 5459 ~~to:~~

5460 1. Execute and file with the tax collection service  
 5461 provider ~~director or his or her designee~~ a surety bond approved  
 5462 by the service provider ~~director or his or her designee~~; or

5463 2. Deposit with the tax collection service provider  
 5464 ~~director or his or her designee~~ money or securities on the same  
 5465 basis as other employers with the same election option.

5466 (4)(a)1. An Failure of the Indian tribe or ~~any~~ tribal unit  
 5467 that fails ~~thereof~~ to make required reimbursements ~~payments~~,  
 5468 including assessments of interest and penalty, within 90 days  
 5469 after receipt of the bill, loses ~~will cause the Indian tribe to~~  
 5470 ~~lose~~ the option to make reimbursements ~~payments~~ in lieu of  
 5471 contributions as provided in subsection (3) for the following  
 5472 tax year unless payment in full is received before contribution  
 5473 rates for the next tax year are computed.





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5474           2. The option to make reimbursements in lieu of  
 5475 contributions is reinstated once the Indian tribe makes ~~Any~~  
 5476 ~~Indian tribe that loses the option to make payments in lieu of~~  
 5477 ~~contributions due to late payment or nonpayment pursuant to~~  
 5478 ~~subparagraph 1. shall have such option reinstated if, after a~~  
 5479 ~~period of 1 year, all contributions have been made timely for 1~~  
 5480 ~~year and, provided no contributions or reimbursements, payments~~  
 5481 ~~in lieu of contributions for benefits paid, penalties, or~~  
 5482 ~~interest remain outstanding.~~

5483           (b)1. Services performed for an ~~Failure of the~~ Indian  
 5484 ~~tribe or any tribal unit that fails thereof~~ to make required  
 5485 reimbursements ~~payments~~, including assessments of interest and  
 5486 ~~penalty, after all collection activities deemed necessary by the~~  
 5487 tax collection service provider, subject to approval by the  
 5488 Agency for Workforce Innovation, are ~~director of the Agency for~~  
 5489 ~~Workforce Innovation or his or her designee have been exhausted~~  
 5490 ~~may will cause services performed for such tribe to not be~~  
 5491 ~~treated as employment for purposes of paragraph (1)(b).~~

5492           2. The tax collection service provider ~~director or his or~~  
 5493 ~~her designee~~ may determine that any Indian tribe that loses  
 5494 coverage under subparagraph 1. may have services performed for  
 5495 the such tribe subsequently again included as employment for  
 5496 purposes of paragraph (1)(b) if all contributions,  
 5497 reimbursements ~~payments in lieu of contributions~~, penalties, and  
 5498 interest are ~~have been~~ paid.

5499           (c) The Agency for Workforce Innovation or its tax  
 5500 collection service provider shall immediately notify the United  
 5501 States Internal Revenue Service and the United States Department  
 5502 of Labor when ~~If~~ an Indian tribe fails to make reimbursements  
 5503 ~~payments~~ required under this section, including assessments of



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5504 interest and penalty, within 90 days after a final notice of  
 5505 delinquency, ~~the director of the Agency for Workforce Innovation~~  
 5506 ~~shall immediately notify the United States Internal Revenue~~  
 5507 ~~Service and the United States Department of Labor.~~

5508 (5) Notices of payment and reporting delinquency to Indian  
 5509 tribes or tribal units must ~~thereof shall~~ include information  
 5510 that failure to make full reimbursement ~~payment~~ within the  
 5511 prescribed timeframe:

5512 (a) Will cause the Indian tribe to be liable for taxes  
 5513 under the Federal Unemployment Tax Act.

5514 (b) Will cause the Indian tribe to lose the option to make  
 5515 reimbursements ~~payments~~ in lieu of contributions.

5516 (c) Could cause the Indian tribe to be excepted from the  
 5517 definition of "employer" provided in paragraph (1)(a) and  
 5518 services in the employ of the Indian tribe provided in paragraph  
 5519 (1)(b) to be excepted from employment.

5520 (6) An Indian tribe must reimburse the fund for all  
 5521 extended benefits paid that are attributable to service in the  
 5522 employ of the an Indian tribe unless the benefits are ~~and not~~  
 5523 reimbursed by the Federal Government ~~shall be financed in their~~  
 5524 ~~entirety by such Indian tribe.~~

5525 (7) The Agency for Workforce Innovation and the state  
 5526 agency providing unemployment tax collection services shall  
 5527 adopt ~~any~~ rules necessary to administer this section.

5528 Section 36. Section 443.1316, Florida Statutes, is amended  
 5529 to read:

5530 443.1316 ~~Contract with Department of Revenue for~~  
 5531 ~~Unemployment tax collection services;~~ interagency agreement.--

5532 (1) By January 1, 2001, The Agency for Workforce  
 5533 Innovation shall ~~enter into~~ a contract with the Department of



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5534 Revenue, through an interagency agreement, ~~which shall provide~~  
5535 ~~for the Department of Revenue to perform the duties of the tax~~  
5536 collection service provider and provide other unemployment tax  
5537 collection services under this chapter. Under the interagency  
5538 agreement, the tax collection service provider may only  
5539 implement:

5540 (a) The provisions of this chapter conferring duties upon  
5541 the tax collection service provider.

5542 (b) The provisions of law conferring duties upon the  
5543 Agency for Workforce Innovation which are specifically delegated  
5544 to the tax collection service provider in the interagency  
5545 agreement. ~~The Department of Revenue, in consultation with the~~  
5546 ~~Department of Labor and Employment Security, shall determine the~~  
5547 ~~number of positions needed to provide unemployment tax~~  
5548 ~~collection services within the Department of Revenue. The~~  
5549 ~~number of unemployment tax collection service positions the~~  
5550 ~~Department of Revenue determines are needed shall not exceed the~~  
5551 ~~number of positions that, prior to the contract, were authorized~~  
5552 ~~to the Department of Labor and Employment Security for this~~  
5553 ~~purpose. Upon entering into the contract with the Agency for~~  
5554 ~~Workforce Innovation to provide unemployment tax collection~~  
5555 ~~services, the number of required positions, as determined by the~~  
5556 ~~Department of Revenue, shall be authorized within the Department~~  
5557 ~~of Revenue. Beginning January 1, 2002, the Office of Program~~  
5558 ~~Policy Analysis and Government Accountability shall conduct a~~  
5559 ~~feasibility study regarding privatization of unemployment tax~~  
5560 ~~collection services. A report on the conclusions of this study~~  
5561 ~~shall be submitted to the Governor, the President of the Senate,~~  
5562 ~~and the Speaker of the House of Representatives.~~



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5563        (2)(a) The Department of Revenue is considered to be  
 5564 administering a revenue law of this state when the department  
 5565 implements this chapter, or otherwise provides unemployment  
 5566 ~~compensation~~ tax collection services, under pursuant to a  
 5567 ~~contract of the department~~ with the Agency for Workforce  
 5568 Innovation through the interagency agreement.

5569        (b) Sections 213.018, 213.025, 213.051, 213.053, 213.055,  
 5570 213.071, 213.10, 213.2201, 213.23, 213.24(2), 213.27, 213.28,  
 5571 213.285, 213.37, 213.50, 213.67, 213.69, 213.73, 213.733,  
 5572 213.74, and 213.757 apply to the collection of unemployment  
 5573 contributions and reimbursements by the Department of Revenue  
 5574 unless prohibited by federal law.

5575        (c) Notwithstanding s. 216.346, the Department of Revenue  
 5576 may charge no more than 10 percent of the total cost of the  
 5577 interagency agreement for the overhead or indirect costs, or for  
 5578 any other costs not required for the payment of the direct  
 5579 costs, of providing unemployment tax collection services.

5580        Section 37. Section 443.1317, Florida Statutes, is created  
 5581 to read:

5582        443.1317 Rulemaking authority; enforcement of rules.--

5583        (1) AGENCY FOR WORKFORCE INNOVATION.--

5584        (a) Except as otherwise provided in s. 443.012, the Agency  
 5585 for Workforce Innovation has ultimate authority over the  
 5586 administration of the Unemployment Compensation Program.

5587        (b) The Agency for Workforce Innovation may adopt rules  
 5588 under ss. 120.536(1) and 120.54 to administer the provisions of  
 5589 this chapter conferring duties upon either the agency or its tax  
 5590 collection service provider.

5591        (2) TAX COLLECTION SERVICE PROVIDER.--The state agency  
 5592 providing unemployment tax collection services under contract



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5593 with the Agency for Workforce Innovation through an interagency  
 5594 agreement pursuant to s. 443.1316 may adopt rules under ss.  
 5595 120.536(1) and 120.54, subject to approval by the Agency for  
 5596 Workforce Innovation, to administer the provisions of law  
 5597 described in s. 443.1316(1)(a) and (b) which are within this  
 5598 chapter. These rules must not conflict with the rules adopted by  
 5599 the Agency for Workforce Innovation or with the interagency  
 5600 agreement.

5601 (3) ENFORCEMENT OF RULES.--The Agency for Workforce  
 5602 Innovation may enforce any rule adopted by the state agency  
 5603 providing unemployment tax collection services to administer  
 5604 this chapter. The tax collection service provider may enforce  
 5605 any rule adopted by the Agency for Workforce Innovation to  
 5606 administer the provisions of law described in s. 443.1316(1)(a)  
 5607 and (b).

5608 Section 38. Section 443.141, Florida Statutes, is amended  
 5609 to read:

5610 443.141 Collection of contributions and reimbursements.--

5611 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS.--

5612 (a) Interest.--Contributions or reimbursements unpaid on  
 5613 the date ~~on which they are due and payable~~ shall bear interest  
 5614 at the rate of 1 percent per month from and after that such date  
 5615 until payment plus accrued interest is received by the tax  
 5616 collection service provider division, unless the service  
 5617 provider division finds that the employing unit has or had good  
 5618 reason for failure to pay the contributions or reimbursements  
 5619 when due. Interest collected under ~~pursuant to~~ this subsection  
 5620 must shall be paid into the Special Employment Security  
 5621 Administration Trust Fund.

5622 (b) Penalty for delinquent reports.--



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5623 1. ~~An Any~~ employing unit ~~that~~ which fails to file any  
 5624 report reports required by the Agency for Workforce Innovation  
 5625 or its tax collection service provider division ~~in the~~  
 5626 ~~administration of this chapter~~, in accordance with rules for  
 5627 administering this chapter ~~adopted by the division~~, shall pay to  
 5628 the tax collection service provider for division ~~with respect to~~  
 5629 each delinquent ~~such~~ report the sum of \$25 for each 30 days or  
 5630 fraction thereof that the ~~such~~ employing unit is delinquent,  
 5631 unless the agency or its service provider, whichever required  
 5632 the report, division finds that the ~~such~~ employing unit has or  
 5633 had good reason for failure to file the ~~such~~ report ~~or reports~~.

5634 2. Sums collected as penalties under ~~the provisions of~~  
 5635 subparagraph 1. must ~~shall~~ be deposited ~~by the division~~ in the  
 5636 Special Employment Security Administration Trust Fund.

5637 3. ~~The A waiver of~~ penalty and interest for a delinquent  
 5638 report reports may be waived when the ~~authorized where~~  
 5639 ~~impositions of interest or a penalty or interest is~~ would be  
 5640 inequitable.

5641 (c) Application of partial payments.--When a delinquency  
 5642 exists in the employment record ~~account~~ of an employer not in  
 5643 bankruptcy, a partial ~~and~~ payment ~~in an amount~~ less than the  
 5644 total delinquency shall be applied to the employment record ~~is~~  
 5645 ~~submitted, the division shall apply such partial payment as the~~  
 5646 payor directs. In the absence of specific direction, ~~the~~  
 5647 ~~division shall apply~~ the partial payment shall be applied to the  
 5648 payor's employment record ~~account~~ as prescribed in the rules of  
 5649 the Agency for Workforce Innovation or the state agency  
 5650 providing tax collection services ~~by rule~~.

5651 (2) REPORTS, CONTRIBUTIONS, APPEALS.--



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5652 (a) Failure to make reports and pay contributions.--If an  
 5653 ~~any~~ employing unit determined by the tax collection service  
 5654 provider division to be an employer subject to ~~the provisions of~~  
 5655 this chapter fails to make and file any report as and when  
 5656 required by ~~the terms and provisions of~~ this chapter or by any  
 5657 rule of the Agency for Workforce Innovation or the state agency  
 5658 providing tax collection services division, for the purpose of  
 5659 determining the amount of contributions due by the such employer  
 5660 under this chapter, or if any filed such report ~~which has been~~  
 5661 ~~filed~~ is found ~~deemed~~ by the service provider division to be  
 5662 incorrect or insufficient, and the such employer, after being  
 5663 notified in writing ~~having been given written notice~~ by the  
 5664 service provider division to file the such report, or a  
 5665 corrected or sufficient report, as applicable ~~the case may be~~,  
 5666 fails to file the such report within 15 days after the date of  
 5667 the mailing of the such notice, the tax collection service  
 5668 provider division may:

5669 1. Determine the amount of contributions due from the such  
 5670 employer based on the ~~basis of such~~ information ~~as may be~~  
 5671 readily available to it, which determination is ~~shall be~~ deemed  
 5672 to be prima facie correct;

5673 2. Assess the such employer ~~with~~ the amount of  
 5674 contributions ~~so~~ determined to be due; and

5675 3. Immediately notify the employer ~~give written notice~~ by  
 5676 registered or certified mail ~~to such employer~~ of the such  
 5677 determination and assessment including penalties as provided in  
 5678 this chapter, if any, added and assessed, and demand ~~demanding~~  
 5679 payment ~~of same~~ together with interest ~~as herein provided~~ on the  
 5680 amount of contributions from the date that amount was ~~when same~~  
 5681 ~~were~~ due and payable.



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5682            (b) Hearings. --~~The~~ Such determination and assessment are  
 5683 ~~shall be final at the expiration of 15 days after~~ from the date  
 5684 the assessment is mailed ~~of the mailing of such written notice~~  
 5685 ~~thereof demanding payment~~ unless the ~~such~~ employer files ~~has~~  
 5686 ~~filed~~ with the tax collection service provider within the 15  
 5687 days ~~division~~ a written protest and petition for hearing  
 5688 specifying the objections thereto. The tax collection service  
 5689 provider shall promptly review each petition and may reconsider  
 5690 its determination and assessment in order to resolve the  
 5691 petitioner's objections. The tax collection service provider  
 5692 shall forward each petition remaining unresolved to the Agency  
 5693 for Workforce Innovation for a hearing on the objections. Upon  
 5694 receipt of a ~~such~~ petition ~~within the 15 days allowed~~, the  
 5695 Agency for Workforce Innovation ~~division~~ shall schedule ~~fix~~ the  
 5696 ~~time and place for~~ a hearing and shall notify the petitioner of  
 5697 the time and place of the hearing ~~thereof~~. The Agency for  
 5698 Workforce Innovation ~~division~~ may appoint special deputies ~~with~~  
 5699 ~~full power~~ to conduct ~~hold~~ hearings hereunder and to submit  
 5700 their findings together with a transcript of the proceedings  
 5701 before them and their recommendations to the agency ~~division~~ for  
 5702 its final order ~~decision and determination~~. Special deputies  
 5703 ~~are~~ shall be subject to the prohibition against ~~on~~ ex parte  
 5704 communications ~~as provided~~ in s. 120.66. At any hearing  
 5705 conducted by ~~held before~~ the Agency for Workforce Innovation  
 5706 ~~division~~ or its special deputy, ~~as herein provided~~, evidence may  
 5707 be offered to support the ~~such~~ determination and assessment or  
 5708 to prove ~~that~~ it is incorrect. In order to prevail, however, at  
 5709 ~~such hearing~~, the petitioner must either prove ~~shall be required~~  
 5710 ~~to show wherein~~ that the determination and assessment are ~~it is~~  
 5711 incorrect or ~~else~~ file full and complete corrected reports.





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5712 Evidence may also be submitted at the ~~such~~ hearing to rebut the  
 5713 determination by the tax collection service provider ~~division~~  
 5714 that the petitioner is an employer under ~~the provisions of this~~  
 5715 chapter. ~~and,~~ Upon evidence taken before it or upon the  
 5716 transcript submitted to it with the findings and recommendation  
 5717 of its special deputy, the Agency for Workforce Innovation shall  
 5718 either ~~division may~~ set aside the tax collection service  
 5719 provider's ~~its~~ determination that the petitioner is an employer  
 5720 under ~~the provisions of this chapter or may~~ reaffirm the such  
 5721 determination. The amounts assessed under the ~~pursuant to a~~  
 5722 final order, ~~determination by the division hereunder~~ together  
 5723 with interest and penalties, must ~~shall~~ be paid within 15 days  
 5724 after notice of the such final order is ~~decision and assessment~~  
 5725 ~~and demand for payment thereof by the division has been~~ mailed  
 5726 to the such employer, unless judicial review is instituted in a  
 5727 case of status determination. Amounts due when the status of  
 5728 the employer is in dispute are ~~shall be~~ payable within 15 days  
 5729 after ~~of~~ the entry of an order by the court affirming the such  
 5730 determination. However, any determination ~~by the division~~ that  
 5731 an employing unit is not an employer under ~~the provisions of~~  
 5732 this chapter does ~~shall~~ not affect the benefit rights of any  
 5733 individual as determined by an appeals referee or the  
 5734 commission, ~~under the provisions of this chapter,~~ unless:  
 5735       1. The such individual is ~~has been~~ made a party to the  
 5736 proceedings before the special deputy; ~~division,~~ or  
 5737       2. The decision ~~unless such determination~~ of the appeals  
 5738 referee or the commission ~~or appeals referee~~ has not become  
 5739 final or the employing unit and the Agency for Workforce  
 5740 Innovation were ~~division have not been~~ made parties to the  
 5741 proceedings before the appeals referee or the commission.



