

By the Committee on Commerce; and Senator Garcia

577-02166-10

20101666c1

1                   A bill to be entitled  
2           An act relating to unemployment compensation;  
3           reviving, readopting, and amending s. 443.1117, F.S.;  
4           providing for retroactive application; establishing  
5           temporary state extended benefits for weeks of  
6           unemployment; revising definitions; providing for  
7           state extended benefits for certain weeks and for  
8           periods of high unemployment; providing for  
9           applicability of s. 443.1117, F.S.; amending s.  
10          443.1217, F.S.; increasing the amount of an employee's  
11          wages that are exempt from the employer's contribution  
12          to the Unemployment Compensation Trust Fund, with a  
13          reversion to current law after a certain date;  
14          providing for a suspension of lowering the amount of  
15          exempt wages under certain circumstances; amending s.  
16          443.131, F.S.; providing that the positive adjustment  
17          factor begins on a certain date, with a reversion to  
18          current law after a certain date; providing criteria  
19          for the determination of taxable payroll beginning  
20          January 1, 2012; providing rate-calculation direction  
21          to the tax collection service provider for the rates  
22          effective January 1, 2012, and January 1, 2013;  
23          providing for an assessment on employers to pay the  
24          forecasted interest on advances received from the  
25          Federal Government to pay unemployment benefits;  
26          requiring the Revenue Estimating Conference to  
27          calculate interest based on certain factors by a date  
28          certain; requiring an assessment by a date certain;  
29          providing a formula for calculating the employer

577-02166-10

20101666c1

30 interest assessment rate and the amount to be paid by  
31 each employer; providing for a separate collection of  
32 the assessment by a tax collection service provider;  
33 naming an account to hold interest collected until  
34 payment is directed; providing for credit of excess  
35 interest funds collected; providing for a suspension  
36 or termination of assessment under certain  
37 circumstances; providing credit for interest funds  
38 collected before suspension or termination; providing  
39 for severability of provisions that interfere with  
40 federal interest relief or federal tax credit;  
41 amending s. 443.141; F.S.; providing for retroactive  
42 applicability; providing a schedule of employer  
43 payments for 2010 and 2011; requiring employer to pay  
44 a fee of up to \$5 to participate in the new schedule;  
45 providing for penalties, interest, and fees on  
46 delinquent contributions; providing an appropriation;  
47 providing that the act fulfills an important state  
48 interest; providing for retroactive application;  
49 providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Notwithstanding the expiration date contained in  
54 section 4 of chapter 2009-99, Laws of Florida, operating  
55 retroactive to January 2, 2010, and expiring February 27, 2010,  
56 section 443.1117, Florida Statutes, is revived, readopted, and  
57 amended to read:

58 443.1117 Temporary extended benefits.—

577-02166-10

20101666c1

59 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except when  
60 the result is inconsistent with ~~the~~ other provisions of this  
61 section, ~~the provisions of~~ s. 443.1115(3), (4), (6), and (7)  
62 apply to all claims covered by this section.

63 (2) DEFINITIONS.—For the purposes of this section, the  
64 term:

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

67 (b) "Eligibility period" means the ~~period consisting of the~~  
68 weeks in an individual's benefit year or emergency benefit  
69 period which begin in an extended benefit period and, if the  
70 benefit year or emergency benefit period ends within that  
71 extended benefit period, any subsequent weeks beginning in that  
72 period.

73 (c) "Emergency benefits" means Emergency Unemployment  
74 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.  
75 110-449, ~~and~~ Pub. L. No. 111-5, Pub. L. No. 111-92, and Pub. L.  
76 No. 111-118.

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

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

80 2. Ends with any of the following weeks, whichever occurs  
81 later:

82 a. The third week after the first week for which there is a  
83 state "off" indicator;

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

85  
86 However, an extended benefit period may not begin by reason of a  
87 state "on" indicator before the 14th week after the end of a

577-02166-10

20101666c1

88 prior extended benefit period that was in effect for this state.

