

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to unemployment compensation; amending
3 s. 443.011, F.S.; revising a short title to rename
4 "unemployment compensation" as "reemployment
5 assistance"; amending s. 443.012, F.S.; renaming the
6 Unemployment Appeals Commission as the Reemployment
7 Assistance Appeals Commission; amending s. 443.036,
8 F.S.; providing a definition for the term
9 "reemployment assistance"; revising references to
10 conform to changes made by the act; amending s.
11 443.091, F.S.; providing scoring requirements relating
12 to initial skills reviews; providing for workforce
13 training for certain eligible claimants; providing
14 reporting requirements; providing work search
15 requirements for certain claimants; revising
16 references to conform to changes made by the act;
17 amending s. 443.101, F.S.; clarifying how a
18 disqualification for benefits for fraud is imposed;
19 revising references to conform to changes made by the
20 act; amending s. 443.131, F.S.; prohibiting benefits
21 from being charged to the employment record of an
22 employer that is forced to lay off workers as a result
23 of a manmade disaster of national significance;
24 revising references to conform to changes made by the
25 act; amending s. 443.151, F.S.; revising the statute
26 of limitations related to the collection of
27 unemployment compensation benefits overpayments;
28 revising references to conform to changes made by the
29 act; amending s. 443.171, F.S.; deleting an exemption

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30 from public records requirements for unemployment
31 compensation records and reports; revising references
32 to conform to changes made by the act; amending s.
33 443.1715, F.S.; revising an exemption from public
34 records requirements for unemployment compensation
35 records and reports; revising references to conform to
36 changes made by the act; amending ss. 20.60, 27.52,
37 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30,
38 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502,
39 212.096, 213.053, 216.292, 220.03, 220.181, 220.191,
40 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045,
41 288.106, 288.1081, 288.1089, 334.30, 408.809,
42 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15,
43 440.381, 440.42, 443.051, 443.071, 443.111, 443.1113,
44 443.1116, 443.1215, 443.1216, 443.1312, 443.1313,
45 443.1315, 443.1316, 443.1317, 443.141, 443.163,
46 443.17161, 443.181, 443.191, 443.221, 445.009,
47 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
48 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
49 921.0022, 946.513, 946.523, 985.618, 1003.496,
50 1008.39, and 1008.41, F.S.; revising references to
51 conform to changes made by the act; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 443.011, Florida Statutes, is amended to
57 read:

58 443.011 Short title.—This chapter may be cited as the

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59 "Reemployment Assistance Program Unemployment Compensation Law."

60 Section 2. Subsections (1), (3), (10), and (12) of section
61 443.012, Florida Statutes, are amended to read:

62 443.012 Reemployment Assistance ~~Unemployment~~ Appeals
63 Commission.—

64 (1) There is created within the Division of Workforce
65 Services of the Department of Economic Opportunity a
66 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
67 commission is composed of a chair and two other members
68 appointed by the Governor, subject to confirmation by the
69 Senate. Only one appointee may be a representative of employers,
70 as demonstrated by his or her previous vocation, employment, or
71 affiliation; and only one appointee may be a representative of
72 employees, as demonstrated by his or her previous vocation,
73 employment, or affiliation.

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

77 (b) The chair has authority to appoint a general counsel
78 and other personnel to carry out the duties and responsibilities
79 of the commission.

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

85 (d) The remaining members shall be paid a stipend of \$100
86 for each day they are engaged in the work of the commission. The
87 chair and other members are entitled to be reimbursed for travel

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88 expenses, as provided in s. 112.061.

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

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

95 (10) The commission shall have a seal for authenticating
96 its orders, awards, and proceedings, upon which shall be
97 inscribed the words "State of Florida-Reemployment Assistance
98 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
99 judicially noticed.

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

104 Section 3. Subsections (12), (14), and (26) of section
105 443.036, Florida Statutes, are amended, present subsections (38)
106 through (46) are renumbered as subsections (39) through (47),
107 respectively, present subsections (38) and (42) are amended, and
108 a new subsection (38) is added to that section, to read:

109 443.036 Definitions.—As used in this chapter, the term:

110 (12) "Commission" means the Reemployment Assistance
111 ~~Unemployment~~ Appeals Commission.

112 (14) "Contribution" means a payment of payroll tax to the
113 Unemployment Compensation Trust Fund which is required under
114 this chapter to finance reemployment assistance ~~unemployment~~
115 benefits.

116 (26) "Initial skills review" means an online education or

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117 training program, such as that established under s. 1004.99,
118 that is approved by the Department of Economic Opportunity
119 ~~Agency for Workforce Innovation~~ and designed to measure an
120 individual's mastery level of workplace skills.

121 (38) "Reemployment assistance" means cash benefits payable
122 to individuals with respect to their unemployment pursuant to
123 the provisions of this chapter. Where the context requires,
124 reemployment assistance also means cash benefits payable to
125 individuals with respect to their unemployment pursuant to 5
126 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
127 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
128 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
129 U.S.C. s. 503. Any reference to reemployment assistance shall
130 mean compensation payable from an unemployment fund as defined
131 in 26 U.S.C. s. 3306(f).

132 (39)~~(38)~~ "Reimbursement" means a payment of money to the
133 Unemployment Compensation Trust Fund in lieu of a contribution
134 which is required under this chapter to finance reemployment
135 assistance ~~unemployment~~ benefits.

136 (43)~~(42)~~ "Tax collection service provider" or "service
137 provider" means the state agency providing reemployment
138 assistance ~~unemployment~~ tax collection services under contract
139 with the Department of Economic Opportunity through an
140 interagency agreement pursuant to s. 443.1316.