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5742            ~~(c)(b)~~ Appeals.--~~Subject to the foregoing provisions of~~  
 5743 ~~this subsection,~~ The Agency for Workforce Innovation and the  
 5744 state agency providing unemployment tax collection services  
 5745 ~~division~~ shall adopt rules prescribing the procedures for ~~by~~  
 5746 ~~regulation prescribe the manner pursuant to which~~ an employing  
 5747 unit ~~which has been~~ determined to be an employer to ~~may~~ file an  
 5748 appeal and be afforded an opportunity for a hearing on the ~~such~~  
 5749 determination. Pending a ~~such~~ hearing, the employing unit must  
 5750 ~~shall~~ file reports and pay contributions in accordance with s.  
 5751 443.131.

5752            (3) COLLECTION PROCEEDINGS.--

5753            (a) Lien for payment of contributions or reimbursements.--

5754            1. There is ~~hereby~~ created a lien in favor of the tax  
 5755 collection service provider ~~division~~ upon all the property, both  
 5756 real and personal, of any employer ~~who has become~~ liable for ~~the~~  
 5757 payment of any contribution or reimbursement levied and imposed  
 5758 under ~~upon it by this~~ chapter ~~law~~ for the amount of the  
 5759 contributions or reimbursements due ~~and payable under the~~  
 5760 ~~provisions hereof,~~ together with interest, costs, and  
 5761 penalties. ~~and~~ If any contribution or reimbursement imposed  
 5762 under ~~by~~ this chapter or any portion of that ~~such~~ contribution,  
 5763 reimbursement, ~~or~~ interest, or penalty is not paid within 60  
 5764 days after becoming ~~the same becomes~~ delinquent, the tax  
 5765 collection service provider ~~division~~ may subsequently ~~thereafter~~  
 5766 issue a notice of lien that ~~under its official seal, which~~  
 5767 ~~notice of lien~~ may be filed in the office of the clerk of the  
 5768 circuit court of any county in which the delinquent employer  
 5769 owns property or has conducted business. ~~The, and which~~ notice  
 5770 of lien must include ~~shall set forth~~ the periods for which the  
 5771 contributions, reimbursements, interest, or penalties are



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5772 demanded and the amounts due. ~~thereof~~, A copy of the ~~which~~  
 5773 notice of lien must ~~shall~~ be mailed to the employer at her or  
 5774 his last known address by registered mail. The ~~Provided~~, that  
 5775 notice of lien may not be issued and recorded until ~~at the~~  
 5776 ~~expiration~~ of 15 days after ~~from~~ the date the assessment becomes  
 5777 final under ~~the provisions~~ of subsection (2). Upon presentation  
 5778 of the notice of lien, the clerk of the circuit court shall  
 5779 record it in a book maintained ~~by her or him~~ for that purpose,  
 5780 and ~~thereupon~~ the amount of the notice of lien, together with  
 5781 the cost of recording and interest accruing upon the  
 5782 ~~contribution~~ amount of the contribution or reimbursement,  
 5783 becomes ~~shall become~~ a lien upon the title to and interest,  
 5784 whether legal or equitable, in any real property, chattels real,  
 5785 or personal property of the ~~such~~ employer against whom the ~~such~~  
 5786 notice of lien is issued, in the same manner as a judgment of  
 5787 the circuit court duly docketed in the office of the ~~such~~  
 5788 circuit court clerk, with execution ~~duly~~ issued to ~~thereon and~~  
 5789 ~~in the hands of~~ the sheriff for levy. This; ~~and such lien is~~  
 5790 ~~shall be~~ prior, preferred, and superior to all mortgages or  
 5791 other liens filed, recorded, or acquired after ~~subsequent to~~ the  
 5792 ~~time such~~ notice of lien is ~~shall have been~~ filed. Upon the  
 5793 payment of the amounts due ~~thereunder~~, or upon determination by  
 5794 the tax collection service provider ~~division~~ that the ~~such~~  
 5795 notice of lien was erroneously issued, the lien is ~~same may be~~  
 5796 satisfied when the service provider acknowledges in writing ~~of~~  
 5797 ~~record by the division by an acknowledgment under the seal of~~  
 5798 ~~the division~~ that the ~~such~~ lien is ~~has been~~ fully satisfied. A  
 5799 lien's ~~Such~~ satisfaction does ~~need~~ not need to be acknowledged  
 5800 before any notary or other public officer, and the ~~seal of the~~  
 5801 ~~division together with the~~ signature of the director of the tax



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5802 collection service provider or his or her designee ~~is shall be~~  
 5803 conclusive evidence of the satisfaction of the lien, which  
 5804 satisfaction shall be recorded by the clerk of the circuit court  
 5805 who receives the ~~shall receive~~ fees for those ~~such~~ services ~~as~~  
 5806 ~~may be fixed by law for the recording of instruments generally.~~

5807 2. The tax collection service provider ~~division~~ may  
 5808 subsequently thereafter issue a warrant directed to any sheriff  
 5809 ~~all and singular sheriffs~~ in this the state, commanding him or  
 5810 her ~~them~~ to levy upon and sell any real or personal property of  
 5811 the employer liable for any amount under this chapter ~~law~~ within  
 5812 his or her jurisdiction ~~their respective jurisdictions~~, for the  
 5813 payment ~~of the amount thereof~~, with the added penalties and  
 5814 interest and the costs of executing the warrant, together with  
 5815 the costs of the clerk of the circuit court in recording and  
 5816 docketing the notice of lien, and to return the ~~such~~ warrant to  
 5817 the service provider with payment. ~~The division and to pay to it~~  
 5818 ~~the money collected by virtue thereof; such warrant may only be~~  
 5819 issued ~~shall issue~~ and be enforced for all amounts due to the  
 5820 tax collection service provider on ~~division as of~~ the date the  
 5821 warrant is issued ~~of issuance thereof~~, together with interest  
 5822 accruing on the contribution or reimbursement ~~amount~~ due from  
 5823 the employer to the date of payment at the rate provided in this  
 5824 section. herein; however, In the event of sale of any assets of  
 5825 the employer, however, priorities under the warrant shall be  
 5826 determined in accordance with the priority established by any  
 5827 ~~the notice or~~ notices of lien filed by the tax collection  
 5828 service provider ~~division~~ and recorded by the clerk of the  
 5829 circuit court. The sheriff shall execute ~~proceed upon~~ the  
 5830 warrant ~~in all respects with like effect and~~ in the same manner  
 5831 prescribed by law for ~~in respect to~~ executions issued by ~~out of~~



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5832 ~~the office of~~ the clerk of the circuit court for ~~upon~~ judgments  
 5833 of the circuit court. ~~;~~ ~~and~~ The sheriff is ~~shall~~ be entitled to  
 5834 the same fees for ~~her or his services in~~ executing the warrant  
 5835 as for ~~under~~ a writ of execution out of the circuit court, and  
 5836 these ~~such~~ fees must ~~to~~ be collected in the same manner.

5837 (b) Injunctive procedures to contest warrants after  
 5838 issuance. -- ~~An~~ ~~No~~ writ of injunction or restraining order to stay  
 5839 the execution of a ~~such~~ warrant may not be issued ~~shall issue~~  
 5840 until a motion is ~~bill praying therefor has been~~ filed; and  
 5841 reasonable notice of a hearing on the ~~of~~ motion for the ~~such~~  
 5842 injunction is ~~has~~ ~~previously~~ ~~been~~ served on the tax collection  
 5843 service provider; and ~~division, nor unless~~ the party seeking the  
 5844 injunction either pays ~~applying therefor has previously~~ ~~tendered~~  
 5845 ~~and paid~~ into the custody of the court the full amount of  
 5846 contributions, reimbursements, interests, costs, and penalties  
 5847 claimed in the ~~such~~ warrant or enters ~~entered~~ into and files  
 5848 with ~~filed in~~ the court a bond with two or more good and  
 5849 sufficient sureties approved by the court in a sum at least  
 5850 twice ~~double~~ the amount of the ~~such~~ contributions,  
 5851 reimbursements, interests, costs, and penalties, payable to the  
 5852 tax collection service provider. The bond must also be ~~division,~~  
 5853 ~~and~~ conditioned to pay the amount of the ~~such~~ warrant, interest  
 5854 ~~thereon,~~ and any ~~such~~ damages resulting from ~~as may be~~  
 5855 ~~occasioned by~~ the wrongful issuing of the injunction, if the  
 5856 injunction is dissolved, or the motion for the injunction ~~bill~~  
 5857 ~~upon which it may be granted~~ is dismissed. Only one surety is  
 5858 ~~shall be~~ required when the ~~such~~ bond is executed by a lawfully  
 5859 authorized surety company ~~as surety thereon.~~

5860 (c) Attachment and garnishment. -- Upon the filing of notice  
 5861 of lien as provided in subparagraph (a)1., the tax collection



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5862 service provider division is entitled to remedy by attachment or  
 5863 garnishment as provided in chapters 76 and 77, as for a debt  
 5864 due; ~~and,~~ Upon application by the tax collection service  
 5865 provider division, these such writs shall be issued by ~~issue out~~  
 5866 ~~of the office of~~ the clerk of the circuit court as upon a  
 5867 judgment of the circuit court duly docketed and recorded. These,  
 5868 ~~and such~~ writs shall be ~~made~~ returnable to the circuit court. A  
 5869 ~~However, no~~ bond may not shall be required of the tax collection  
 5870 service provider division as a condition required for ~~precedent~~  
 5871 ~~to~~ the issuance of these such writs of attachment or  
 5872 garnishment. Issues raised under proceedings by attachment or  
 5873 garnishment shall be tried by the circuit court in the same  
 5874 manner as ~~upon~~ a judgment under ~~thereof in the manner provided~~  
 5875 ~~in~~ chapters 76 and 77. Further, the notice of lien filed by the  
 5876 tax collection service provider is valid ~~division shall be of~~  
 5877 ~~full force and effect for the purposes of all remedies under~~  
 5878 ~~provided for in~~ this chapter until satisfied under ~~as provided~~  
 5879 ~~in~~ this chapter, and ~~no~~ revival by scire facias or other  
 5880 proceedings are not shall be necessary before pursuing prior to  
 5881 ~~the pursuit of~~ any remedy authorized by law. ~~herein provided~~  
 5882 ~~for, and~~ Proceedings authorized ~~as~~ upon a judgment of the  
 5883 circuit court do not make shall not be construed as making of  
 5884 the lien a judgment of the circuit court upon a debt for any  
 5885 purpose other than except as are herein specifically provided by  
 5886 law set forth as procedural remedies ~~only~~.

5887 (d) Third-party claims.--Upon any levy made by the sheriff  
 5888 under ~~the authority of~~ a writ of attachment or garnishment as  
 5889 provided in paragraph (c), the circuit court shall try third-  
 5890 party claims to property involved ~~shall be tried by the circuit~~  
 5891 ~~court~~ as upon a judgment thereof and all proceedings ~~shall be~~



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5892 authorized on ~~such~~ third-party claims ~~as provided~~ in ss. 56.16,  
5893 56.20, 76.21, and 77.16 shall apply.

5894 (e) Proceedings supplementary to execution.--At any time  
5895 after a warrant provided for in subparagraph (a)2. is returned  
5896 unsatisfied by ~~has been in the hands of~~ any sheriff of this  
5897 state ~~and returned unsatisfied~~, the tax collection service  
5898 provider division may ~~make and~~ file an affidavit in the circuit  
5899 court affirming the such fact and also that such warrant was  
5900 returned unsatisfied and remains is valid and outstanding. The  
5901 affidavit must also state and also stating the residence of the  
5902 party or parties against whom the warrant is ~~has been~~ issued. ;  
5903 and The tax collection service provider is subsequently division  
5904 shall thereupon be entitled to have other and further  
5905 proceedings in the circuit court as upon a judgment thereof as  
5906 provided in s. 56.29.

5907 (f) Reproductions Photostats.--In any proceedings in any  
5908 court under this chapter, reproductions photostats of the  
5909 original records ~~or microfilm copies of records~~ of the Agency  
5910 for Workforce Innovation, its tax collection service provider,  
5911 the former Department of Labor and Employment Security, division  
5912 or the commission, including, but not limited to, photocopies or  
5913 microfilm, are shall be primary evidence in lieu of the original  
5914 originals of such records or of the documents that were which  
5915 have been transcribed into those such records.

5916 (g) Jeopardy assessment and warrant.--If the tax  
5917 collection service provider reasonably believes division has  
5918 just cause to believe and does believe that the collection of  
5919 contributions or reimbursements from an employer will be  
5920 jeopardized by delay, the service provider it may assess the  
5921 such contributions or reimbursements immediately, together with



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5922 interest or penalties when due, regardless of whether the ~~or not~~  
 5923 contributions or reimbursements accrued are ~~have become~~ due, and  
 5924 may immediately issue a notice of lien and jeopardy warrant upon  
 5925 which proceedings may be conducted ~~had~~ as ~~herein~~ provided in  
 5926 this section for notice of lien and warrant of the service  
 5927 provider ~~division~~. Within 15 days after ~~from the~~ mailing the ~~of~~  
 5928 ~~such~~ notice of lien by registered mail, the employer ~~against~~  
 5929 ~~whom such notice of lien and warrant is issued~~ may protest the  
 5930 issuance of the lien ~~thereof~~ in the same manner provided in  
 5931 paragraph (2)(a), ~~and further proceedings shall be had upon the~~  
 5932 ~~protest as therein provided~~. The ~~Such~~ protest does ~~shall~~ not  
 5933 operate as a supersedeas or stay of enforcement ~~proceedings~~  
 5934 ~~until and~~ unless the employer files ~~has filed~~ with the sheriff  
 5935 seeking to enforce the warrant ~~of the division~~ a good and  
 5936 sufficient surety bond in twice the amount demanded by the  
 5937 notice of lien or warrant. The bond must be conditioned upon  
 5938 payment of the amount subsequently found to be due from the  
 5939 employer to the tax collection service provider in the ~~division~~  
 5940 ~~by final order determination~~ of the Agency for Workforce  
 5941 Innovation ~~division~~ upon protest of assessment. The jeopardy  
 5942 warrant and notice of lien are ~~shall be~~ satisfied ~~by the~~  
 5943 ~~division~~ in the manner ~~heretofore~~ provided in this section upon  
 5944 payment of the amount finally determined to be due from the  
 5945 employer. If ~~In the event~~ enforcement of the jeopardy warrant is  
 5946 not superseded as ~~hereinabove~~ provided in this section, the  
 5947 employer is ~~shall be~~ entitled to a refund from the fund of all  
 5948 amounts paid as contributions or reimbursements in excess of the  
 5949 amount finally determined to be due by the employer upon  
 5950 application being made as provided in this chapter.





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5951 (4) MISCELLANEOUS PROVISIONS FOR ~~ENFORCEMENT OF~~ COLLECTION  
 5952 OF CONTRIBUTIONS AND REIMBURSEMENTS.--

5953 (a) In addition to ~~Independently of~~ all other remedies and  
 5954 proceedings authorized by this chapter law for ~~the enforcement~~  
 5955 ~~of and~~ the collection of contributions and reimbursements ~~hereby~~  
 5956 ~~levied~~, a right of action by suit in the name of the tax  
 5957 collection service provider division ~~division~~ is created. A suit may be  
 5958 brought ~~maintained and prosecuted~~, and all proceedings taken, to  
 5959 the same effect and extent as for the enforcement of a right of  
 5960 action for debt or assumpsit, and ~~any and~~ all remedies available  
 5961 in such actions, including attachment and garnishment, are ~~shall~~  
 5962 ~~be~~ available to the tax collection service provider division ~~division~~ for  
 5963 the collection of any contribution or reimbursement. ~~accruing~~  
 5964 ~~hereunder; however,~~ The tax collection service provider is  
 5965 ~~division shall not, however, be~~ required to post bond in any  
 5966 such action or proceedings. In addition, this section does not  
 5967 make these; ~~further, nothing herein contained shall be construed~~  
 5968 ~~as making of such~~ contributions or reimbursements a debt or  
 5969 demand unenforceable against homestead property as provided by  
 5970 Art. X of the State Constitution, and these ~~the above~~ remedies  
 5971 are solely being procedural ~~only~~.

5972 (b) An ~~Any~~ employer who fails ~~failing~~ to make return or ~~to~~  
 5973 pay the contributions or reimbursements levied under this  
 5974 chapter, and who remains ~~has not ceased to be~~ an employer as  
 5975 provided in s. 443.121, may be enjoined from employing  
 5976 individuals in employment as defined in this chapter upon the  
 5977 complaint of the tax collection service provider division ~~division~~ in the  
 5978 circuit court of the county in which the employer does ~~may be~~  
 5979 ~~doing~~ business. An; ~~and such~~ employer who fails ~~so failing~~ to  
 5980 make return or ~~to~~ pay contributions or reimbursements levied



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5981 ~~hereunder~~ shall be enjoined from employing individuals in  
 5982 employment until the such return is ~~shall have been~~ made and the  
 5983 contributions or reimbursements are ~~shown to be due thereunder~~  
 5984 ~~have been~~ paid to the tax collection service provider ~~division~~.

5985 (c) ~~The division or~~ Any agent or employee designated by  
 5986 the Agency for Workforce Innovation or its tax collection  
 5987 service provider ~~whom it may designate shall have the power to~~  
 5988 administer an oath to any person for ~~in respect to~~ any return or  
 5989 report required by this chapter law or by the rules of the  
 5990 Agency for Workforce Innovation or the state agency providing  
 5991 unemployment tax collection services ~~division~~, and an such oath  
 5992 made before the agency or its service provider ~~division~~ or any  
 5993 authorized agent or employee has ~~shall have~~ the same effect  
 5994 ~~efficacy~~ as an oath made before any judicial officer or notary  
 5995 public of the state.