89 (e) "Emergency benefit period" means the period during  
90 which an individual receives emergency benefits as defined in  
91 paragraph (c).

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

94 1. Has received, before that week, all of the regular  
95 benefits and emergency benefits, if any, available under this  
96 chapter or any other law, including dependents' allowances and  
97 benefits payable to federal civilian employees and ex-  
98 servicemembers under 5 U.S.C. ss. 8501-8525, in the current  
99 benefit year or emergency benefit period that includes that  
100 week. For the purposes of this subparagraph, an individual has  
101 received all of the regular benefits and emergency benefits, if  
102 any, available although, as a result of a pending appeal for  
103 wages paid for insured work which were not considered in the  
104 original monetary determination in the benefit year, she or he  
105 may subsequently be determined to be entitled to added regular  
106 benefits;

107 2. Had a benefit year which expired before that week, and  
108 was paid no, or insufficient, wages for insured work on the  
109 basis of which she or he could establish a new benefit year that  
110 includes that week; and

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

115 b. Has not received and is not seeking unemployment  
116 benefits under the unemployment compensation law of Canada; but

577-02166-10

20101666c1

117 if an individual is seeking those benefits and the appropriate  
118 agency finally determines that she or he is not entitled to  
119 benefits under that law, she or he is considered an exhaustee.

120 (g) "State 'on' indicator" means, with respect to weeks of  
121 unemployment beginning on or after February 1, 2009, and ending  
122 on or before January 30, 2010 ~~December 12, 2009~~, the occurrence  
123 of a week in which the average total unemployment rate,  
124 seasonally adjusted, as determined by the United States  
125 Secretary of Labor, for the period consisting of the most recent  
126 3 months for which data for all states are published by the  
127 United States Department of Labor:

128 1. Equals or exceeds 110 percent of the average of those  
129 rates for the corresponding 3-month period ending in each of the  
130 preceding 2 calendar years; and

131 2. Equals or exceeds 6.5 percent.

132 (h) "High unemployment period" means, with respect to weeks  
133 of unemployment beginning on or after February 1, 2009, and  
134 ending on or before January 30, 2010 ~~December 12, 2009~~, any week  
135 in which the average total unemployment rate, seasonally  
136 adjusted, as determined by the United States Secretary of Labor,  
137 for the period consisting of the most recent 3 months for which  
138 data for all states are published by the United States  
139 Department of Labor:

140 1. Equals or exceeds 110 percent of the average of those  
141 rates for the corresponding 3-month period ending in each of the  
142 preceding 2 calendar years; and

143 2. Equals or exceeds 8 percent.

144 (i) "State 'off' indicator" means the occurrence of a week  
145 in which there is no state "on" indicator or which does not

577-02166-10

20101666c1

146 constitute a high unemployment period.

147 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in  
148 subsection (4) ~~(5)~~:

149 (a) For any week for which there is an “on” indicator  
150 pursuant to paragraph (2)(g), the total extended benefit amount  
151 payable to an eligible individual for her or his applicable  
152 benefit year is the lesser of:

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

155 2. Thirteen times the weekly benefit amount payable under  
156 this chapter for a week of total unemployment in the applicable  
157 benefit year.

158 (b) For any high unemployment period ~~as defined in~~  
159 ~~paragraph (2)(h)~~, the total extended benefit amount payable to  
160 an eligible individual for her or his applicable benefit year is  
161 the lesser of:

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

164 2. Twenty times the weekly benefit amount payable under  
165 this chapter for a week of total unemployment in the applicable  
166 benefit year.

167 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other  
168 provision of this chapter, if the benefit year of an individual  
169 ends within an extended benefit period, the number of weeks of  
170 extended benefits the individual is entitled to receive in that  
171 extended benefit period for weeks of unemployment beginning  
172 after the end of the benefit year, except as provided in this  
173 section, is reduced, but not to below zero, by the number of  
174 weeks for which the individual received, within that benefit

577-02166-10

20101666c1

175 year, trade readjustment allowances under the Trade Act of 1974,  
176 as amended.