5996 (d) Civil actions brought under this chapter to collect  
 5997 contributions, reimbursements, or ~~and interest, thereon~~ or any  
 5998 proceeding conducted ~~had herein~~ for the collection of  
 5999 contributions or reimbursements from an employer, shall be heard  
 6000 by the court having jurisdiction ~~thereof~~ at the earliest  
 6001 possible date and are ~~shall be~~ entitled to preference upon the  
 6002 calendar of the court over all other civil actions except  
 6003 petitions for judicial review of claims for benefits arising  
 6004 under this chapter and cases arising under the Workers'  
 6005 Compensation Law of this state.

6006 (e) The tax collection service provider ~~may division is~~  
 6007 ~~authorized to~~ commence an action in any other state ~~by and in~~  
 6008 ~~the name of the division~~ to collect unemployment compensation  
 6009 contributions, reimbursements, penalties, and interest legally  
 6010 due this state. The officials of other states that ~~which~~ extend



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6011 a like comity to this state may ~~are authorized to~~ sue for the  
 6012 collection of ~~such~~ contributions, reimbursements, interest, and  
 6013 penalties in the courts of this state. The courts of this state  
 6014 shall recognize and enforce liability for ~~such~~ contributions,  
 6015 reimbursements, interest, and penalties imposed by other states  
 6016 that ~~which~~ extend a like comity to this state.

6017 (f) The collection of any contribution, reimbursement,  
 6018 interest, or ~~and~~ penalty ~~otherwise~~ due under this chapter is  
 6019 ~~shall not be~~ enforceable by civil action, warrant, claim, or  
 6020 other means unless the notice of lien is filed with the clerk of  
 6021 the circuit court as described in subsection(3), within 5 years  
 6022 after ~~from~~ the date the ~~upon which~~ ~~such~~ contribution,  
 6023 reimbursement, interest, and penalty were ~~became~~ due and payable  
 6024 ~~as provided by law and by rule of the division, a notice of lien~~  
 6025 ~~with respect to such contribution, interest, and penalty was~~  
 6026 ~~filed for record with a clerk of a circuit court as provided in~~  
 6027 ~~subsection (3).~~

6028 (5) PRIORITIES UNDER LEGAL DISSOLUTION OR  
 6029 DISTRIBUTIONS.--In the event of any distribution of any  
 6030 employer's assets pursuant to an order of any court under the  
 6031 laws of this state, including any receivership, assignment for  
 6032 the benefit of creditors, adjudicated insolvency, composition,  
 6033 administration of estates of decedents, or other similar  
 6034 proceeding, contributions or reimbursements then or subsequently  
 6035 ~~thereafter~~ due must ~~shall~~ be paid in full before ~~prior to~~ all  
 6036 other claims except claims for wages of ~~not more than~~ \$250 or  
 6037 less to each claimant, earned within 6 months after ~~of~~ the  
 6038 commencement of the proceeding, and on a parity with all other  
 6039 tax claims wherever those ~~such~~ tax claims are ~~have been~~ given  
 6040 priority. In the administration of the estate of any decedent,



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6041 the filing of notice of lien ~~is shall be deemed~~ a proceeding  
 6042 required upon protest of the claim filed by the tax collection  
 6043 service provider division for contributions or reimbursements  
 6044 due under this chapter, and ~~the such~~ claim must ~~shall~~ be allowed  
 6045 by the circuit judge. ~~However,~~ The personal representative of  
 6046 the decedent, however, may by petition to the circuit court  
 6047 object to the validity of the tax collection service provider's  
 6048 claim ~~of the division~~, and proceedings shall be conducted ~~had~~ in  
 6049 the circuit court for the determination of the validity of the  
 6050 service provider's claim ~~of the division~~. Further, the bond of  
 6051 the personal representative may ~~shall~~ not be discharged until  
 6052 the such claim is finally determined by the circuit court. ~~and,~~  
 6053 When a no bond is not ~~has been~~ given by the personal  
 6054 representative, ~~none of~~ the assets of the estate may not ~~shall~~  
 6055 be distributed until the such final determination by the circuit  
 6056 court. Upon distribution of the assets of the estate of any  
 6057 decedent, the tax collection service provider's claim has a ~~of~~  
 6058 ~~the division shall have~~ class 8 priority established in s.  
 6059 733.707(1)(h), subject to the above limitations with reference  
 6060 to wages. In the event of any employer's adjudication in  
 6061 bankruptcy, judicially confirmed extension proposal, or  
 6062 composition, under the Federal Bankruptcy Act of 1898, as  
 6063 amended, contributions or reimbursements then or subsequently  
 6064 ~~thereafter~~ due are ~~shall be~~ entitled to ~~such~~ priority as is  
 6065 provided in s. 64B of that act (U.S.C. Title II, s. 104(b), as  
 6066 amended).

6067 (6) REFUNDS.--

6068 (a) Within ~~If, not later than~~ 4 years after ~~the date of~~  
 6069 payment of any amount as contributions, reimbursements,  
 6070 interest, or penalties, an employing unit may apply ~~that has~~



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6071 ~~paid such contributions, interest, or penalties makes~~  
6072 ~~application for an adjustment of its thereof in connection with~~  
6073 ~~subsequent contribution payments of contributions or~~  
6074 ~~reimbursements, or for a refund if the thereof because such~~  
6075 ~~adjustment cannot be made.~~

6076 (b) If, and the tax collection service provider division  
6077 determines that any such contributions, reimbursements,  
6078 interest, or penalties were or any portion thereof was  
6079 erroneously collected, the division shall allow such employing  
6080 unit may adjust its to make an adjustment thereof without  
6081 interest in connection with subsequent contribution payment of  
6082 contributions or reimbursements by the amount erroneously  
6083 collected. by it, or If an such adjustment cannot be made, the  
6084 tax collection service provider division shall refund the said  
6085 amount erroneously collected, without interest, from the fund.

6086 (c) For like cause, and Within the time limit provided in  
6087 paragraph (a), the tax collection service provider may on its  
6088 own initiative adjust or refund the amount erroneously collected  
6089 same period, adjustment or refund may be made on the division's  
6090 own initiative.

6091 (d) However, nothing in This chapter does not shall be  
6092 construed to authorize a refund of contributions or  
6093 reimbursements which were properly paid in accordance with the  
6094 provisions of this chapter when at the time of such payment was  
6095 made, except as required by s. 443.1216(13)(e) s-  
6096 443.036(21)(n)5.; further,

6097 (e) An employing unit entitled to a refund or adjustment  
6098 for erroneously collected contributions, reimbursements,  
6099 interest, or penalties is not entitled to interest on that  
6100 erroneously collected amount.



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6101        (f) Refunds under this subsection and under s.  
 6102        443.1216(13)(e) ~~s. 443.036(21)(n)5.~~ may be paid from either the  
 6103        clearing account or the benefit account of the Unemployment  
 6104        Compensation Trust Fund and from the Special Employment Security  
 6105        Administration Trust Fund for ~~with respect to~~ interest or  
 6106        penalties ~~which have been~~ previously paid into the such fund,  
 6107        notwithstanding the provisions of s. 443.191(2) to the contrary  
 6108        notwithstanding.

6109                Section 39. Section 443.151, Florida Statutes, is amended  
 6110        to read:

6111                443.151 Procedure concerning claims.--

6112                (1) POSTING OF INFORMATION.--

6113                (a) Each employer must ~~shall~~ post and maintain in places  
 6114        readily accessible to individuals in her or his employ printed  
 6115        statements concerning benefit rights, claims for benefits, and  
 6116        ~~such~~ other matters relating to the administration of this  
 6117        chapter as the Agency for Workforce Innovation ~~division~~ may by  
 6118        rule prescribe. Each employer must ~~shall~~ supply to ~~such~~  
 6119        individuals copies of ~~such~~ printed statements or other materials  
 6120        relating to claims for benefits ~~when and as directed by the~~  
 6121        agency's rules ~~division may by rule prescribe.~~ The Agency for  
 6122        Workforce Innovation shall supply these ~~Such~~ printed statements  
 6123        and other materials ~~shall be supplied by the division~~ to each  
 6124        employer without cost to the employer.

6125                (b)1. The Agency for Workforce Innovation shall advise  
 6126        each ~~An~~ individual filing a new claim for unemployment  
 6127        compensation ~~shall~~, at the time of filing the such claim, ~~be~~  
 6128        ~~advised~~ that:

6129                a. Unemployment compensation is subject to federal income  
 6130        tax.



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6131           b. Requirements exist pertaining to estimated tax  
6132 payments.

6133           c. The individual may elect to have federal income tax  
6134 deducted and withheld from the individual's payment of  
6135 unemployment compensation at the amount specified in the federal  
6136 Internal Revenue Code.

6137           d. The individual is not ~~shall be~~ permitted to change a  
6138 previously elected withholding status ~~not~~ more than twice ~~two~~  
6139 ~~times~~ per calendar year.

6140           2. Amounts deducted and withheld from unemployment  
6141 compensation must ~~shall~~ remain in the Unemployment Compensation  
6142 Trust Fund until transferred to the federal taxing authority as  
6143 payment of income tax.

6144           3. The Agency for Workforce Innovation ~~division~~ shall  
6145 follow all procedures specified by the United States Department  
6146 of Labor and the federal Internal Revenue Service pertaining to  
6147 the deducting and withholding of income tax.

6148           4. If more than one authorized request for deduction and  
6149 withholding is made, amounts must ~~shall~~ be deducted and withheld  
6150 in accordance with the following priorities:†

6151           a. Unemployment overpayments ~~shall~~ have first priority;†

6152           b. Child support payments ~~shall~~ have second priority;† and

6153           c. Withholding under this subsection has ~~shall have~~ third  
6154 priority.

6155           5. ~~This paragraph shall apply to payments made after~~  
6156 ~~December 31, 1996.~~

6157           (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
6158 CLAIMANTS AND EMPLOYERS.--Claims for benefits must ~~shall~~ be made  
6159 in accordance with the ~~such~~ rules adopted by the Agency for  
6160 Workforce Innovation ~~as the division may adopt~~. The Agency for



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6161 Workforce Innovation must ~~division shall~~ notify claimants and  
 6162 employers regarding monetary and nonmonetary determinations of  
 6163 eligibility. Investigations of issues raised in connection with  
 6164 a claimant which may affect a claimant's eligibility for  
 6165 benefits or charges to an employer's employment record ~~account~~  
 6166 shall be conducted by the Agency for Workforce Innovation  
 6167 ~~division~~ as prescribed by rule.

6168 (3) DETERMINATION.--

6169 (a) In general.--The Agency for Workforce Innovation shall  
 6170 promptly make an initial determination for each ~~upon a~~ claim  
 6171 filed under ~~pursuant to~~ subsection(2). The determination must  
 6172 ~~shall be made promptly by an examiner designated by the~~  
 6173 ~~division, shall~~ include a statement of as to whether and in what  
 6174 amount the claimant is entitled to benefits, and, in the event  
 6175 of a denial, must shall state the reasons for the denial  
 6176 ~~therefor~~. A determination for with respect to the first week of  
 6177 a benefit year must shall also include a statement of as to  
 6178 whether the claimant was ~~has been~~ paid the wages required under  
 6179 s. 443.091(1)(f) and, if so, the first day of the benefit year,  
 6180 the claimant's weekly benefit amount, and the maximum total  
 6181 amount of benefits payable to the claimant for with respect to a  
 6182 benefit year. The Agency for Workforce Innovation shall  
 6183 promptly notify the claimant, the claimant's most recent  
 6184 employing unit, and all employers whose employment records are  
 6185 liable for ~~accounts would be charged with~~ benefits under the  
 6186 ~~pursuant to such~~ determination of the ~~shall be promptly notified~~  
 6187 ~~of such~~ initial determination. The; ~~and such~~ determination is  
 6188 ~~shall be~~ final unless within 20 days after the mailing of the  
 6189 ~~such~~ notices to the parties' last known addresses, or in lieu of  
 6190 ~~in the absence of such~~ mailing, within 20 days after the





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6191 delivery of the notices ~~such notice~~, an appeal or written  
 6192 request for reconsideration is filed by the claimant or other  
 6193 party entitled to ~~such~~ notice.

6194 (b) Determinations in labor dispute cases.--Whenever any  
 6195 claim involves a labor dispute described in ~~the application of~~  
 6196 ~~the provisions of~~ s. 443.101(4), ~~the examiner handling the claim~~  
 6197 ~~shall, if so directed by~~ the Agency for Workforce Innovation  
 6198 shall division, promptly assign the ~~transmit~~ such claim to a  
 6199 special examiner who shall ~~designated by the division~~ to make a  
 6200 determination on ~~upon~~ the issues involving unemployment due to  
 6201 the labor dispute ~~involved under that subsection or upon such~~  
 6202 ~~claims.~~ The ~~Such~~ special examiner shall make the determination  
 6203 ~~thereon~~ after an ~~such~~ investigation, as ~~deemed~~ necessary. The  
 6204 claimant or another ~~any other~~ party entitled to notice of the  
 6205 ~~such~~ determination may ~~file an~~ appeal a ~~from~~ such determination  
 6206 under ~~pursuant to~~ subsection (4).

6207 (c) Redeterminations.--

6208 1. The Agency for Workforce Innovation ~~division~~ may  
 6209 reconsider a determination when ~~whenever~~ it finds ~~that~~ an error  
 6210 ~~has occurred in connection therewith~~ or when ~~whenever~~ new  
 6211 evidence or information pertinent to the ~~such~~ determination is  
 6212 ~~has been~~ discovered after a prior ~~subsequent to any previous~~  
 6213 determination or redetermination. A ~~No~~ such redetermination may  
 6214 not ~~shall~~ be made more than ~~after~~ 1 year after ~~from~~ the last day  
 6215 of the benefit year, unless ~~it appears that~~ the disqualification  
 6216 for making a false or fraudulent representation in ~~imposed by~~ s.  
 6217 443.101(6) is applicable, in which case the redetermination may  
 6218 be made ~~at any time~~ within 2 years after ~~from~~ the ~~date of the~~  
 6219 ~~making of such~~ false or fraudulent representation. The Agency  
 6220 for Workforce Innovation must promptly give notice of



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6221 redetermination ~~shall be promptly given~~ to the claimant and to  
 6222 any employers entitled to notice ~~thereof~~ in the manner  
 6223 prescribed in this section for the ~~with respect to~~ notice of an  
 6224 initial determination. If the amount of benefits is increased by  
 6225 the ~~upon such~~ redetermination, an appeal of the redetermination  
 6226 based therefrom solely on the ~~with respect to the matters~~  
 6227 ~~involved in such~~ increase may be filed as ~~in the manner and~~  
 6228 ~~subject to the limitations~~ provided in subsection (4). If the  
 6229 amount of benefits is decreased by the ~~upon such~~  
 6230 redetermination, the redetermination may be appealed ~~matters~~  
 6231 ~~involved in such decrease shall be subject to review in~~  
 6232 ~~connection with an appeal by the~~ claimant when ~~from any~~  
 6233 ~~determination upon~~ a subsequent claim for benefits is ~~which may~~  
 6234 ~~be affected in amount or duration by the~~ ~~such~~ redetermination.  
 6235 If the final decision on the determination or redetermination to  
 6236 be reconsidered was made ~~Subject to the same limitations and for~~  
 6237 ~~the same reasons, the division may reconsider its determination~~  
 6238 ~~in any case in which the final decision has been rendered by an~~  
 6239 ~~appeals referee, the commission, or a court, the Agency for~~  
 6240 Workforce Innovation ~~and~~ may apply for a revised decision from  
 6241 ~~to the body or court that made the~~ ~~which rendered such~~ final  
 6242 ~~decision to issue a revised decision.~~

6243 2. If ~~In the event that~~ an appeal of ~~involving~~ an original  
 6244 determination is pending when ~~as of the date~~ a redetermination  
 6245 ~~thereof~~ is issued, the ~~such~~ appeal unless withdrawn is ~~shall be~~  
 6246 treated as an appeal from the ~~such~~ redetermination.

6247 (d) Notice of determination or redetermination ~~pursuant to~~  
 6248 ~~this chapter.--~~Notice of any monetary or nonmonetary  
 6249 determination or redetermination under ~~which involves the~~  
 6250 ~~application of the provisions of~~ this chapter, together with the



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6251 reasons for the determination or redetermination thereof, must  
 6252 ~~shall~~ be promptly given to the claimant and to any employer  
 6253 entitled to notice thereof, ~~such notice to be given~~ in the  
 6254 manner provided in this subsection, ~~provided that~~ The Agency  
 6255 for Workforce Innovation division shall adopt rules prescribing  
 6256 ~~by rule prescribe~~ the manner and procedure by ~~pursuant to~~ which  
 6257 employers within the base period of a claimant ~~may~~ become  
 6258 entitled to ~~such~~ notice.

6259 (4) APPEALS.--

6260 (a) Appeals referees.--The Agency for Workforce Innovation  
 6261 ~~division~~ shall appoint one or more impartial salaried appeals  
 6262 referees ~~selected~~ in accordance with s. 443.171(3) ~~s. 443.171(4)~~  
 6263 to hear and decide appealed ~~or disputed~~ claims. ~~Such appeals~~  
 6264 ~~referees shall have such qualifications as may be established by~~  
 6265 ~~the Department of Management Services upon the advice and~~  
 6266 ~~consent of the division.~~ A No person may not shall participate  
 6267 on behalf of the Agency for Workforce Innovation division as an  
 6268 appeals referee in any case in which she or he is an interested  
 6269 party. The Agency for Workforce Innovation division may  
 6270 designate alternates to serve in the absence or disqualification  
 6271 of any appeals referee on ~~upon~~ a temporary basis. These  
 6272 alternates must have ~~and pro hac vice which alternate shall be~~  
 6273 ~~possessed of~~ the same qualifications required of appeals  
 6274 referees. The Agency for Workforce Innovation division shall  
 6275 provide the commission and the appeals referees with proper  
 6276 facilities and assistance for the execution of their functions.

6277 (b) Filing and hearing.--

6278 1. The claimant or any other party entitled to notice of a  
 6279 determination ~~as herein provided~~ may ~~file an~~ appeal an adverse  
 6280 ~~from such~~ determination to ~~with~~ an appeals referee within 20



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6281 days after the date of mailing of the notice to her or his last  
 6282 known address or, if ~~the such~~ notice is not mailed, within 20  
 6283 days after the date of delivery of ~~the such~~ notice.

6284 2. ~~Notwithstanding the provisions of s. 120.569(2)(b),~~  
 6285 Unless the appeal is withdrawn ~~with her or his permission~~ or  
 6286 review is initiated by ~~is removed to~~ the commission, the appeals  
 6287 referee, after mailing all parties and attorneys of record a  
 6288 notice of hearing at least 10 days before ~~prior to~~ the date of  
 6289 hearing, notwithstanding the 14-day notice requirement in s.  
 6290 120.569(2)(b), may only shall affirm, modify, or reverse the  
 6291 ~~such~~ determination. An appeal may not be withdrawn without the  
 6292 permission of the appeals referee.

6293 3. ~~When; however, whenever~~ an appeal involves a question  
 6294 of as to whether services were performed by a claimant in  
 6295 employment or for an employer, the referee must shall give  
 6296 special notice of the question such issue and of the pendency of  
 6297 the appeal to the employing unit and to the Agency for Workforce  
 6298 Innovation ~~division~~, both of which become shall thenceforth be  
 6299 parties to the proceeding.

6300 4.3. The parties must shall be notified promptly notified  
 6301 of the such referee's decision. The referee's decision is; and  
 6302 ~~such decisions shall be~~ final unless further review is initiated  
 6303 under paragraph (c); within 20 days after the date of mailing of  
 6304 notice of the decision thereof to the party's last known address  
 6305 or, in lieu the absence of ~~such~~ mailing, within 20 days after  
 6306 the delivery of ~~the such~~ notice, ~~further review is initiated~~  
 6307 pursuant to paragraph (c).

6308 (c) Review by commission.--The commission may, on its own  
 6309 motion, within the time limit specified in paragraph (b),  
 6310 initiate a review of the decision of an appeals referee. The



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6311 commission ~~or~~ may also allow the Agency for Workforce Innovation  
 6312 or any adversely affected party entitled to notice of the  
 6313 decision to an appeal ~~the from such~~ decision by filing an ~~an~~  
 6314 application filed within the such time limit in paragraph (b) ~~by~~  
 6315 ~~the division or by any party entitled to notice of such~~  
 6316 decision. An adversely affected ~~An appeal filed by any such~~  
 6317 party ~~has the~~ shall be allowed as of right to appeal the  
 6318 decision if the Agency for Workforce Innovation's examiner's  
 6319 determination ~~is was~~ not affirmed by the appeals referee. ~~Upon~~  
 6320 ~~review on its own motion or upon appeal,~~ The commission may ~~on~~  
 6321 ~~the basis of the evidence previously submitted in such case, or~~  
 6322 ~~upon the basis of such additional evidence as it may direct to~~  
 6323 ~~be taken,~~ affirm, modify, or reverse the findings and  
 6324 conclusions of the appeals referee based on evidence previously  
 6325 submitted in the case or based on additional evidence taken at  
 6326 the direction of the commission. The commission may assume  
 6327 jurisdiction of ~~remove to itself~~ or transfer to another appeals  
 6328 referee the proceedings on any claim pending before an appeals  
 6329 referee. Any proceeding in which ~~so removed to~~ the commission  
 6330 assumes jurisdiction before ~~prior to the~~ completion must ~~shall~~  
 6331 be heard by the commission in accordance with the requirement of  
 6332 this subsection for ~~with respect to~~ proceedings before an  
 6333 appeals referee. When ~~Upon denial by~~ the commission denies ~~of~~  
 6334 an application to hear an ~~for~~ appeal of an appeals referee's  
 6335 ~~from the decision of an appeals referee,~~ the decision of the  
 6336 appeals referee is the ~~shall be deemed to be~~ a decision of the  
 6337 commission for purposes of ~~within the meaning of~~ this paragraph  
 6338 ~~for purposes of judicial review and~~ is ~~shall be~~ subject to  
 6339 judicial review within the same time and ~~in the~~ manner as  
 6340 ~~provided for with respect to~~ decisions of the commission, except



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6341 that the time for initiating ~~such~~ review runs ~~shall run~~ from the  
 6342 date of notice of the commission's order of the commission  
 6343 denying the application to hear an ~~for~~ appeal.

6344 (d) Procedure.--The manner that ~~in which~~ appealed claims  
 6345 are ~~shall be~~ presented must comply with the commission's ~~shall~~  
 6346 ~~be in accordance with rules prescribed by the commission.~~

6347 Witnesses subpoenaed under ~~pursuant to~~ this section are ~~shall be~~  
 6348 allowed fees at the a rate as established by s. 92.142, and fees  
 6349 of witnesses subpoenaed on behalf of the Agency for Workforce  
 6350 Innovation division or any claimant are ~~shall be~~ deemed part of  
 6351 the expense of administering this chapter.

6352 (e) Judicial review.--Orders of the commission entered  
 6353 under ~~pursuant to~~ paragraph (c) are ~~shall be~~ subject to review  
 6354 only by notice of appeal in the district court of appeal in the  
 6355 appellate district in which the issues involved were decided by  
 6356 an appeals referee. Notwithstanding chapter 120, ~~and~~ the  
 6357 commission is ~~shall be made~~ a party respondent to every such  
 6358 proceeding, ~~notwithstanding any provision to the contrary in~~  
 6359 ~~chapter 120.~~ The Agency for Workforce Innovation may division  
 6360 ~~shall have the right to~~ initiate judicial review of orders in  
 6361 the same manner and to the same extent as any other party.

6362 (5) PAYMENT OF BENEFITS.--

6363 (a) The Agency for Workforce Innovation Benefits shall be  
 6364 promptly pay benefits ~~paid~~ in accordance with a determination or  
 6365 redetermination regardless of any appeal or pending appeal.  
 6366 Before payment of benefits to the claimant, however, each any  
 6367 employer who, ~~pursuant to the provisions of s. 443.131(4), (5),~~  
 6368 ~~or (6),~~ is liable for reimbursements ~~reimbursement~~ payments in  
 6369 lieu of contributions for ~~the~~ payment of the ~~such~~ benefits must  
 6370 ~~shall~~ be notified, at the address on file with the Agency for



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6371 Workforce Innovation or its tax collection service provider  
 6372 ~~division, of as to~~ the initial determination of the claim, and  
 6373 ~~must the employer shall~~ be given 10 days to respond, ~~prior to~~  
 6374 ~~the payment of the benefits to the employee.~~

6375 (b) The Agency for Workforce Innovation shall promptly pay  
 6376 benefits, regardless of whether a determination is under appeal,  
 6377 when the ~~If a~~ determination allowing benefits is affirmed in any  
 6378 amount by an appeals referee, or is ~~so~~ affirmed by the  
 6379 commission, or if a decision of an appeals referee allowing  
 6380 benefits is affirmed in any amount by the commission. In these  
 6381 instances, a court may not issue an, ~~such benefits shall be~~  
 6382 ~~promptly paid regardless of any further appeal, and no~~  
 6383 injunction, supersedeas, stay, or other writ or process  
 6384 suspending the payment of ~~such~~ benefits ~~shall be issued by any~~  
 6385 ~~court. A contributing~~ However, if such decision is finally  
 6386 ~~reversed, no employer may not, however, liable for contributions~~  
 6387 ~~under the contributory system of financing unemployment~~  
 6388 ~~compensation benefits shall be charged with benefits so paid~~  
 6389 under an pursuant to the erroneous determination if the decision  
 6390 is ultimately reversed, ~~and Benefits are shall~~ not be paid for  
 6391 any subsequent weeks of unemployment involved in a ~~such~~  
 6392 reversal.

6393 (c) The provisions ~~That portion~~ of paragraph (b) relating  
 6394 to charging an employer liable for contributions do not apply  
 6395 ~~shall not be applicable to reimbursing employers using the~~  
 6396 ~~reimbursable method of financing benefit payments.~~

6397 (6) RECOVERY AND RECOUPMENT.--

6398 (a) Any person who, by reason of her or his fraud,  
 6399 receives ~~has received any sum as~~ benefits under this chapter to  
 6400 which she or he is ~~was~~ not entitled is ~~shall be~~ liable to repay



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6401 ~~those benefits to the Agency for Workforce Innovation such sum~~  
 6402 ~~to the division for and~~ on behalf of the trust fund or, in the  
 6403 ~~agency's discretion of the division,~~ to have those benefits such  
 6404 ~~sum~~ deducted from future benefits payable to her or him under  
 6405 this chapter. To enforce this paragraph, the Agency for  
 6406 Workforce Innovation must find, ~~provided a finding of the~~  
 6407 existence of ~~such~~ fraud through ~~has been made by a~~  
 6408 redetermination or decision under ~~pursuant to~~ this section  
 6409 within 2 years after the ~~from the commission of such~~ fraud was  
 6410 committed., ~~and provided no such~~ Any recovery or recoupment of  
 6411 these benefits must ~~such sum may~~ be effected within ~~after~~ 5  
 6412 years after ~~from the date of such~~ redetermination or decision.

6413 (b) ~~If~~ Any person who, ~~other than~~ by reason other than ~~of~~  
 6414 her or his fraud, receives ~~has received any sum as~~ benefits  
 6415 under this chapter to which, under a redetermination or decision  
 6416 pursuant to this section, she or he is ~~has been~~ found not  
 6417 entitled, is ~~she or he shall be~~ liable to repay those benefits  
 6418 to the Agency for Workforce Innovation such sum to the division  
 6419 ~~for and~~ on behalf of the trust fund or, in the agency's  
 6420 discretion ~~of the division,~~ to shall have those benefits such  
 6421 ~~sum~~ deducted from any future benefits payable to her or him  
 6422 under this chapter. Any ~~No such~~ recovery or recoupment of  
 6423 benefits must ~~such sum may~~ be effected within ~~after~~ 2 years  
 6424 after ~~from the date of such~~ redetermination or decision.

6425 (c) ~~No~~ Recoupment from future benefits is not permitted  
 6426 ~~shall be had if~~ the benefits are ~~such sum was~~ received by such  
 6427 person without fault on the person's part and ~~such~~ recoupment  
 6428 would defeat the purpose of this chapter or would be inequitable  
 6429 and against equity and good conscience.





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6430           (d) The Agency for Workforce Innovation shall collect the  
 6431 repayment of benefits ~~In any case in which under this section a~~  
 6432 ~~claimant is liable to repay to the division any sum for the~~  
 6433 ~~fund, such sum shall be collectible without interest by the a~~  
 6434 ~~deduction of from benefits through pursuant to a redetermination~~  
 6435 ~~as above provided or by a civil action in the name of the~~  
 6436 ~~division.~~

6437           (e) Notwithstanding any other provision of this chapter,  
 6438 any person who is ~~has been~~ determined by ~~either~~ this state, a  
 6439 cooperating state agency, the United States Secretary of Labor,  
 6440 or a court of competent jurisdiction to have received any  
 6441 payments under the Trade Act of 1974, as amended, to which the  
 6442 person was not entitled shall have those payments ~~such sum~~  
 6443 deducted from any regular benefits, as defined in s.  
 6444 443.1115(1)(e) ~~s. 443.111(6)(a)5.~~, payable to her or him under  
 6445 this chapter. Each; ~~except that no single~~ deduction under this  
 6446 paragraph may not ~~shall~~ exceed 50 percent of the amount  
 6447 otherwise payable. The payments ~~amounts so~~ deducted shall be  
 6448 remitted paid to the agency that ~~which~~ issued the payments under  
 6449 the Trade Act of 1974, as amended, for return to the United  
 6450 States Treasury. ~~However,~~ Except for overpayments determined by  
 6451 a court of competent jurisdiction, a ~~no~~ deduction may not be  
 6452 made under this paragraph until a determination by the state  
 6453 agency or the United States Secretary of Labor is ~~has become~~  
 6454 final.

6455           (7) REPRESENTATION IN ADMINISTRATIVE  
 6456 PROCEEDINGS. ~~Notwithstanding the provisions of s. 120.62(2),~~ In  
 6457 any administrative proceeding conducted under this chapter, an  
 6458 employer or a claimant has the right, at his or her own expense,  
 6459 to ~~may~~ be represented by counsel or by an authorized



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6460 representative ~~or by counsel~~. Notwithstanding s. 120.62(2), the  
 6461 authorized representative need not be a qualified  
 6462 representative.

6463 (8) BILINGUAL REQUIREMENTS.--

6464 (a) ~~Based on the estimated total number of households in a~~  
 6465 ~~county which speak the same non-English language, a single-~~  
 6466 ~~language minority,~~ The Agency for Workforce Innovation division  
 6467 shall provide printed bilingual instructional and educational  
 6468 materials in the appropriate language in those counties in which  
 6469 5 percent or more of the households in the county are classified  
 6470 as a single-language minority.

6471 (b) The Agency for Workforce Innovation division shall  
 6472 ensure that one-stop career centers and appeals offices located  
 6473 ~~bureaus~~ in counties subject to the requirements of paragraph (c)  
 6474 prominently post notices in the appropriate languages and that  
 6475 translators are available in those centers and offices ~~bureaus~~.

6476 (c) As used in this subsection, the term "single-language  
 6477 minority" means ~~refers to~~ households that ~~which~~ speak the same  
 6478 non-English language and that ~~which~~ do not contain an adult  
 6479 fluent in English. The Agency for Workforce Innovation division  
 6480 shall develop estimates of the percentages of single-language  
 6481 minority households for each county by using data from ~~made~~  
 6482 ~~available by~~ the United States Bureau of the Census.

6483 Section 40. Section 443.163, Florida Statutes, is amended  
 6484 to read:

6485 443.163 Electronic reporting and remitting of  
 6486 contributions and reimbursements ~~taxes~~.--

6487 (1) An employer may ~~choose to~~ file any report and remit  
 6488 any contributions or reimbursements ~~taxes~~ required under ~~by~~ this  
 6489 chapter by electronic means. The Agency for Workforce Innovation



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6490 or the state agency providing unemployment tax collection  
 6491 services its designee shall adopt rules prescribing ~~prescribe by~~  
 6492 ~~rule~~ the format and instructions necessary for electronically  
 6493 ~~such~~ filing of reports and remitting contributions and  
 6494 reimbursements of taxes to ensure a full collection of  
 6495 contributions and reimbursements due. The acceptable method of  
 6496 transfer, the method, form, and content of the electronic means,  
 6497 and the method, if any, by which the employer will be provided  
 6498 with an acknowledgment shall be prescribed by the Agency for  
 6499 Workforce Innovation or its tax collection service provider  
 6500 ~~designee~~. However, any employer who employed 10 or more  
 6501 employees in any quarter during the preceding state fiscal year,  
 6502 ~~or any person that prepared and reported for 5 or more employers~~  
 6503 ~~in the preceding state fiscal year,~~ must file ~~submit~~ the  
 6504 Employers Quarterly Reports (UCT-6) for the current calendar  
 6505 year and remit the contributions and reimbursements ~~taxes~~ due by  
 6506 electronic means approved by the tax collection service provider  
 6507 ~~agency or its designee~~. A person who prepared and reported for  
 6508 100 or more employers in any quarter during the preceding state  
 6509 fiscal year must file the Employers Quarterly Reports (UCT-6)  
 6510 for each calendar quarter in the current calendar year,  
 6511 beginning with reports due for the second calendar quarter of  
 6512 2003, by electronic means approved by the tax collection service  
 6513 provider.

6514 (2) ~~An~~ Any employer ~~or person~~ who is required by law ~~fails~~  
 6515 to file an Employers Quarterly Report (UCT-6) by electronic  
 6516 means but who files the report by a means other than electronic  
 6517 means ~~required by law~~ is liable for a penalty of ~~10 percent of~~  
 6518 ~~the tax due, but not less than \$10 for that~~ each report, which  
 6519 is in addition to any other applicable penalty provided by this



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6520 chapter ~~which may be applicable~~, unless the employer ~~or person~~  
 6521 ~~has~~ first obtains ~~obtained~~ a waiver of this ~~for such~~ requirement  
 6522 from the tax collection service provider agency ~~or its designee~~.  
 6523 An ~~Any~~ employer ~~or person~~ who fails to remit contributions or  
 6524 reimbursements ~~tax~~ by electronic means as required by law is  
 6525 liable for a penalty of \$10 for each remittance submitted by a  
 6526 means other than electronic means, which is in addition to any  
 6527 other applicable penalty provided by this chapter ~~which may be~~  
 6528 ~~applicable~~. A person who prepared and reported for 100 or more  
 6529 employers in any quarter during the preceding state fiscal year  
 6530 but who fails to file an Employers Quarterly Report (UCT-6) for  
 6531 each calendar quarter in the current calendar year by electronic  
 6532 means as required by law is liable for a penalty of \$10 for that  
 6533 report, which is in addition to any other applicable penalty  
 6534 provided by this chapter, unless the person first obtains a  
 6535 waiver of this requirement from the tax collection service  
 6536 provider.

6537 (3) The tax collection service provider agency ~~or its~~  
 6538 ~~designee~~ may waive the requirement to file an Employers  
 6539 Quarterly Report(UCT-6) by electronic means for employers ~~or~~  
 6540 ~~persons~~ that are unable to comply despite good faith efforts or  
 6541 due to circumstances beyond the employer's ~~or person's~~  
 6542 reasonable control.

6543 (a) As prescribed by the Agency for Workforce Innovation  
 6544 or its tax collection service provider ~~designee~~, grounds for  
 6545 approving the waiver include, but are not limited to,  
 6546 circumstances in which the employer ~~or person~~ does not:

6547 1. Currently file information or data electronically with  
 6548 any business or government agency; or



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6549           2. Have a compatible computer that meets or exceeds the  
6550 standards prescribed by the Agency for Workforce Innovation or  
6551 its tax collection service provider designee.