177 Section 2. The provisions of s. 443.1117, Florida Statutes,  
178 as revived, readopted, and amended by this act, apply only to  
179 claims for weeks of unemployment, in which an exhaustee  
180 establishes entitlement to extended benefits pursuant to that  
181 section which are established for the period between February  
182 22, 2009, and February 27, 2010.

183 Section 3. Subsection (1) and paragraph (a) of subsection  
184 (2) of section 443.1217, Florida Statutes, are amended to read:  
185 443.1217 Wages.—

186 (1) The wages subject to this chapter include all  
187 remuneration for employment, including commissions, bonuses,  
188 back pay awards, and the cash value of all remuneration paid in  
189 any medium other than cash. The reasonable cash value of  
190 remuneration in any medium other than cash must be estimated and  
191 determined in accordance with rules adopted by the Agency for  
192 Workforce Innovation or the state agency providing tax  
193 collection services. The wages subject to this chapter include  
194 tips or gratuities received while performing services that  
195 constitute employment and are included in a written statement  
196 furnished to the employer under s. 6053(a) of the Internal  
197 Revenue Code of 1954. As used in this section only, the term  
198 "employment" includes services constituting employment under any  
199 employment security law of another state or the Federal  
200 Government.

201 (2) For the purpose of determining an employer's  
202 contributions, the following wages are exempt from this chapter:

203 (a) Unless that part of the remuneration is subject to a

577-02166-10

20101666c1

204 tax, under a federal law imposing the tax, against which credit  
205 may be taken for contributions required to be paid into a state  
206 unemployment fund, the ~~that~~ part of remuneration paid to an  
207 individual by an employer or his or her predecessor for  
208 employment during a calendar year in excess of:

209 1. Beginning January 1, 2010, the first \$7,000 of  
210 remuneration paid to the individual during that calendar year.

211 2. Beginning January 1, 2012, the first \$8,500 of  
212 remuneration paid to the individual ~~by the employer or his or~~  
213 ~~her predecessor~~ during that calendar year, ~~unless that part of~~  
214 ~~the remuneration is subject to a tax, under a federal law~~  
215 ~~imposing the tax, against which credit may be taken for~~  
216 ~~contributions required to be paid into a state unemployment~~  
217 ~~fund. As used in this section only, the term "employment"~~  
218 ~~includes services constituting employment under any employment~~  
219 ~~security law of another state or of the Federal Government.~~

220 3. Beginning January 1, 2015, the part of remuneration paid  
221 to an individual by an employer for employment during a calendar  
222 year ~~in excess of~~ the first \$7,000 of remuneration paid to the  
223 individual during that calendar year; or the first \$8,500 of  
224 remuneration paid to the individual during a calendar year in  
225 which repayment of the principal amount of an advance received  
226 from the Unemployment Compensation Trust Fund under 42 U.S.C. is  
227 due to the Federal Government ~~is exempt from this chapter.~~

228 Section 4. Paragraph (e) of subsection (3) of section  
229 443.131, Florida Statutes, is amended, and subsections (5) and  
230 (6) are added to that section, to read:

231 443.131 Contributions.—

232 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT



577-02166-10

20101666c1

233 EXPERIENCE.—

234 (e) *Assignment of variations from the standard rate.*—For  
235 the calculation of contribution rates effective January 1, 2010,  
236 and thereafter:

237 1. The tax collection service provider shall assign a  
238 variation from the standard rate of contributions for each  
239 calendar year to each eligible employer. In determining the  
240 contribution rate, varying from the standard rate to be assigned  
241 each employer, adjustment factors computed under sub-  
242 subparagraphs a.-d. are ~~shall be~~ added to the benefit ratio.  
243 This addition shall be accomplished in two steps by adding a  
244 variable adjustment factor and a final adjustment factor. The  
245 sum of these adjustment factors computed under sub-subparagraphs  
246 a.-d. shall first be algebraically summed. The sum of these  
247 adjustment factors shall next be divided by a gross benefit  
248 ratio determined as follows: Total benefit payments for the 3-  
249 year period described in subparagraph (b)2. are ~~shall be~~ charged  
250 to employers eligible for a variation from the standard rate,  
251 minus excess payments for the same period, divided by taxable  
252 payroll entering into the computation of individual benefit  
253 ratios for the calendar year for which the contribution rate is  
254 being computed. The ratio of the sum of the adjustment factors  
255 computed under sub-subparagraphs a.-d. to the gross benefit  
256 ratio is ~~shall be~~ multiplied by each individual benefit ratio  
257 that is less than the maximum contribution rate to obtain  
258 variable adjustment factors; except that if ~~in any instance in~~  
259 ~~which~~ the sum of an employer's individual benefit ratio and  
260 variable adjustment factor exceeds the maximum contribution  
261 rate, the variable adjustment factor is ~~shall be~~ reduced in

577-02166-10

20101666c1

262 order ~~for that~~ the sum to equal ~~equals~~ the maximum contribution  
263 rate. The variable adjustment factor for each of these employers  
264 is multiplied by his or her taxable payroll entering into the  
265 computation of his or her benefit ratio. The sum of these  
266 products is ~~shall be~~ divided by the taxable payroll of the  
267 employers who entered into the computation of their benefit  
268 ratios. The resulting ratio is ~~shall be~~ subtracted from the sum  
269 of the adjustment factors computed under sub-subparagraphs a.-d.  
270 to obtain the final adjustment factor. The variable adjustment  
271 factors and the final adjustment factor must ~~shall~~ be computed  
272 to five decimal places and rounded to the fourth decimal place.  
273 This final adjustment factor is ~~shall be~~ added to the variable  
274 adjustment factor and benefit ratio of each employer to obtain  
275 each employer's contribution rate. An employer's contribution  
276 rate may not, however, be rounded to less than 0.1 percent.

277 a. An adjustment factor for noncharge benefits is ~~shall be~~  
278 computed to the fifth decimal place and rounded to the fourth  
279 decimal place by dividing the amount of noncharge benefits  
280 during the 3-year period described in subparagraph (b)2. by the  
281 taxable payroll of employers eligible for a variation from the  
282 standard rate who have a benefit ratio for the current year  
283 which is less than the maximum contribution rate. For purposes  
284 of computing this adjustment factor, the taxable payroll of  
285 these employers is the taxable payrolls for the 3 years ending  
286 June 30 of the current calendar year as reported to the tax  
287 collection service provider by September 30 of the same calendar  
288 year. As used in this sub-subparagraph, the term "noncharge  
289 benefits" means benefits paid to an individual from the  
290 Unemployment Compensation Trust Fund, but which were not charged

577-02166-10

20101666c1

291 to the employment record of any employer.

292 b. An adjustment factor for excess payments is ~~shall be~~  
293 computed to the fifth decimal place, and rounded to the fourth  
294 decimal place by dividing the total excess payments during the  
295 3-year period described in subparagraph (b)2. by the taxable  
296 payroll of employers eligible for a variation from the standard  
297 rate who have a benefit ratio for the current year which is less  
298 than the maximum contribution rate. For purposes of computing  
299 this adjustment factor, the taxable payroll of these employers  
300 is the same figure used to compute the adjustment factor for  
301 noncharge benefits under sub-subparagraph a. As used in this  
302 sub-subparagraph, the term "excess payments" means the amount of  
303 benefits charged to the employment record of an employer during  
304 the 3-year period described in subparagraph (b)2., less the  
305 product of the maximum contribution rate and the employer's  
306 taxable payroll for the 3 years ending June 30 of the current  
307 calendar year as reported to the tax collection service provider  
308 by September 30 of the same calendar year. As used in this sub-  
309 subparagraph, the term "total excess payments" means the sum of  
310 the individual employer excess payments for those employers that  
311 were eligible ~~to be considered~~ for assignment of a contribution  
312 rate different from the standard rate.