6552           (b) The tax collection service provider ~~agency or its~~  
6553 ~~designee~~ shall accept other reasons for requesting a waiver from  
6554 the requirement to submit the Employers Quarterly Report (UCT-6)  
6555 by electronic means, including, but not limited to:

6556           1. That the employer ~~or person~~ needs additional time to  
6557 program his or her computer;

6558           2. That complying with this requirement causes the  
6559 employer ~~or person~~ financial hardship; or

6560           3. That complying with this requirement conflicts with the  
6561 employer's business procedures.

6562           (c) The Agency for Workforce Innovation or the state  
6563 agency providing unemployment tax collection services ~~its~~  
6564 ~~designee~~ may establish by rule the length of time a waiver is  
6565 valid and may determine whether subsequent waivers will be  
6566 authorized, based on ~~the provisions of~~ this subsection; however,  
6567 the tax collection service provider ~~may agency or its designee~~  
6568 ~~shall~~ only grant a waiver from electronic reporting if the  
6569 employer ~~or person~~ timely files the Employers Quarterly Report  
6570 (UCT-6) by telefile, unless the employer wage detail exceeds the  
6571 service provider's ~~agency's or its designee's~~ telefile system  
6572 capabilities.

6573           (4) As used in ~~For purposes of~~ this section, the term  
6574 "electronic means" includes, but is not limited to, electronic  
6575 data interchange; electronic funds transfer; and use of the  
6576 Internet, telephone, or other technology specified by the Agency  
6577 for Workforce Innovation or its tax collection service provider  
6578 ~~designee~~.



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6579 Section 41. Section 443.171, Florida Statutes, is amended  
6580 to read:

6581 443.171 Agency for Workforce Innovation Division and  
6582 commission; powers and duties; ~~rules; advisory council;~~ records  
6583 and reports; proceedings; state-federal cooperation.--

6584 (1) POWERS AND DUTIES ~~OF DIVISION.~~--The Agency for  
6585 Workforce Innovation shall administer ~~It shall be the duty of~~  
6586 ~~the division to administer~~ this chapter. The agency may ~~;~~ and it  
6587 ~~shall have power and authority to~~ employ those ~~such~~ persons,  
6588 make ~~such~~ expenditures, require ~~such~~ reports, conduct ~~make such~~  
6589 investigations, and take ~~such~~ other action as ~~it deems~~ necessary  
6590 or suitable to administer this chapter ~~that end~~. ~~The division~~  
6591 ~~shall determine its own organization and methods of procedure in~~  
6592 ~~accordance with the provisions of this chapter. Not later than~~  
6593 ~~March 15 of each year, The Agency for Workforce Innovation~~  
6594 ~~division, through the Department of Labor and Employment~~  
6595 ~~Security,~~ shall annually submit information to Workforce  
6596 Florida, Inc., ~~the Governor a report~~ covering the administration  
6597 and operation of this chapter during the preceding calendar year  
6598 for inclusion in the strategic plan under s. 445.006 and may  
6599 ~~shall~~ make ~~such~~ recommendations for amendment to this chapter as  
6600 ~~it deems proper.~~

6601 (2) ~~RULES; DIVISION, SEAL.~~--

6602 (a) ~~The division has authority to adopt rules pursuant to~~  
6603 ~~ss. 120.536(1) and 120.54 to implement the provisions of this~~  
6604 ~~chapter.~~

6605 (b) ~~The division shall have an official seal, which shall~~  
6606 ~~be judicially noticed.~~

6607 (2)(3) PUBLICATION OF ACTS AND RULES.--The Agency for  
6608 Workforce Innovation ~~division~~ shall cause to be printed and



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6609 distributed to the public, or otherwise distributed to the  
 6610 public through the Internet or similar electronic means, the  
 6611 text of this chapter and of the rules for administering this  
 6612 chapter adopted by the agency or the state agency providing  
 6613 unemployment tax collection services ~~division, the division's~~  
 6614 ~~annual report to the Governor,~~ and any other matter ~~the division~~  
 6615 ~~deems~~ relevant and suitable. The Agency for Workforce Innovation  
 6616 ~~and~~ shall furnish this information to any person upon request  
 6617 ~~application therefor~~. However, any ~~no~~ pamphlet, rules,  
 6618 circulars, or reports required by this chapter may not ~~shall~~  
 6619 contain any matter except the actual data necessary to complete  
 6620 them ~~same~~ or the actual language of the rule, together with the  
 6621 proper notices thereof.

6622 (3)(4) PERSONNEL.--Subject to chapter 110 and the other  
 6623 provisions of this chapter, the Agency for Workforce Innovation  
 6624 may ~~division is authorized to~~ appoint, set fix the compensation  
 6625 of, and prescribe the duties and powers of ~~such~~ employees,  
 6626 accountants, attorneys, experts, and other persons as ~~may be~~  
 6627 necessary for in the performance of the agency's its ~~its~~ duties  
 6628 under this chapter. The Agency for Workforce Innovation  
 6629 ~~division~~ may delegate to any ~~such~~ person its ~~such~~ power and  
 6630 authority under this chapter as necessary ~~it deems reasonable~~  
 6631 ~~and proper~~ for the effective administration of this chapter and  
 6632 may ~~in its discretion~~ bond any person handling moneys or signing  
 6633 checks under this chapter. ~~hereunder;~~ The cost of these ~~such~~  
 6634 bonds must ~~shall~~ be paid from the Employment Security  
 6635 Administration Trust Fund.

6636 ~~(5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL. There is~~  
 6637 ~~created a state Unemployment Compensation Advisory Council to~~



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6638 ~~assist the division in reviewing the unemployment insurance~~  
6639 ~~program and to recommend improvements for such program.~~

6640 ~~(a) The council shall consist of 18 members, including~~  
6641 ~~equal numbers of employer representatives and employee~~  
6642 ~~representatives who may fairly be regarded as representative~~  
6643 ~~because of their vocations, employments, or affiliations, and~~  
6644 ~~representatives of the general public.~~

6645 ~~(b) The members of the council shall be appointed by the~~  
6646 ~~secretary of the Department of Labor and Employment Security.~~  
6647 ~~Initially, the secretary shall appoint five members for terms of~~  
6648 ~~4 years, five members for terms of 3 years, five members for~~  
6649 ~~terms of 2 years, and three members for terms of 1 year.~~  
6650 ~~Thereafter, members shall be appointed for 4 year terms. A~~  
6651 ~~vacancy shall be filled for the remainder of the unexpired term.~~

6652 ~~(c) The council shall meet at the call of its chair, at~~  
6653 ~~the request of a majority of its membership, at the request of~~  
6654 ~~the division, or at such times as may be prescribed by its~~  
6655 ~~rules, but not less than twice a year. The council shall make a~~  
6656 ~~report of each meeting, which shall include a record of its~~  
6657 ~~discussions and recommendations. The division shall make such~~  
6658 ~~reports available to any interested person or group.~~

6659 ~~(d) Members of the council shall serve without~~  
6660 ~~compensation but shall be entitled to receive reimbursement for~~  
6661 ~~per diem and travel expenses as provided in s. 112.061.~~

6662 ~~(4)(6)~~ EMPLOYMENT STABILIZATION.--The Agency for Workforce  
6663 Innovation, under the direction of Workforce Florida, Inc.,  
6664 division, with the advice and aid of advisory councils, shall  
6665 take all appropriate steps to reduce and prevent unemployment;  
6666 to encourage and assist in the adoption of practical methods of  
6667 vocational training, retraining, and vocational guidance; to





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6668 investigate, recommend, advise, and assist in the establishment  
 6669 and operation, by municipalities, counties, school districts,  
 6670 and the state, of reserves for public works to be used in times  
 6671 of business depression and unemployment; to promote the  
 6672 reemployment of the unemployed workers throughout the state in  
 6673 every other way that may be feasible; to refer any claimant  
 6674 entitled to extended benefits to suitable work which meets the  
 6675 criteria of this chapter; and, to these ends, to carry on and  
 6676 publish the results of investigations and research studies.

6677 (5)(7) RECORDS AND REPORTS.--Each employing unit shall  
 6678 keep true and accurate work records, containing the such  
 6679 information required by the Agency for Workforce Innovation or  
 6680 its tax collection service provider as the division may  
 6681 prescribe. These such records must shall be open to inspection  
 6682 and are be subject to being copied by the Agency for Workforce  
 6683 Innovation or its tax collection service provider division at  
 6684 any reasonable time and as often as may be necessary. The Agency  
 6685 for Workforce Innovation or its tax collection service provider  
 6686 division or an appeals referee may require from any employing  
 6687 unit any sworn or unsworn reports, for with respect to persons  
 6688 employed by the employing unit it, deemed necessary for the  
 6689 effective administration of this chapter. However, a state or  
 6690 local governmental agency performing intelligence or  
 6691 counterintelligence functions need not report an employee if the  
 6692 head of that such agency determines has determined that  
 6693 reporting the employee could endanger the safety of the employee  
 6694 or compromise an ongoing investigation or intelligence mission.  
 6695 Information revealing the employing unit's or individual's  
 6696 identity thus obtained from the employing unit or from any  
 6697 individual through pursuant to the administration of this



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6698 chapter is, ~~shall~~, except to the extent necessary for the proper  
 6699 presentation of a claim or upon written authorization of the  
 6700 claimant who has a workers' compensation claim pending, ~~be held~~  
 6701 confidential and exempt from ~~the provisions of~~ s. 119.07(1).  
 6702 This confidential ~~Such~~ information is ~~shall be~~ available only to  
 6703 public employees in the performance of their public duties,  
 6704 ~~including employees of the Department of Education in obtaining~~  
 6705 ~~information for the Florida Education and Training Placement~~  
 6706 ~~Information Program and the Office of Tourism, Trade, and~~  
 6707 ~~Economic Development in its administration of the qualified~~  
 6708 ~~defense contractor tax refund program authorized by s. 288.1045,~~  
 6709 ~~the qualified target industry business tax refund program~~  
 6710 ~~authorized by s. 288.106.~~ Any claimant, or the claimant's legal  
 6711 representative, at a hearing before an appeals referee or the  
 6712 commission must ~~shall~~ be supplied with information from these  
 6713 ~~such~~ records to the extent necessary for the proper presentation  
 6714 of her or his claim. Any employee or member of the commission,  
 6715 ~~or~~ any employee of the Agency for Workforce Innovation or its  
 6716 tax collection service provider ~~division~~, or any other person  
 6717 receiving confidential information, ~~who violates any provision~~  
 6718 ~~of~~ this subsection commits ~~is guilty of~~ a misdemeanor of the  
 6719 second degree, punishable as provided in s. 775.082 or s.  
 6720 775.083. However, the Agency for Workforce Innovation or its tax  
 6721 collection service provider ~~division~~ may furnish to any employer  
 6722 copies of any report previously submitted by that ~~such~~ employer,  
 6723 upon the request of the ~~such~~ employer, ~~and~~ The Agency for  
 6724 Workforce Innovation or its tax collection service provider may  
 6725 ~~division is authorized to charge a~~ therefor ~~such~~ reasonable fee  
 6726 for copies of reports, which may ~~as the division may by rule~~  
 6727 ~~prescribe~~ not ~~to~~ exceed the actual reasonable cost of the



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6728 preparation of the such copies as prescribed by rules adopted by  
 6729 the Agency for Workforce Innovation or the state agency  
 6730 providing tax collection services. Fees received by the Agency  
 6731 for Workforce Innovation or its tax collection service provider  
 6732 division for copies furnished ~~provided~~ under this subsection  
 6733 must shall be deposited in to ~~the credit of~~ the Employment  
 6734 Security Administration Trust Fund.

6735 (6)(8) OATHS AND WITNESSES.--In the discharge of the  
 6736 duties imposed by this chapter, the Agency for Workforce  
 6737 Innovation, its tax collection service provider division, the  
 6738 ~~appeals referees, and~~ the members of the commission, and any  
 6739 ~~duly~~ authorized representative of any of these entities may them  
 6740 ~~shall have power to~~ administer oaths and affirmations, take  
 6741 depositions, certify to official acts, and issue subpoenas to  
 6742 compel the attendance of witnesses and the production of books,  
 6743 papers, correspondence, memoranda, and other records deemed  
 6744 necessary as evidence in connection with the administration of  
 6745 this chapter.

6746 (7)(9) SUBPOENAS.--If a person refuses ~~In case of~~  
 6747 ~~contumacy by, or refusal to obey~~ a subpoena issued to that, any  
 6748 person, any court of this state within the jurisdiction of which  
 6749 the inquiry is carried on, or within the jurisdiction of which  
 6750 the person ~~guilty of contumacy or refusal to obey~~ is found,  
 6751 resides, or transacts business, upon application by the Agency  
 6752 for Workforce Innovation, its tax collection service provider  
 6753 division, the commission, or an appeals referee or any ~~duly~~  
 6754 authorized representative of any of these entities has them,  
 6755 ~~shall have jurisdiction to~~ order the issue to such person an  
 6756 ~~order requiring such person to appear before the~~ entity  
 6757 ~~division, the commission, or an appeals referee or any duly~~



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6758 ~~authorized representative of any of them,~~ there to produce  
 6759 evidence ~~if so ordered~~ or ~~there to~~ give testimony ~~touching~~ on  
 6760 the matter under investigation or in question.~~;~~ ~~and any~~ Failure  
 6761 to obey the ~~such~~ order of the court may be punished by the court  
 6762 as a contempt thereof. Any person who fails or refuses ~~shall~~  
 6763 without just cause ~~fail or refuse~~ to appear or attend ~~and~~  
 6764 testify; ~~or~~ to answer any lawful inquiry; or to produce books,  
 6765 papers, correspondence, memoranda, and other records within, ~~if~~  
 6766 ~~it is in~~ her or his control as commanded ~~power to do so,~~ in  
 6767 ~~obedience to~~ a subpoena of the Agency for Workforce Innovation,  
 6768 its tax collection service provider division, the commission, ~~or~~  
 6769 ~~an appeals referee~~ or any duly authorized representative of any  
 6770 of these entities commits ~~them is guilty of~~ a misdemeanor of the  
 6771 second degree, punishable as provided in s. 775.082 or s.  
 6772 775.083.~~;~~ ~~and~~ Each day that a ~~such~~ violation continues is a  
 6773 separate offense.

6774 ~~(8)(10)~~ PROTECTION AGAINST SELF-INCRIMINATION.--A ~~No~~  
 6775 person is not ~~shall be~~ excused from appearing or attending ~~and~~  
 6776 testifying, or from producing books, papers, correspondence,  
 6777 memoranda, or ~~and~~ other records, before the Agency for Workforce  
 6778 Innovation, its tax collection service provider division, the  
 6779 commission, ~~or an appeals referee~~ or any duly authorized  
 6780 representative of any of these entities ~~them~~ or as commanded in  
 6781 a ~~obedience to the~~ subpoena of any of these entities ~~them~~ in any  
 6782 ~~cause or~~ proceeding before the Agency for Workforce Innovation  
 6783 division, the commission, ~~or an appeals referee,~~ or a special  
 6784 deputy on the ground that the testimony or evidence, documentary  
 6785 or otherwise, required of the person may ~~tend to~~ incriminate her  
 6786 or him or subject her or him to a penalty or forfeiture. That  
 6787 person may not; ~~but no individual shall~~ be prosecuted or



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6788 subjected to any penalty or forfeiture for or on account of any  
 6789 transaction, matter, or thing concerning which she or he is  
 6790 compelled, after having claimed her or his privilege against  
 6791 self-incrimination, to testify or produce evidence, documentary  
 6792 or otherwise, except that the person ~~such individual so~~  
 6793 testifying is ~~shall~~ not be exempt from prosecution and  
 6794 punishment for perjury committed while ~~in so~~ testifying.

6795 (9)(11) STATE-FEDERAL COOPERATION. --

6796 (a)1. In the administration of this chapter, the Agency  
 6797 for Workforce Innovation and its tax collection service provider  
 6798 ~~division~~ shall cooperate with the United States Department of  
 6799 Labor to the fullest extent consistent with ~~the provisions of~~  
 6800 this chapter and shall take those actions ~~such action~~, through  
 6801 the adoption of appropriate rules, administrative methods, and  
 6802 standards, ~~as may be~~ necessary to secure for ~~to~~ this state ~~and~~  
 6803 ~~its citizens~~ all advantages available under the provisions of  
 6804 federal law relating the Social Security Act that relate to  
 6805 unemployment compensation, ~~the Federal Unemployment Tax Act, the~~  
 6806 ~~Wagner-Peyser Act, and the Federal State Extended Unemployment~~  
 6807 ~~Compensation Act of 1970, or other federal manpower acts.~~

6808 2. In the administration of the provisions in s. 443.1115  
 6809 ~~s. 443.111(6)~~, which are enacted to conform with the  
 6810 ~~requirements of the~~ Federal-State Extended Unemployment  
 6811 Compensation Act of 1970, the Agency for Workforce Innovation  
 6812 ~~division~~ shall take those actions ~~such action as may be~~  
 6813 necessary to ensure that those ~~the~~ provisions are ~~so~~ interpreted  
 6814 and applied ~~as~~ to meet the requirements of the ~~such~~ federal act  
 6815 as interpreted by the United States Department of Labor and to  
 6816 secure for ~~to~~ this state the full reimbursement of the federal



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6817 share of extended benefits paid under this chapter which is ~~that~~  
 6818 ~~are~~ reimbursable under the federal act.

6819 3. The Agency for Workforce Innovation and its tax  
 6820 collection service provider ~~division~~ shall comply with the  
 6821 regulations of the United States Department of Labor relating to  
 6822 the receipt or expenditure by this state of funds ~~moneys~~ granted  
 6823 under federal law ~~any of such acts~~; shall submit the ~~make such~~  
 6824 reports, in the ~~such~~ form and containing the ~~such~~ information,  
 6825 ~~as~~ the United States Department of Labor requires ~~may from time~~  
 6826 ~~to time require~~; and shall comply with directions of ~~such~~  
 6827 ~~provisions~~ as the United States Department of Labor ~~may from~~  
 6828 ~~time to time find~~ necessary to assure the correctness and  
 6829 verification of these ~~such~~ reports.

6830 (b) The Agency for Workforce Innovation and its tax  
 6831 collection service provider ~~division~~ may cooperate ~~afford~~  
 6832 ~~reasonable cooperation~~ with every agency of the United States  
 6833 charged with ~~the~~ administration of any unemployment insurance  
 6834 law.

6835 (c) The Agency for Workforce Innovation and its tax  
 6836 collection service provider ~~division~~ shall fully cooperate with  
 6837 the agencies of other states, and shall make every proper effort  
 6838 within their ~~its~~ means, to oppose and prevent any further action  
 6839 leading ~~which would in its judgment tend to~~ the effect complete  
 6840 or substantial federalization of state unemployment compensation  
 6841 funds or state employment security programs. The Agency for  
 6842 Workforce Innovation and its tax collection service provider  
 6843 ~~division~~ may make, and may cooperate with other appropriate  
 6844 agencies in making, studies as to the practicability and  
 6845 probable cost of possible new state-administered social security



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6846 programs and the relative desirability of state, rather than  
 6847 federal, action in that ~~any such~~ field of study.

6848 Section 42. Section 443.1715, Florida Statutes, is amended  
 6849 to read:

6850 443.1715 Disclosure of information; confidentiality.--

6851 (1) RECORDS AND REPORTS.--Information revealing an ~~the~~  
 6852 employing unit's or individual's identity obtained from the  
 6853 employing unit or ~~from~~ any individual under ~~pursuant to~~ the  
 6854 administration of this chapter, and any determination revealing  
 6855 that ~~such~~ information, except to the extent necessary for the  
 6856 proper presentation of a claim or upon written authorization of  
 6857 the claimant who has a workers' compensation claim pending, is  
 6858 ~~must be held~~ confidential and exempt from ~~the provisions of~~ s.  
 6859 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 6860 confidential ~~Such~~ information may be released ~~be made available~~  
 6861 only to public employees in the performance of their public  
 6862 duties, ~~including employees of the Department of Education in~~  
 6863 ~~obtaining information for the Florida Education and Training~~  
 6864 ~~Placement Information Program and the Office of Tourism, Trade,~~  
 6865 ~~and Economic Development in its administration of the qualified~~  
 6866 ~~defense contractor tax refund program authorized by s. 288.1045~~  
 6867 ~~and the qualified target industry tax refund program authorized~~  
 6868 ~~by s. 288.106.~~ Except as otherwise provided by law, public  
 6869 employees receiving this confidential ~~such~~ information must  
 6870 maintain ~~retain~~ the confidentiality of the ~~such~~ information. Any  
 6871 claimant, or the claimant's legal representative, at a hearing  
 6872 before an appeals referee or the commission is entitled to ~~shall~~  
 6873 ~~be supplied with~~ information from these ~~such~~ records to the  
 6874 extent necessary for the proper presentation of her or his  
 6875 claim. A ~~Any employee or member of the commission or any~~



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6876 ~~employee of the division, or any other person receiving~~  
 6877 confidential information~~, who violates any provision of this~~  
 6878 subsection commits a misdemeanor of the second degree,  
 6879 punishable as provided in s. 775.082 or s. 775.083. The Agency  
 6880 for Workforce Innovation or its tax collection service provider  
 6881 ~~However, the division may, however,~~ furnish to any employer  
 6882 copies of any report ~~previously~~ submitted by that such employer,  
 6883 upon the request of the such employer, and may furnish to any  
 6884 claimant copies of any report ~~previously~~ submitted by that such  
 6885 claimant, upon the request of the such claimant. The Agency for  
 6886 Workforce Innovation or its tax collection service provider may,  
 6887 ~~and the division is authorized to charge a therefor such~~  
 6888 reasonable fee for copies of these reports as prescribed ~~as the~~  
 6889 ~~division may~~ by rule, which may prescribe not to exceed the  
 6890 actual reasonable cost of the preparation of the such copies.  
 6891 Fees received ~~by the division~~ for copies under ~~as provided in~~  
 6892 this subsection must be deposited in ~~to the credit of the~~  
 6893 Employment Security Administration Trust Fund.

6894 (2) DISCLOSURE OF INFORMATION.--Subject to ~~such~~  
 6895 restrictions ~~as~~ the Agency for Workforce Innovation or the state  
 6896 agency providing unemployment tax collection services adopts  
 6897 ~~division prescribes~~ by rule, information declared confidential  
 6898 under this section is ~~may be made~~ available to any agency of  
 6899 this or any other state, or any federal agency, charged with the  
 6900 administration of any unemployment compensation law or the  
 6901 maintenance of the one-stop delivery ~~a system of public~~  
 6902 ~~employment offices,~~ or the Bureau of Internal Revenue of the  
 6903 United States Department of the Treasury, or the Florida  
 6904 Department of Revenue. and Information obtained in connection  
 6905 with the administration of the one-stop delivery system





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6906 ~~employment service~~ may be made available to persons or agencies  
 6907 for purposes appropriate to the operation of a public employment  
 6908 service or a job-preparatory or career education or training  
 6909 program. The Agency for Workforce Innovation ~~division~~ shall, on  
 6910 a quarterly basis, furnish the National Directory of New Hires  
 6911 with information concerning the wages and unemployment benefits  
 6912 ~~compensation~~ paid to individuals, by the such dates, in the such  
 6913 format, and containing the such information specified in the  
 6914 regulations of ~~as~~ the United States Secretary of Health and  
 6915 Human Services ~~shall specify in regulations~~. Upon request  
 6916 ~~therefor~~, the Agency for Workforce Innovation ~~division~~ shall  
 6917 furnish any agency of the United States charged with the  
 6918 administration of public works or assistance through public  
 6919 employment, and may furnish to any state agency similarly  
 6920 charged, the name, address, ordinary occupation, and employment  
 6921 status of each recipient of benefits and the such recipient's  
 6922 rights to further benefits under this chapter. Except as  
 6923 otherwise provided by law, the receiving agency must retain the  
 6924 confidentiality of this such information as provided in this  
 6925 section. The tax collection service provider ~~division~~ may  
 6926 request the Comptroller of the Currency of the United States to  
 6927 examine ~~cause an examination of~~ the correctness of any return or  
 6928 report of any national banking association rendered under  
 6929 ~~pursuant to the provisions of~~ this chapter and may in connection  
 6930 with that such request transmit any such report or return for  
 6931 examination to the Comptroller of the Currency of the United  
 6932 States as provided in s. 3305(c) of the federal Internal Revenue  
 6933 Code.

6934 (3) ~~SPECIAL PROVISIONS FOR DISCLOSURE OF DRUG TEST~~

6935 INFORMATION.--Notwithstanding ~~the contrary provisions of~~ s.



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6936 440.102(8), all information, interviews, reports, and drug test  
 6937 results, written or otherwise, received by an employer through a  
 6938 drug-testing program may be used or received in evidence,  
 6939 obtained in discovery, or disclosed in public or private  
 6940 proceedings conducted for the purpose of determining  
 6941 compensability under this chapter, including any administrative  
 6942 or judicial appeal ~~taken hereunder~~. The employer, agent of the  
 6943 employer, or laboratory conducting a drug test may also obtain  
 6944 access to employee drug test information when consulting with  
 6945 legal counsel in connection with actions brought under or  
 6946 related to this chapter or when the information is relevant to  
 6947 its defense in a civil or administrative matter. This ~~Such~~  
 6948 information may also be released to a professional or  
 6949 occupational licensing board in a related disciplinary  
 6950 proceeding. However, unless otherwise provided by law, this ~~such~~  
 6951 information is confidential for all other purposes.

6952 (a) This ~~Such~~ information may not be disclosed or released  
 6953 and may not be, ~~or~~ used in any criminal proceeding against the  
 6954 person tested. Information released contrary to paragraph (c) is  
 6955 inadmissible as evidence in the ~~any such~~ criminal proceeding.

6956 (b) Unless otherwise provided by law, any ~~such~~ information  
 6957 described in this subsection and received by a public employer  
 6958 through a drug-testing program, or obtained by a public employee  
 6959 under this chapter, is confidential and exempt from ~~the~~  
 6960 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 6961 Constitution, until introduced into the public record under  
 6962 ~~pursuant to~~ a hearing conducted under s. 443.151(4).

6963 (c) Confidentiality may be waived only by express and  
 6964 informed written consent executed by the person tested. The  
 6965 consent form must contain, at a minimum:



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- 6966 1. The name of the person who is authorized to obtain the  
 6967 information;  
 6968 2. The purpose of the disclosure;  
 6969 3. The precise information to be disclosed;  
 6970 4. The duration of the consent; and  
 6971 5. The signature of the person authorizing release of the  
 6972 information.

6973 Section 43. Section 443.1716, Florida Statutes, is amended  
 6974 to read:

6975 443.1716 Authorized electronic access to employer  
 6976 information.--

6977 (1) As used in this section, the term:

6978 (a) "Consumer-reporting agency" has the meaning ascribed  
 6979 in the Federal Fair Credit Reporting Act, 15 U.S.C. s. 1681a.

6980 (b) "Creditor" has the meaning ascribed in the federal  
 6981 Fair Debt Collection Practices Act, 15 U.S.C. ss. 1692 et seq.

6982 (2)~~(1)~~ Notwithstanding any other provision ~~provisions~~ of  
 6983 this chapter, the Agency for Workforce Innovation ~~Department of~~  
 6984 ~~Labor and Employment Security~~ shall contract with one or more  
 6985 consumer-reporting agencies to provide creditors with secured  
 6986 electronic access to employer-provided information relating to  
 6987 the quarterly wages report submitted in accordance with this  
 6988 chapter ~~the state's unemployment compensation law. This~~ Such  
 6989 access is limited to the wage reports for the preceding 16  
 6990 calendar quarters.

6991 (3)~~(2)~~ Creditors must obtain written consent from the  
 6992 credit applicant. This ~~Any such~~ written consent ~~from the credit~~  
 6993 ~~applicant~~ must be signed and ~~must~~ include the following:



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6994 (a) Specific notice that the individual's wage and  
 6995 employment history information will be released to a consumer-  
 6996 reporting agency;

6997 (b) Notice that the ~~such~~ release is made for the sole  
 6998 purpose of reviewing a specific application for credit made by  
 6999 the individual;

7000 (c) Notice that the files of the Agency for Workforce  
 7001 Innovation or its tax collection service provider which contain  
 7002 ~~Department of Labor and Employment Security containing~~ wage and  
 7003 employment history information submitted by the individual or  
 7004 his or her employers may be accessed; and

7005 (d) A listing of the parties authorized to receive the  
 7006 released information.

7007 (4)~~(3)~~ Consumer-reporting agencies and creditors accessing  
 7008 information under this section must safeguard the  
 7009 confidentiality of the ~~such~~ information and must ~~shall~~ use the  
 7010 information only to support a single consumer credit transaction  
 7011 for the creditor to satisfy standard financial underwriting  
 7012 requirements or other requirements imposed upon the creditor,  
 7013 and to satisfy the creditor's obligations under applicable state  
 7014 or federal Fair Credit Reporting laws and rules governing this  
 7015 section.

7016 (5)~~(4)~~ ~~Should any consumer-reporting agency or creditor~~  
 7017 ~~violate any provision of this section,~~ The Agency for Workforce  
 7018 Innovation ~~Department of Labor and Employment Security~~ shall,  
 7019 upon 30 days' written notice to the consumer-reporting agency,  
 7020 terminate the contract established between the Agency for  
 7021 Workforce Innovation ~~department~~ and the consumer-reporting  
 7022 agency resulting from this section if the consumer-reporting  
 7023 agency or any creditor violates this section.



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7024 ~~(5) For purposes of this section, "creditor" has the same~~  
 7025 ~~meaning as set forth in the federal Fair Debt Collection~~  
 7026 ~~Practices Act, 15 U.S.C. ss. 1692 et seq.~~

7027 (6) The Agency for Workforce Innovation ~~Department of~~  
 7028 ~~Labor and Employment Security~~ shall establish minimum audit,  
 7029 security, net-worth, and liability-insurance standards,  
 7030 technical requirements, and any other terms and conditions  
 7031 ~~considered necessary in the discretion of the state agency to~~  
 7032 ~~safeguard the confidentiality of the information released under~~  
 7033 ~~this section and to otherwise serve the public interest. The~~  
 7034 Agency for Workforce Innovation ~~Department of Labor and~~  
 7035 ~~Employment Security~~ shall also include, in coordination with any  
 7036 necessary state agencies, ~~necessary~~ audit procedures to ensure  
 7037 that these rules are followed.

7038 (7) In contracting with one or more consumer-reporting  
 7039 agencies under this section, any revenues generated by the such  
 7040 contract must be used to pay the entire cost of providing access  
 7041 to the information. Further, in accordance with federal  
 7042 regulations, any additional revenues generated by the Agency for  
 7043 Workforce Innovation ~~department~~ or the state under this section  
 7044 must be paid into the Employment Security Administration  
 7045 ~~department's~~ Trust Fund ~~for the administration of the~~  
 7046 ~~unemployment compensation system.~~

7047 (8) The Agency for Workforce Innovation ~~department~~ may not  
 7048 provide wage and employment history information to any consumer-  
 7049 reporting agency before the consumer-reporting agency or  
 7050 agencies under contract with the Agency for Workforce Innovation  
 7051 ~~department~~ pay all development and other startup costs incurred  
 7052 by the state in connection with the design, installation, and



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7053 administration of technological systems and procedures for the  
7054 electronic-access program.

7055 (9) The release of any information under this section must  
7056 be for a purpose authorized by and in the manner permitted by  
7057 the United States Department of Labor and any subsequent rules  
7058 or regulations adopted by that department.

7059 ~~(10) As used in this section, the term "consumer reporting~~  
7060 ~~agency" has the same meaning as that set forth in the Federal~~  
7061 ~~Fair Credit Reporting Act, 15 U.S.C. s. 1681a.~~

7062 Section 44. Section 443.181, Florida Statutes, is amended  
7063 to read:

7064 443.181 Public State employment service.--

7065 (1) ~~CREATION. A state public employment service is~~  
7066 ~~established in the Agency for Workforce Innovation, under policy~~  
7067 ~~direction from Workforce Florida, Inc. The agency shall~~  
7068 ~~establish and maintain free public employment offices in such~~  
7069 ~~number and in such places as may be necessary for the proper~~  
7070 ~~administration of this chapter and for the purposes of~~  
7071 ~~performing such duties as are within the purview of the Act of~~  
7072 ~~Congress entitled "An Act to provide for the establishment of a~~  
7073 ~~national employment system and for cooperation with the states~~  
7074 ~~in the promotion of such system and for other purposes,"~~  
7075 ~~approved June 6, 1933 (48 Stat. 113; 29 U.S.C. s. 49(e)), as~~  
7076 ~~amended. Notwithstanding any provisions in this section to the~~  
7077 ~~contrary, The one-stop delivery system established under s.~~  
7078 ~~445.009 is this state's public employment service as part of the~~  
7079 ~~national system of public employment offices under 29 U.S.C. s.~~  
7080 ~~49 shall be the primary method for delivering services under~~  
7081 ~~this section, consistent with Pub. L. No. 105-220 and chapter~~  
7082 ~~445. The Agency for Workforce Innovation, under policy direction~~



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7083 from Workforce Florida, Inc., ~~It shall be the duty of the agency~~  
 7084 ~~to~~ cooperate with any official or agency of the United States  
 7085 having power or duties under 29 U.S.C. ss. 49-491-1 ~~the~~  
 7086 ~~provisions of the Act of Congress, as amended,~~ and shall ~~to do~~  
 7087 ~~and~~ perform those duties ~~all things~~ necessary to secure to this  
 7088 state the funds provided under federal law for ~~benefits of said~~  
 7089 ~~Act of Congress, as amended,~~ in the promotion and maintenance of  
 7090 the state's ~~a system of~~ public employment service ~~offices.~~ In  
 7091 accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C.  
 7092 ss. 49-491-1 ~~The provisions of the said Act of Congress, as~~  
 7093 ~~amended, are hereby accepted by this state, in conformity with~~  
 7094 ~~s. 4 of that act, and this state will observe and comply with~~  
 7095 ~~the requirements thereof.~~ The Agency for Workforce Innovation is  
 7096 designated ~~and constituted~~ the state agency responsible for  
 7097 cooperating with the United States Secretary of Labor under 29  
 7098 U.S.C. s. 49c ~~of this state for the purpose of that act.~~ The  
 7099 Agency for Workforce Innovation shall ~~is authorized and directed~~  
 7100 ~~to~~ appoint sufficient employees to administer ~~carry out the~~  
 7101 ~~purposes of~~ this section. The Agency for Workforce Innovation  
 7102 may cooperate with or enter into agreements with the Railroad  
 7103 Retirement Board for ~~with respect to~~ the establishment,  
 7104 maintenance, and use of one-stop career centers ~~free employment~~  
 7105 ~~service facilities.~~

7106 (2) ~~FINANCING.~~ ~~All~~ funds ~~moneys~~ received by this state  
 7107 under 29 U.S.C. ss. 49-491-1 ~~must~~ ~~the said Act of Congress, as~~  
 7108 ~~amended,~~ shall be paid into the Employment Security  
 7109 Administration Trust Fund, and these funds ~~such moneys~~ are  
 7110 ~~hereby made~~ available to the Agency for Workforce Innovation for  
 7111 expenditure ~~to be expended~~ as provided by this chapter or by  
 7112 federal law ~~and by said Act of Congress.~~ For the purpose of



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7113 establishing and maintaining one-stop career centers ~~free public~~  
 7114 ~~employment offices~~, the Agency for Workforce Innovation ~~may is~~  
 7115 ~~authorized to~~ enter into agreements with the Railroad Retirement  
 7116 Board or any other agency of the United States charged with the  
 7117 administration of an unemployment compensation law, with any  
 7118 political subdivision of this state, or with any private,  
 7119 nonprofit organization, ~~and~~ As a part of any such agreement,  
 7120 the Agency for Workforce Innovation may accept moneys, services,  
 7121 or quarters as a contribution to the Employment Security  
 7122 Administration Trust Fund.