313 c. With respect to computing a positive adjustment factor:

314 (I) Beginning January 1, 2012, if the balance of the  
315 Unemployment Compensation Trust Fund on June 30 of the calendar  
316 year immediately preceding the calendar year for which the  
317 contribution rate is being computed is less than 4 percent of  
318 the taxable payrolls for the year ending June 30 as reported to  
319 the tax collection service provider by September 30 of that

577-02166-10

20101666c1

320 calendar year, a positive adjustment factor shall be computed.  
321 The positive adjustment factor is ~~shall be~~ computed annually to  
322 the fifth decimal place and rounded to the fourth decimal place  
323 by dividing the sum of the total taxable payrolls for the year  
324 ending June 30 of the current calendar year as reported to the  
325 tax collection service provider by September 30 of that calendar  
326 year into a sum equal to one-third of the difference between the  
327 balance of the fund as of June 30 of that calendar year and the  
328 sum of 5 percent of the total taxable payrolls for that year.  
329 The positive adjustment factor remains in effect for subsequent  
330 years until the balance of the Unemployment Compensation Trust  
331 Fund as of June 30 of the year immediately preceding the  
332 effective date of the contribution rate equals or exceeds 5  
333 percent of the taxable payrolls for the year ending June 30 of  
334 the current calendar year as reported to the tax collection  
335 service provider by September 30 of that calendar year.

336 (II) Beginning January 1, 2015, and for each year  
337 thereafter, the positive adjustment ~~authorized by this section~~  
338 shall be computed by dividing the sum of the total taxable  
339 payrolls for the year ending June 30 of the current calendar  
340 year as reported to the tax collection service provider by  
341 September 30 of that calendar year into a sum equal to one-  
342 fourth of the difference between the balance of the fund as of  
343 June 30 of that calendar year and the sum of 5 percent of the  
344 total taxable payrolls for that year. The positive adjustment  
345 factor remains in effect for subsequent years until the balance  
346 of the Unemployment Compensation Trust Fund as of June 30 of the  
347 year immediately preceding the effective date of the  
348 contribution rate equals or exceeds 4 percent of the taxable

577-02166-10

20101666c1

349 payrolls for the year ending June 30 of the current calendar  
350 year as reported to the tax collection service provider by  
351 September 30 of that calendar year.

352 d. If, beginning January 1, 2015, and each year thereafter,  
353 the balance of the Unemployment Compensation Trust Fund as of  
354 June 30 of the year immediately preceding the calendar year for  
355 which the contribution rate is being computed exceeds 5 percent  
356 of the taxable payrolls for the year ending June 30 of the  
357 current calendar year as reported to the tax collection service  
358 provider by September 30 of that calendar year, a negative  
359 adjustment factor must ~~shall~~ be computed. The negative  
360 adjustment factor shall be computed annually beginning on  
361 January 1, 2015, and each year thereafter, to the fifth decimal  
362 place and rounded to the fourth decimal place by dividing the  
363 sum of the total taxable payrolls for the year ending June 30 of  
364 the current calendar year as reported to the tax collection  
365 service provider by September 30 of the calendar year into a sum  
366 equal to one-fourth of the difference between the balance of the  
367 fund as of June 30 of the current calendar year and 5 percent of  
368 the total taxable payrolls of that year. The negative adjustment  
369 factor remains in effect for subsequent years until the balance  
370 of the Unemployment Compensation Trust Fund as of June 30 of the  
371 year immediately preceding the effective date of the  
372 contribution rate is less than 5 percent, but more than 4  
373 percent of the taxable payrolls for the year ending June 30 of  
374 the current calendar year as reported to the tax collection  
375 service provider by September 30 of that calendar year. The  
376 negative adjustment authorized by this section is suspended in  
377 any calendar year in which repayment of the principal amount of

577-02166-10

20101666c1

378 an advance received from the federal Unemployment Compensation  
379 Trust Fund under 42 U.S.C. s. 1321 is due to the Federal  
380 Government.

381 e. The maximum contribution rate that may be assigned to an  
382 employer is 5.4 percent, except employers participating in an  
383 approved short-time compensation plan may be assigned a maximum  
384 contribution rate that is 1 percent greater than the maximum  
385 contribution rate for other employers in any calendar year in  
386 which short-time compensation benefits are charged to the  
387 employer's employment record.

388 f. As used in this subsection, "taxable payroll" shall be  
389 determined by excluding any part of the remuneration paid to an  
390 individual by an employer for employment during a calendar year  
391 in excess of the first \$7,000. Beginning January 1, 2012,  
392 "taxable payroll" shall be determined by excluding any part of  
393 the remuneration paid to an individual by an employer for  
394 employment during a calendar year as described in s.  
395 443.1217(2). For the purposes of the employer rate calculation  
396 that will take effect in January 1, 2012, and in January 1,  
397 2013, the tax collection service provider shall use the data  
398 available for taxable payroll from 2009 based on excluding any  
399 part of the remuneration paid to an individual by an employer  
400 for employment during a calendar year in excess of the first  
401 \$7,000, and from 2010 and 2011 based on excluding any part of  
402 the remuneration paid to an individual by an employer for  
403 employment during a calendar year in excess of the first \$8,500.

404 2. If the transfer of an employer's employment record to an  
405 employing unit under paragraph (f) which, before the transfer,  
406 was an employer, the tax collection service provider shall

577-02166-10

20101666c1

407 recompute a benefit ratio for the successor employer based on  
408 the combined employment records and reassign an appropriate  
409 contribution rate to the successor employer effective on the  
410 first day of the calendar quarter immediately after the  
411 effective date of the transfer.

412 (5) PAYMENT OF FEDERAL ADVANCES.—If the Unemployment  
413 Compensation Trust Fund has received advances from the Federal  
414 Government under 42 U.S.C. s. 1321, each contributing employer,  
415 except for reimbursing employers, shall be assessed an  
416 additional rate solely for the purpose of paying interest due on  
417 the federal advances. The additional rate shall be assessed by  
418 February 1 of each calendar year that an interest payment is  
419 due.

420 (a) The Revenue Estimating Conference shall estimate the  
421 amount of such interest by December 1 of the calendar year  
422 preceding the calendar year in which an interest payment is due.  
423 The Revenue Estimating Conference shall, at a minimum, consider  
424 the following as the basis for the estimate:

- 425 1. The amounts actually advanced to the trust fund;  
426 2. Amounts expected to be advanced to the trust fund based  
427 on current and projected unemployment patterns and employer  
428 contributions;  
429 3. The interest payment due date; and  
430 4. The interest rate that will be applied by the Federal  
431 Government to any accrued outstanding balances.

432 (b) The additional rate assessed for a calendar year is  
433 determined by dividing the estimated amount of interest to be  
434 paid in that year by 95 percent of the taxable wages, as defined  
435 in s. 443.1217, paid by all employers for the year ending June

577-02166-10

20101666c1

436 30 of the immediately preceding calendar year. The amount to be  
437 paid by each employer is the product obtained by multiplying the  
438 employer's taxable wages for the year ending June 30 of the  
439 immediately preceding calendar year by the additional rate.