7123 ~~(3) REFERENCES. References to "the agency" in this~~  
 7124 ~~section mean the Agency for Workforce Innovation.~~

7125 Section 45. Section 443.191, Florida Statutes, is amended  
 7126 to read:

7127 443.191 Unemployment Compensation Trust Fund;  
 7128 establishment and control.--

7129 (1) There is established, as a ~~special fund~~ separate trust  
 7130 fund ~~and~~ apart from all other public ~~moneys or~~ funds of this  
 7131 state, an Unemployment Compensation Trust Fund, which shall be  
 7132 administered by the Agency for Workforce Innovation ~~division~~  
 7133 exclusively for the purposes of this chapter. ~~The~~ This fund  
 7134 shall consist of:

7135 (a) All contributions and reimbursements collected under  
 7136 this chapter;

7137 (b) Interest earned on ~~upon~~ any moneys in the fund;

7138 (c) Any property or securities acquired through the use of  
 7139 moneys belonging to the fund;

7140 (d) All earnings of these ~~such~~ property or securities; and





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7141 (e) All money credited to this state's account in the  
 7142 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
 7143 1103 ~~pursuant to s. 903 of the Social Security Act, as amended.~~

7144  
 7145 Except as otherwise provided in s. 443.1313(4), all moneys in  
 7146 the fund shall be mingled and undivided.

7147 (2) The Treasurer is the ex officio treasurer and  
 7148 custodian of the fund and shall administer the fund in  
 7149 accordance with the directions of the Agency for Workforce  
 7150 Innovation ~~division~~. All payments from the fund must be  
 7151 approved by the Agency for Workforce Innovation ~~division~~ or by  
 7152 an a-duly authorized agent and must be made by the Treasurer  
 7153 upon warrants issued by the Comptroller, except as ~~hereinafter~~  
 7154 provided in this section. The Treasurer shall maintain within  
 7155 the fund three separate accounts:

- 7156 (a) A clearing account;  
 7157 (b) An Unemployment Compensation Trust Fund account; and  
 7158 (c) A benefit account.

7159  
 7160 All moneys payable to the fund, including moneys received from  
 7161 the United States as reimbursement for extended benefits paid by  
 7162 the Agency for Workforce Innovation ~~division, upon receipt~~  
 7163 ~~thereof by the division~~, must be forwarded to the Treasurer, who  
 7164 shall immediately deposit them in the clearing account. Refunds  
 7165 payable under s. 443.141 may be paid from the clearing account  
 7166 upon warrants issued by the Comptroller. After clearance, all  
 7167 other moneys in the clearing account must be immediately  
 7168 deposited with the Secretary of the Treasury of the United  
 7169 States to the credit of this state's ~~the account of this state~~  
 7170 in the federal Unemployment Compensation Trust Fund



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7171 ~~notwithstanding established and maintained under s. 904 of the~~  
 7172 ~~Social Security Act, as amended, any state provisions of the law~~  
 7173 ~~in this state~~ relating to the deposit, administration, release,  
 7174 or disbursement of moneys in the possession or custody of this  
 7175 state ~~to the contrary notwithstanding~~. The benefit account  
 7176 consists ~~shall consist~~ of all moneys requisitioned from this  
 7177 state's account in the federal Unemployment Compensation Trust  
 7178 Fund. Except as otherwise provided by law, moneys in the  
 7179 clearing and benefit accounts may be deposited by the Treasurer,  
 7180 under the direction of the Agency for Workforce Innovation  
 7181 ~~division~~, in any bank or public depository in which general  
 7182 funds of the state are ~~may be~~ deposited, but a ~~no~~ public deposit  
 7183 insurance charge or premium may not be paid out of the fund. If  
 7184 any warrant issued against the clearing account or the benefit  
 7185 account is not presented for payment within 1 year after  
 7186 issuance ~~thereof~~, the Comptroller must cancel the warrant ~~same~~  
 7187 and credit without restriction the amount of the ~~such~~ warrant to  
 7188 the account upon which it is drawn. When the payee or person  
 7189 entitled to a canceled ~~any~~ ~~so canceled~~ requests payment  
 7190 of the warrant ~~thereof~~, the Comptroller, upon direction of the  
 7191 Agency for Workforce Innovation ~~division~~, must issue a new  
 7192 warrant, payable from ~~therefor~~, ~~to be paid out of~~ the account  
 7193 against which the canceled warrant was ~~had been~~ drawn.

7194 (3) Moneys may only ~~shall~~ be requisitioned from the  
 7195 state's account in the federal Unemployment Compensation Trust  
 7196 Fund solely for the payment of benefits and extended benefits  
 7197 and for payment in accordance with rules prescribed by the  
 7198 Agency for Workforce Innovation ~~division~~, except that money  
 7199 credited to this state's account under 42 U.S.C. s. 1103 ~~may~~  
 7200 only ~~pursuant to s. 903 of the Social Security Act, as amended,~~



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7201 ~~shall~~ be used exclusively as provided in subsection (5). The  
 7202 Agency for Workforce Innovation ~~division~~, through the Treasurer,  
 7203 shall ~~from time to time~~ requisition from the federal  
 7204 Unemployment Compensation Trust Fund ~~such~~ amounts, not exceeding  
 7205 the amounts credited ~~standing~~ to this state's account in the  
 7206 fund therein, as ~~it deems~~ necessary for the payment of benefits  
 7207 and extended benefits for a reasonable future period. Upon  
 7208 receipt of these amounts ~~thereof~~, the Treasurer shall deposit  
 7209 the ~~such~~ moneys in the benefit account in the State Treasury and  
 7210 warrants for the payment of benefits and extended benefits shall  
 7211 be drawn by the Comptroller upon the order of the Agency for  
 7212 Workforce Innovation ~~division~~ against the ~~such~~ ~~benefit~~ account.

7213 All warrants for benefits and extended benefits are ~~shall be~~  
 7214 payable directly to the ultimate beneficiary. Expenditures of  
 7215 these ~~such~~ moneys in the benefit account and refunds from the  
 7216 clearing account are ~~shall~~ not be subject to any ~~provisions of~~  
 7217 law requiring specific appropriations or other formal release by  
 7218 state officers of money in their custody. All warrants issued  
 7219 for the payment of benefits and refunds must ~~shall~~ bear the  
 7220 signature of the Comptroller ~~as above set forth~~. Any balance of  
 7221 moneys requisitioned from this state's account in the federal  
 7222 Unemployment Compensation Trust Fund which remains unclaimed or  
 7223 unpaid in the benefit account after ~~the expiration of the period~~  
 7224 for which the moneys ~~such sums~~ were requisitioned shall ~~either~~  
 7225 be deducted from estimates for, and may be used ~~utilized~~ for the  
 7226 payment of, benefits and extended benefits during succeeding  
 7227 periods, or, in the discretion of the Agency for Workforce  
 7228 Innovation ~~division~~, shall be redeposited with the Secretary of  
 7229 the Treasury of the United States, to the credit of this state's



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7230 account in the federal Unemployment Compensation Trust Fund, as  
 7231 provided in subsection (2).

7232 (4) ~~The provisions of~~ Subsections (1), (2), and (3), to  
 7233 the extent ~~that~~ they relate to the federal Unemployment  
 7234 Compensation Trust Fund, apply ~~shall be operative~~ only while the  
 7235 ~~so long as such unemployment trust~~ fund continues to exist and  
 7236 while so long as the Secretary of the Treasury of the United  
 7237 States continues to maintain for this state a separate ~~book~~  
 7238 account of all funds deposited ~~therein~~ by this state for the  
 7239 payment of benefits ~~benefit purposes~~, together with this state's  
 7240 proportionate share of the earnings of the federal ~~such~~  
 7241 Unemployment Compensation Trust Fund, from which no other state  
 7242 is permitted to make withdrawals. If the federal ~~and when such~~  
 7243 Unemployment Compensation Trust Fund ceases to exist, or the  
 7244 ~~such~~ separate ~~book~~ account is no longer maintained, all moneys,  
 7245 properties, or securities ~~therein~~ belonging to this state's  
 7246 account in the federal Unemployment Compensation Trust Fund must  
 7247 ~~of this state shall~~ be transferred to the Treasurer of the  
 7248 Unemployment Compensation Trust Fund, who must ~~shall~~ hold,  
 7249 invest, transfer, sell, deposit, and release those ~~such~~ moneys,  
 7250 properties, or securities in a manner approved by the Agency for  
 7251 Workforce Innovation ~~division~~ in accordance with ~~the provisions~~  
 7252 ~~of this chapter. These; however, such~~ moneys must, however,  
 7253 ~~shall~~ be invested in the following readily marketable classes of  
 7254 securities: bonds or other interest-bearing obligations of the  
 7255 United States or of the state. Further, the ~~such~~ investment  
 7256 must shall at all times be ~~so~~ made in a manner that allows all  
 7257 the assets of the fund to shall always be readily convertible  
 7258 into cash when needed for the payment of benefits. The Treasurer  
 7259 may only shall dispose of securities or other properties



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7260 belonging to the Unemployment Compensation Trust Fund ~~only~~ under  
 7261 the direction of the Agency for Workforce Innovation ~~division~~.

7262 (5) MONEY CREDITED UNDER 42 U.S.C. S. 1103 ~~SECTION 903 OF~~  
 7263 ~~THE SOCIAL SECURITY ACT.--~~

7264 (a) Money credited to ~~the account of~~ this state's account  
 7265 ~~state~~ in the federal Unemployment Compensation Trust Fund by the  
 7266 Secretary of the Treasury of the United States under 42 U.S.C.  
 7267 s. 1103 ~~pursuant to s. 903 of the Social Security Act~~ may not be  
 7268 requisitioned from this state's account or used except for the  
 7269 payment of benefits and for the payment of expenses incurred for  
 7270 the administration of this chapter law. These moneys ~~Such money~~  
 7271 may be requisitioned under ~~pursuant to~~ subsection (3) for the  
 7272 payment of benefits. These moneys ~~Such money~~ may also be  
 7273 requisitioned and used for the payment of expenses incurred for  
 7274 the administration of this chapter, law but only under ~~pursuant~~  
 7275 ~~to~~ a specific appropriation by the Legislature and only if the  
 7276 expenses are incurred and the money is requisitioned after the  
 7277 enactment of an appropriations ~~appropriation~~ law that ~~which~~:

7278 1. Specifies the purposes for which the ~~such~~ money is  
 7279 appropriated and the amounts appropriated ~~therefor~~;

7280 2. Limits the period within which the ~~such~~ money may be  
 7281 obligated to a period ending not more than 2 years after the  
 7282 date of the enactment of the appropriations ~~appropriation~~ law;  
 7283 and

7284 3. Limits the amount that ~~which~~ may be obligated during  
 7285 any 12-month period beginning on July 1 and ending on the next  
 7286 June 30 to an amount that ~~which~~ does not exceed the amount by  
 7287 which the aggregate of the amounts credited to the state's  
 7288 account under 42 U.S.C. s. 1103 ~~of this state pursuant to s. 903~~  
 7289 ~~of the Social Security Act~~ during the same 12-month period and



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7290 the 34 preceding 12-month periods, exceeds the aggregate of the  
 7291 amounts obligated for administration and paid out for benefits  
 7292 and charged against the amounts credited to the state's account  
 7293 ~~of this state~~ during those ~~such~~ 35 12-month periods.

7294  
 7295 4. Notwithstanding this paragraph, money credited for with  
 7296 ~~respect to~~ federal fiscal years 1999, 2000, and 2001 may only  
 7297 ~~shall~~ be used solely for the administration of the Unemployment  
 7298 Compensation Program. This and such money is ~~shall~~ not otherwise  
 7299 ~~be~~ subject to ~~the requirements of~~ this paragraph when  
 7300 appropriated by the Legislature.

7301 (b) Amounts credited to this state's account in the  
 7302 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.  
 7303 1103 s. 903 ~~of the Social Security Act~~ which are obligated for  
 7304 administration or paid out for benefits shall be charged against  
 7305 equivalent amounts that ~~which~~ were first credited and that ~~which~~  
 7306 are not already ~~se~~ charged, except that an ~~no~~ amount obligated  
 7307 for administration during a 12-month period specified in this  
 7308 section herein may not be charged against any amount credited  
 7309 during that ~~such a~~ 12-month period earlier than the 34th 12-  
 7310 month period preceding that ~~such~~ period. Any amount credited to  
 7311 the state's account under 42 U.S.C. s. 1103 s. 903 which is ~~has~~  
 7312 ~~been~~ appropriated for expenses of administration, regardless of  
 7313 whether this amount is ~~or not~~ withdrawn from the Unemployment  
 7314 Compensation Trust Fund, shall be excluded from the Unemployment  
 7315 Compensation Trust Fund balance for the purposes of s.  
 7316 443.131(3).

7317 (c) Money appropriated as provided in this section herein  
 7318 for the payment of expenses of administration may only ~~shall~~ be  
 7319 requisitioned as needed for the payment of obligations incurred



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7320 under the ~~such~~ appropriation and, upon requisition, must ~~shall~~  
 7321 be deposited in the Employment Security Administration Trust  
 7322 Fund from which the ~~such~~ payments are ~~shall be~~ made. Money ~~so~~  
 7323 deposited ~~shall~~, until expended, remains ~~remain~~ a part of the  
 7324 Unemployment Compensation Trust Fund and, if ~~it will not be~~  
 7325 expended, the money must ~~shall~~ be returned promptly to the  
 7326 state's account ~~of this state~~ in the federal Unemployment  
 7327 Compensation Trust Fund.

7328 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.--The Unemployment  
 7329 Compensation Trust Fund is the sole and exclusive source for  
 7330 paying unemployment benefits, and these benefits are due and  
 7331 payable only to the extent that contributions or reimbursements,  
 7332 with increments thereon, actually collected and credited to the  
 7333 fund and not otherwise appropriated or allocated, are available  
 7334 for payment. The state shall administer the fund without any  
 7335 liability on the part of the state beyond the amount of moneys  
 7336 received from the United States Department of Labor or other  
 7337 federal agency.

7338 Section 46. Section 443.211, Florida Statutes, is amended  
 7339 to read:

7340 443.211 Employment Security Administration Trust Fund;  
 7341 appropriation; reimbursement.--

7342 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.--There  
 7343 is created in the State Treasury ~~a special fund to be known as~~  
 7344 the "Employment Security Administration Trust Fund." All moneys  
 7345 ~~that are~~ deposited into this fund remain continuously available  
 7346 to the Agency for Workforce Innovation ~~division~~ for expenditure  
 7347 in accordance with ~~the provisions of~~ this chapter and do not  
 7348 revert lapse at any time and may not be transferred to any other  
 7349 fund. All moneys in this fund which are received from the



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7350 Federal Government or any federal agency ~~thereof~~ or which are  
 7351 appropriated by this state under ~~for the purposes described in~~  
 7352 ss. 443.171 and 443.181, except money received under s.  
 7353 443.191(5)(c), must be expended solely for the purposes and in  
 7354 the amounts found necessary by the authorized cooperating  
 7355 federal agencies for the proper and efficient administration of  
 7356 this chapter. The fund consists ~~shall consist~~ of: all moneys  
 7357 appropriated by this state; all moneys received from the United  
 7358 States or any federal agency ~~thereof~~; all moneys received from  
 7359 any other source for the administration of this chapter ~~such~~  
 7360 ~~purpose~~; any moneys received from any agency of the United  
 7361 States or any other state as compensation for services or  
 7362 facilities supplied to that ~~such~~ agency; any amounts received  
 7363 from ~~pursuant to~~ any surety bond or insurance policy or from  
 7364 other sources for losses sustained by the Employment Security  
 7365 Administration Trust Fund or by reason of damage to equipment or  
 7366 supplies purchased from moneys in the ~~such~~ fund; and any  
 7367 proceeds ~~realized~~ from the sale or disposition of ~~any~~ such  
 7368 equipment or supplies ~~which may no longer be necessary for the~~  
 7369 ~~proper administration of this chapter. Notwithstanding any~~  
 7370 ~~provision of this section,~~ All moneys ~~money~~ requisitioned and  
 7371 deposited in this fund under s. 443.191(5)(c) remains part of  
 7372 the Unemployment Compensation Trust Fund and must be used only  
 7373 in accordance with ~~the conditions specified in~~ s. 443.191(5).  
 7374 All moneys in this fund must be deposited, administered, and  
 7375 disbursed in the same manner and under the same conditions and  
 7376 requirements as ~~is~~ provided by law for other trust ~~special~~ funds  
 7377 in the State Treasury. These ~~Such~~ moneys must be secured by the  
 7378 depository in which they are held to the same extent and in the  
 7379 same manner as required by the general depository law of the





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7380 state, and collateral pledged must be maintained in a separate  
 7381 custody account. All payments from the Employment Security  
 7382 Administration Trust Fund must be approved by the Agency for  
 7383 Workforce Innovation ~~division~~ or by an ~~a~~ duly authorized agent  
 7384 and must be made by the Treasurer upon warrants issued by the  
 7385 Comptroller. Any balances in this fund do not revert ~~lapse~~ at  
 7386 any time and must remain continuously available to the Agency  
 7387 for Workforce Innovation ~~division~~ for expenditure consistent  
 7388 with this chapter.