440 (c) The tax collection service provider shall make a  
441 separate collection of such assessment, which may be collected  
442 at the time of employer contributions and is subject to the same  
443 penalties for failure to file a report, imposition of the  
444 standard rate pursuant to paragraph (3)(h), and interest if the  
445 assessment is not received on or before June 30. Section  
446 443.141(1)(d) and (e) does not apply to this separately  
447 collected assessment. The tax collection service provider shall  
448 maintain those funds in the service provider's Audit and Warrant  
449 Clearing Trust Fund until the service provider is directed by  
450 the Governor or the Governor's designee to make the interest  
451 payment to the Federal Government. Assessments on deposit may be  
452 invested and any interest earned shall be part of the balance  
453 available to pay the interest on advances received from the  
454 Federal Government under the provisions of 42 U.S.C. s. 1321. In  
455 the calendar year that all advances from the Federal Government  
456 under 42 U.S.C. s. 1321 and associated interest is repaid, if  
457 there are assessment funds in excess of the amount required to  
458 meet the final interest payment, any such excess assessed funds  
459 shall be credited to employer accounts in the Unemployment  
460 Compensation Trust Fund in an amount equal to the employer's  
461 contribution to the assessment for that year divided by the  
462 total amount of the assessment for that year, the result of  
463 which is multiplied by the amount of excess assessed funds.

464 1. If the state is allowed to defer interest payments due



577-02166-10

20101666c1

465 during a calendar year under 42 U.S.C. s. 1322, payment of the  
466 interest assessment shall not be due.

467 2. If a deferral of interest expires or is subsequently  
468 disallowed by the Federal Government, prospectively or  
469 retroactively, the interest assessment is immediately due and  
470 payable.

471 (d) Notwithstanding any other provision of this section, if  
472 interest due during a calendar year on federal advances is  
473 forgiven or postponed under federal law and is no longer due  
474 during that calendar year, interest assessment may not be  
475 assessed against an employer in that calendar year and any  
476 assessment already assessed and collected against an employer  
477 before the forgiveness or postponement of the interest for that  
478 calendar year shall be credited to the employer's account in the  
479 Unemployment Compensation Trust Fund. However, such funds may be  
480 used only to pay benefits or refunds of erroneous contributions.

481 (6) SEVERABILITY.—If any provision of this section prevents  
482 the state from qualifying for any federal interest relief  
483 provisions provided under s. 1202 of the Social Security Act, 42  
484 USC s. 1322, or prevents employers in this state from qualifying  
485 for the limitation on the reduction of federal unemployment tax  
486 act credits as provided under s. 3302(f) of the Federal  
487 Unemployment Tax Act, 26 USC s. 3302(f), that provision is  
488 invalid to the extent necessary to maintain qualification for  
489 the interest relief provisions and federal unemployment tax  
490 credits.

491 Section 5. Operating retroactive to January 1, 2010,  
492 paragraphs (d) and (e) are added to subsection (1) of section  
493 443.141, Florida Statutes, to read:

577-02166-10

20101666c1

494 443.141 Collection of contributions and reimbursements.—

495 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS.—

496 (d) Payments for 2010 Contributions.—For an annual  
497 administrative fee not to exceed \$5, a contributing employer may  
498 pay its quarterly contributions due for wages paid in the first  
499 three quarters of 2010 in equal installments if those  
500 contributions are paid as follows:

501 1. For contributions due for wages paid in the first  
502 quarter of 2010, one-fourth of the contributions due must be  
503 paid on or before April 30, 2010, one-fourth must be paid on or  
504 before July 31, 2010, one-fourth must be paid on or before  
505 October 31, 2010, and the remaining one-fourth must be paid on  
506 or before December 31, 2010.

507 2. In addition to the payments specified in subparagraph  
508 1., for contributions due for wages paid in the second quarter  
509 of 2010, one-third of the contributions due must be paid on or  
510 before July 31, 2010, one-third must be paid on or before  
511 October 31, 2010, and the remaining one-third must be paid on or  
512 before December 31, 2010.

513 3. In addition to the payments specified in subparagraphs  
514 1. and 2., for contributions due for wages paid in the third  
515 quarter of 2010, one-half of the contributions due must be paid  
516 on or before October 31, 2010, and the remaining one-half must  
517 be paid on or before December 31, 2010.