7389 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
 7390 FUND.--There is created in the State Treasury ~~a special fund, to~~  
 7391 ~~be known as~~ the "Special Employment Security Administration  
 7392 Trust Fund," into which shall be deposited or transferred all  
 7393 interest on contributions and reimbursements, penalties, and  
 7394 fines or fees collected under this chapter. Interest on  
 7395 contributions and reimbursements, penalties, and fines or fees  
 7396 deposited during any calendar quarter in the clearing account in  
 7397 the Unemployment Compensation Trust Fund shall, as soon as  
 7398 practicable after the close of that ~~such~~ calendar quarter and  
 7399 upon certification of the Agency for Workforce Innovation  
 7400 ~~division~~, be transferred to the Special Employment Security  
 7401 Administration Trust Fund. ~~However, there shall be withheld from~~  
 7402 ~~any such transfer~~ The amount certified by the Agency for  
 7403 Workforce Innovation ~~as division to be~~ required under this  
 7404 chapter to pay refunds of interest on contributions and  
 7405 reimbursements, penalties, and fines or fees collected and  
 7406 erroneously deposited into the clearing account in the  
 7407 Unemployment Compensation Trust Fund shall, however, be withheld  
 7408 from this transfer. The ~~Such amounts of~~ interest and penalties  
 7409 ~~so~~ certified for transfer are ~~shall be~~ deemed as being ~~to have~~



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7410 ~~been~~ erroneously deposited in the clearing account, and their  
 7411 ~~the~~ transfer ~~thereof~~ to the Special Employment Security  
 7412 Administration Trust Fund is ~~shall be~~ deemed to be a refund of  
 7413 the ~~such~~ erroneous deposits. All moneys in this fund shall be  
 7414 deposited, administered, and disbursed in the same manner and  
 7415 under the same ~~conditions and~~ requirements as ~~are~~ provided by  
 7416 law for other trust ~~special~~ funds in the State Treasury. These  
 7417 moneys may ~~shall~~ not be expended or be available for expenditure  
 7418 in any manner that ~~which~~ would permit their substitution for, or  
 7419 permit a corresponding reduction in, federal funds that ~~which~~  
 7420 would, in the absence of these moneys, be available to finance  
 7421 expenditures for the administration of this chapter ~~the~~  
 7422 ~~Unemployment Compensation Law. But nothing in~~ This section does  
 7423 not ~~shall~~ prevent these moneys from being used as a revolving  
 7424 fund to cover lawful expenditures, ~~necessary and proper under~~  
 7425 ~~the law,~~ for which federal funds are ~~have been~~ duly requested  
 7426 but not yet received, subject to the charging of the ~~such~~  
 7427 expenditures against the ~~such~~ funds when received. The moneys in  
 7428 this fund, with the approval of the Executive Office of the  
 7429 Governor, shall be used by the ~~Division of Unemployment~~  
 7430 ~~Compensation and the~~ Agency for Workforce Innovation for paying  
 7431 administrative ~~the payment of costs that of administration which~~  
 7432 ~~are found not to have been properly and validly~~ chargeable  
 7433 against funds obtained from federal sources. All moneys in the  
 7434 Special Employment Security Administration Trust Fund shall be  
 7435 continuously available to the Agency for Workforce Innovation  
 7436 ~~division~~ for expenditure in accordance with ~~the provisions of~~  
 7437 this chapter and do ~~shall~~ not revert ~~lapse~~ at any time. All  
 7438 payments from the Special Employment Security Administration  
 7439 Trust Fund must ~~shall~~ be approved by the Agency for Workforce



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7440 Innovation ~~division~~ or by an ~~a~~ duly authorized agent thereof and  
 7441 shall be made by the Treasurer upon warrants issued by the  
 7442 Comptroller. The moneys in this fund are ~~hereby specifically~~  
 7443 ~~made~~ available to replace, as contemplated by subsection (3),  
 7444 expenditures from the Employment Security Administration Trust  
 7445 Fund, ~~established by subsection (1), which have been found by~~  
 7446 the United States Secretary of Labor Bureau of Employment  
 7447 Security, or other authorized federal agency or authority, finds  
 7448 are because of any action or contingency, to have been lost or  
 7449 improperly expended because of any action or contingency. The  
 7450 Treasurer is ~~shall be~~ liable on her or his official bond for the  
 7451 faithful performance of her or his duties in connection with the  
 7452 Special Employment Security Administration Trust Fund.

7453 (3) REIMBURSEMENT OF FUND.--If any moneys received from  
 7454 the United States Secretary of Labor Bureau of Employment  
 7455 Security under 42 U.S.C. ss. 501-504 ~~Title III of the Social~~  
 7456 ~~Security Act~~, any unencumbered balances in the Employment  
 7457 Security Administration Trust Fund, any moneys granted to this  
 7458 state under ~~pursuant to the provisions of the~~ Wagner-Peyser Act,  
 7459 or any moneys made available by this state or its political  
 7460 subdivisions and matched by the ~~such~~ moneys granted to this  
 7461 state under ~~pursuant to the provisions of the~~ Wagner-Peyser Act  
 7462 are, after reasonable notice and opportunity for hearing, are  
 7463 found by the United States Secretary of Labor Bureau of  
 7464 ~~Employment Security~~, because of any action or contingency, to be  
 7465 ~~have been~~ lost or ~~been~~ expended for purposes other than, or in  
 7466 amounts in excess of, those allowed ~~found necessary~~ by the  
 7467 United States Secretary of Labor Bureau of Employment Security  
 7468 for the ~~proper~~ administration of this chapter, these ~~it is the~~  
 7469 ~~policy of this state that~~ such moneys shall be replaced by



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7470 moneys appropriated for that purpose ~~such purposes~~ from the  
 7471 General Revenue Fund ~~funds of this state~~ to the Employment  
 7472 Security Administration Trust Fund for expenditure as provided  
 7473 in subsection (1). Upon receipt of notice of such a finding by  
 7474 the United States Secretary of Labor Bureau of Employment  
 7475 Security, the Agency for Workforce Innovation ~~division~~ shall  
 7476 promptly report the amount required for ~~such~~ replacement to the  
 7477 Governor. ~~;~~ and The Governor shall, at the earliest opportunity,  
 7478 submit to the Legislature a request for the appropriation of the  
 7479 replacement funds ~~such amount~~. ~~This subsection shall not be~~  
 7480 ~~construed to relieve this state of its obligation with respect~~  
 7481 ~~to funds received prior to July 1, 1941, pursuant to the~~  
 7482 ~~provisions of Title III of the Social Security Act.~~

7483 ~~(4) EXEMPTION OF FUND FROM CERTAIN LAWS.--~~ The Special  
 7484 ~~Employment Security Administration Trust Fund provided for in~~  
 7485 ~~subsection (2) is exempt from the application of any laws of the~~  
 7486 ~~Legislature of 1949, other than this subsection, and~~  
 7487 ~~specifically from the application of or effect by the continuing~~  
 7488 ~~appropriations law.~~

7489 ~~(4)(5)~~ RESPONSIBILITY FOR TRUST FUNDS.-- In connection with  
 7490 its duties under s. 443.181, the Agency for Workforce Innovation  
 7491 is responsible ~~shall have several authority and responsibility~~  
 7492 for the deposit, requisition, expenditure, approval of payment,  
 7493 reimbursement, and reporting in regard to the trust funds  
 7494 established by this section.

7495 Section 47. Section 443.221, Florida Statutes, is amended  
 7496 to read:

7497 443.221 Reciprocal arrangements.--

7498 (1)(a) The Agency for Workforce Innovation or its tax  
 7499 collection service provider may ~~division is authorized to enter~~



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7500 into reciprocal arrangements with ~~appropriate and duly~~  
 7501 ~~authorized agencies of~~ other states or with ~~of~~ the Federal  
 7502 Government, or both, for considering ~~whereby~~ services performed  
 7503 by an individual for a single employing unit for which services  
 7504 are ~~customarily~~ performed by the individual ~~such individuals~~ in  
 7505 more than one state as shall be deemed to be services performed  
 7506 entirely within any one of the states:

7507 1. In which any part of the ~~such~~ individual's service is  
 7508 performed;

7509 2. In which the ~~such~~ individual has her or his residence;  
 7510 or

7511 3. In which the employing unit maintains a place of  
 7512 business.

7513 (b) For services to be considered as performed within a  
 7514 state under a reciprocal agreement, the employing unit must have  
 7515 ~~provided there is in effect as to such services~~ an election in  
 7516 effect for those services, which is approved by the agency  
 7517 charged with the administration of such state's unemployment  
 7518 compensation law, under ~~pursuant to~~ which all the services  
 7519 performed by the ~~such~~ individual for the ~~such~~ employing unit are  
 7520 deemed to be performed entirely within that ~~such~~ state.

7521 (c) ~~(b)~~ The Agency for Workforce Innovation ~~division~~ shall  
 7522 participate in any arrangements for the payment of compensation  
 7523 on the basis of combining an individual's wages and employment  
 7524 covered under this chapter with her or his wages and employment  
 7525 covered under the unemployment compensation laws of other  
 7526 states, which are approved by the United States Secretary of  
 7527 Labor, in consultation with the state unemployment compensation  
 7528 agencies, as reasonably calculated to assure the prompt and full



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7529 payment of compensation in those ~~such~~ situations and which  
7530 include provisions for:

7531 1. Applying the base period of a single state law to a  
7532 claim involving the combining of an individual's wages and  
7533 employment covered under two or more state unemployment  
7534 compensation laws; ~~and~~

7535 2. Avoiding the duplicate use of wages and employment  
7536 because ~~by reason of the combination such combining.~~

7537 (d)(e) ~~(d)~~ Contributions or reimbursements due under this  
7538 chapter with respect to wages for insured work are, ~~shall~~ for  
7539 the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, ~~be~~  
7540 deemed to be ~~have been~~ paid to the fund as of the date payment  
7541 was made as contributions or reimbursements therefor under  
7542 another state or federal unemployment compensation law, but an  
7543 ~~no such~~ arrangement may not ~~shall~~ be entered into unless it  
7544 contains provisions for ~~such~~ reimbursement to the fund of the  
7545 ~~such~~ contributions or reimbursements and the actual earnings  
7546 thereon as the Agency for Workforce Innovation or its tax  
7547 collection service provider finds are ~~division finds will be~~  
7548 fair and reasonable as to all affected interests.

7549 (2) The Agency for Workforce Innovation or its tax  
7550 collection service provider may ~~division is authorized to~~ make  
7551 to other state or federal agencies and ~~to~~ receive from these  
7552 ~~such~~ other state or federal agencies reimbursements from or to  
7553 the fund, in accordance with arrangements entered into under  
7554 ~~pursuant to~~ subsection (1).

7555 ~~(3) The administration of this chapter and of other state~~  
7556 ~~and federal unemployment compensation and public employment~~  
7557 ~~service laws will be promoted by cooperation between this state~~  
7558 ~~and such other states and the appropriate federal agencies and~~



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7559 ~~therefore~~ The Agency for Workforce Innovation or its tax  
 7560 collection service provider may ~~division is authorized to~~ enter  
 7561 into reciprocal arrangements with ~~appropriate and duly~~  
 7562 ~~authorized agencies of~~ other states or the Federal Government,  
 7563 or both, for ~~in~~ exchanging services, determining and enforcing  
 7564 payment obligations, and making available facilities and  
 7565 information. The ~~Division of Unemployment Compensation and the~~  
 7566 Agency for Workforce Innovation or its tax collection service  
 7567 provider may conduct ~~are each, therefore, authorized to make~~  
 7568 ~~such~~ investigations, secure and transmit ~~such~~ information, make  
 7569 available ~~such~~ services and facilities, and exercise ~~such of the~~  
 7570 other powers provided under ~~herein with respect to the~~  
 7571 ~~administration of~~ this chapter as ~~each deems necessary or~~  
 7572 ~~appropriate~~ to facilitate the administration of any ~~such~~  
 7573 unemployment compensation or public employment service law and,  
 7574 in a similar ~~like~~ manner, ~~to~~ accept and use ~~utilize~~ information,  
 7575 services, and facilities made available to this state by the  
 7576 agency charged with the administration of any ~~such~~ other  
 7577 unemployment compensation or public employment service law.

7578 (4) To the extent permissible under federal law ~~the laws~~  
 7579 ~~and Constitution of the United States~~, the Agency for Workforce  
 7580 Innovation may ~~division is authorized to~~ enter into or cooperate  
 7581 in arrangements whereby facilities and services provided under  
 7582 this chapter and facilities and services provided under the  
 7583 unemployment compensation law of any foreign government may be  
 7584 used ~~utilized~~ for the taking of claims and the payment of  
 7585 benefits under the employment security law of the state or under  
 7586 a similar law of that ~~such~~ government.

7587 Section 48. Subsection (9) of section 445.009, Florida  
 7588 Statutes, is amended to read:



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7589 445.009 One-stop delivery system.--

7590 (9)(a) Workforce Florida, Inc., working with the Agency  
 7591 for Workforce Innovation, shall coordinate among the agencies a  
 7592 plan for a One-Stop Electronic Network made up of one-stop  
 7593 delivery system centers and other partner agencies that are  
 7594 operated by authorized public or private for-profit or not-for-  
 7595 profit agents. The plan shall identify resources within existing  
 7596 revenues to establish and support this electronic network for  
 7597 service delivery that includes Government Services Direct. If  
 7598 necessary, the plan shall identify additional funding needed to  
 7599 achieve the provisions of this subsection.

7600 (b) The network shall assure that a uniform method is used  
 7601 to determine eligibility for and management of services provided  
 7602 by agencies that conduct workforce development activities. The  
 7603 Department of Management Services shall develop strategies to  
 7604 allow access to the databases and information management systems  
 7605 of the following systems in order to link information in those  
 7606 databases with the one-stop delivery system:

7607 1. The Unemployment Compensation Program System of the  
 7608 Agency for Workforce Innovation Department of Labor and  
 7609 Employment Security.

7610 2. The public employment Job service described in s.  
 7611 443.181 System of the Department of Labor and Employment  
 7612 Security.

7613 3. The FLORIDA System and the components related to WAGES,  
 7614 food stamps, and Medicaid eligibility.

7615 4. The Workers' Compensation System of the Department of  
 7616 Labor and Employment Security.

7617 5. The Student Financial Assistance System of the  
 7618 Department of Education.





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7619 6. Enrollment in the public postsecondary education  
7620 system.

7621 7. Other information systems determined appropriate by  
7622 Workforce Florida, Inc.

7623  
7624 The systems shall be fully coordinated at both the state and  
7625 local levels by July 1, 2001.

7626 Section 49. Subsection (3) of section 468.529, Florida  
7627 Statutes, is amended to read:

7628 468.529 Licensee's insurance; employment tax; benefit  
7629 plans.--

7630 (3) A licensed employee leasing company shall within 30  
7631 days after ~~of~~ initiation or termination notify its workers'  
7632 compensation insurance carrier, the Division of Workers'  
7633 Compensation, and the state agency providing unemployment tax  
7634 collection services under contract with the Agency for Workforce  
7635 Innovation through an interagency agreement pursuant to s.  
7636 443.1316 Division of Unemployment Compensation of the Department  
7637 of Labor and Employment Security of both the initiation or the  
7638 termination of the company's relationship with any client  
7639 company.

7640 Section 50. Paragraph (g) of subsection (8) of section  
7641 896.101, Florida Statutes, is amended to read:

7642 896.101 Florida Money Laundering Act; definitions;  
7643 penalties; injunctions; seizure warrants; immunity.--

7644 (8)

7645 (g)1. Upon service of the temporary order served pursuant  
7646 to this section, the petitioner shall immediately notify by  
7647 certified mail, return receipt requested, or by personal  
7648 service, both the person or entity in possession of the monetary



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7649 instruments or funds and the owner of the monetary instruments  
7650 or funds if known, of the order entered pursuant to this section  
7651 and that the lawful owner of the monetary instruments or funds  
7652 being enjoined may request a hearing to contest and modify the  
7653 order entered pursuant to this section by petitioning the court  
7654 that issued the order, so that such notice is received within 72  
7655 hours.

7656 2. The notice shall advise that the hearing shall be held  
7657 within 3 days of the request, and the notice must state that the  
7658 hearing will be set and noticed by the person against whom the  
7659 order is served.

7660 3. The notice shall specifically state that the lawful  
7661 owner has the right to produce evidence of legitimate business  
7662 expenses, obligations, and liabilities, including but not  
7663 limited to, employee payroll expenses verified by current  
7664 ~~Department of Labor~~ unemployment compensation records ~~rolls~~,  
7665 employee workers' compensation insurance, employee health  
7666 insurance, state and federal taxes, and regulatory or licensing  
7667 fees only as may become due before the expiration of the  
7668 temporary order.

7669 4. Upon determination by the court that the expenses are  
7670 valid, payment of such expenses may be effected by the owner of  
7671 the enjoined monetary instruments or funds only to the court-  
7672 ordered payees through court-reviewed checks, issued by the  
7673 owner of, and the person or entity in possession of, the  
7674 enjoined monetary instruments or funds. Upon presentment, the  
7675 person or entity in possession of the enjoined funds or monetary  
7676 instruments shall only honor the payment of the check to the  
7677 court-ordered payee.



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7678 Section 51. Section 6 of chapter 94-347, Laws of Florida,  
 7679 is repealed.

7680 Section 52. Sections 443.021, 443.161, 443.201, 443.231,  
 7681 and 443.232, Florida Statutes, are repealed.

7682 Section 53. The amendments made by this act to section  
 7683 443.163, Florida Statutes, shall apply retroactively for  
 7684 Employers Quarterly Reports (UCT-6) due on or after April 1,  
 7685 2003.

7686 Section 53. Except as otherwise provided in this act, this  
 7687 act shall take effect October 1, 2003.

7688