518 4. The annual administrative fee not to exceed \$5.00 for  
519 the election to pay under the installment method shall be due at  
520 the time the employer makes the first installment payment. The  
521 fee shall be segregated from the payment and shall be deposited  
522 in the Operating Trust Fund within the Department of Revenue.

577-02166-10

20101666c1

523 5. Interest does not accrue on any contribution that  
524 becomes due for wages paid in the first three quarters of 2010  
525 if the employer pays the contribution in accordance with  
526 subparagraphs 1.-4. Interest and fees continue to accrue on  
527 prior delinquent contributions and commence accruing on all  
528 contributions due for wages paid in the first three quarters of  
529 2010 which are not paid in accordance with subparagraphs 1.-3.  
530 Penalties may be assessed in accordance with this chapter. The  
531 contributions due for wages paid in the fourth quarter of 2010  
532 are not affected by this paragraph and are due and payable in  
533 accordance with this chapter.

534 (e) *Payments for 2011 Contributions.*—For an annual  
535 administrative fee not to exceed \$5, a contributing employer may  
536 pay its quarterly contributions due for wages paid in the first  
537 three quarters of 2011 in equal installments provided those  
538 contributions are paid as follows:

539 1. For contributions due for wages paid in the first  
540 quarter of 2011, one-fourth of the contributions due must be  
541 paid on or before April 30, 2011, one-fourth must be paid on or  
542 before July 31, 2011, one-fourth must be paid on or before  
543 October 31, 2011, and the remaining one-fourth must be paid on  
544 or before December 31, 2011.

545 2. In addition to the payments specified in subparagraph  
546 1., for contributions due for wages paid in the second quarter  
547 of 2011, one-third of the contributions due must be paid on or  
548 before July 31, 2011, one-third must be paid on or before  
549 October 31, 2011, and the remaining one-third must be paid on or  
550 before December 31, 2011.

551 3. In addition to the payments specified in subparagraphs

577-02166-10

20101666c1

552 1. and 2., for contributions due for wages paid in the third  
553 quarter of 2011, one-half of the contributions due must be paid  
554 on or before October 31, 2011, and the remaining one-half must  
555 be paid on or before December 31, 2011.

556 4. The annual administrative fee not to exceed \$5.00 for  
557 the election to pay under the installment method shall be due at  
558 the time the employer makes the first installment payment. The  
559 fee shall be segregated from the payment and shall be deposited  
560 in the Operating Trust Fund within the Department of Revenue.

561 5. Interest does not accrue on any contribution that  
562 becomes due for wages paid in the first three quarters of 2011  
563 if the employer pays the contribution in accordance with  
564 subparagraphs 1.-4. Interest and fees continue to accrue on  
565 prior delinquent contributions and commence accruing on all  
566 contributions due for wages paid in the first three quarters of  
567 2011 which are not paid in accordance with subparagraphs 1.-3.  
568 Penalties may be assessed in accordance with this chapter. The  
569 contributions due for wages paid in the fourth quarter of 2011  
570 are not affected by this paragraph and are due and payable in  
571 accordance with this chapter.

572 Section 6. For the 2009-2010 fiscal year, the sum of  
573 \$1,129,462 in nonrecurring funds is appropriated from the  
574 Operating Trust Fund in a lump sum appropriation category to the  
575 Department of Revenue to be used to implement the provisions of  
576 this act. In addition, for the 2009-2010 fiscal year, the sum of  
577 \$485,879 in nonrecurring funds is appropriated from the  
578 Employment Security Administration Trust Fund in the contracted  
579 services appropriation category to the Agency for Workforce  
580 Innovation to be used to contract with the Department of Revenue

577-02166-10

20101666c1

581 for tax-related services as required to implement the provisions  
582 of this act.

583 Section 7. The Legislature finds that this act fulfills an  
584 important state interest.

585 Section 8. This act shall take effect upon becoming a law,  
586 and except as otherwise expressly provided in this act, operates  
587 retroactive to June 29, 2009.