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

144 443.051 Benefits not alienable; exception, child support
145 intercept.-

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

147 (a) “Reemployment assistance” or “unemployment
148 compensation” means any compensation payable under state law,
149 including amounts payable pursuant to an agreement under any
150 federal law providing for compensation, assistance, or
151 allowances for unemployment.

152 (3) EXCEPTION, SUPPORT INTERCEPT.—

153 (b) For support obligations established on or after July 1,
154 2006, and for support obligations established before July 1,
155 2006, when the support order does not address the withholding of
156 reemployment assistance or unemployment compensation, the
157 department shall deduct and withhold 40 percent of the
158 reemployment assistance or unemployment compensation otherwise
159 payable to an individual disclosed under paragraph (a). If
160 delinquencies, arrearages, or retroactive support are owed and
161 repayment has not been ordered, the unpaid amounts are included
162 in the support obligation and are subject to withholding. If the
163 amount deducted exceeds the support obligation, the Department
164 of Revenue shall promptly refund the amount of the excess
165 deduction to the obligor. For support obligations in effect
166 before July 1, 2006, if the support order addresses the
167 withholding of reemployment assistance or unemployment
168 compensation, the department shall deduct and withhold the
169 amount ordered by the court or administrative agency that issued
170 the support order as disclosed by the Department of Revenue.

171 (d) Any amount deducted and withheld under this subsection
172 shall for all purposes be treated as if it were paid to the
173 individual as reemployment assistance or unemployment
174 compensation and paid by the individual to the Department of

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175 Revenue for support obligations.

176 Section 5. Subsections (6), (7), and (8) of section
177 443.071, Florida Statutes, are amended to read:

178 443.071 Penalties.—

179 (6) The entry into evidence of an application for
180 reemployment assistance ~~unemployment~~ benefits initiated by the
181 use of the Internet claims program or the interactive voice
182 response system telephone claims program of the Department of
183 Economic Opportunity constitutes prima facie evidence of the
184 establishment of a personal benefit account by or for an
185 individual if the following information is provided: the
186 applicant's name, residence address, date of birth, social
187 security number, and present or former place of work.

188 (7) The entry into evidence of a transaction history
189 generated by a personal identification number establishing that
190 a certification or claim for one or more weeks of benefits was
191 made against the benefit account of the individual, together
192 with documentation that payment was paid by a state warrant made
193 to the order of the person or by direct deposit via electronic
194 means, constitutes prima facie evidence that the person claimed
195 and received reemployment assistance ~~unemployment~~ benefits from
196 the state.

197 (8) All records relating to investigations of reemployment
198 assistance ~~unemployment compensation~~ fraud in the custody of the
199 Department of Economic Opportunity or its tax collection service
200 provider are available for examination by the Department of Law
201 Enforcement, the state attorneys, or the Office of the Statewide
202 Prosecutor in the prosecution of offenses under s. 817.568 or in
203 proceedings brought under this chapter.

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204 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
205 of section 443.091, Florida Statutes, are amended to read:

206 443.091 Benefit eligibility conditions.—

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

210 (c) To make continued claims for benefits, she or he is
211 reporting to the department in accordance with this paragraph
212 and department ~~agency~~ rules, and participating in an initial
213 skills review, as directed by the department ~~agency~~. Department
214 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which
215 requires that each claimant continue to report regardless of any
216 pending appeal relating to her or his eligibility or
217 disqualification for benefits.

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

222 2. The administrator or operator of the initial skills
223 review shall notify the department ~~agency~~ when the individual
224 completes the initial skills review and report the results of
225 the review to the regional workforce board or the one-stop
226 career center as directed by the workforce board. The department
227 shall prescribe a numeric score on the initial skills review
228 that demonstrates a minimal proficiency in workforce skills. The
229 department, workforce board, or one-stop career center shall use
230 the initial skills review to develop a plan for referring
231 individuals to training and employment opportunities. Any
232 individual that falls below the minimal proficiency score on the

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233 initial skills review shall be offered training opportunities
234 and encouraged to participate in such training, at no cost to
235 the individual, in order to improve her or his workforce skills
236 to the minimal proficiency level. The failure of the individual
237 to comply with this requirement will result in the individual
238 being determined ineligible for benefits for the week in which
239 the noncompliance occurred and for any subsequent week of
240 unemployment until the requirement is satisfied. However, this
241 requirement does not apply if the individual is able to
242 affirmatively attest to being unable to complete such review due
243 to illiteracy or a language impediment or is exempt from the
244 work registration requirement pursuant to paragraph (b).

245 3. The department shall evaluate the use, effectiveness,
246 and costs associated with the training prescribed in
247 subparagraph 2. and report its findings and recommendations to
248 the Governor, the President of the Senate, and the Speaker of
249 the House of Representatives by January 1, 2013.

250 (d) She or he is able to work and is available for work. In
251 order to assess eligibility for a claimed week of unemployment,
252 the department shall develop criteria to determine a claimant's
253 ability to work and availability for work. A claimant must be
254 actively seeking work in order to be considered available for
255 work. This means engaging in systematic and sustained efforts to
256 find work, including contacting at least five prospective
257 employers for each week of unemployment claimed. The department
258 ~~agency~~ may require the claimant to provide proof of such efforts
259 to the one-stop career center as part of reemployment services.
260 The department ~~agency~~ shall conduct random reviews of work
261 search information provided by claimants. As an alternative to

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262 contacting at least five prospective employers for any week of
263 unemployment claimed, a claimant may, for that same week, report
264 in person to a one-stop career center to meet with a
265 representative of the center and access reemployment services of
266 the center. The center shall keep a record of the services or
267 information provided to the claimant and shall provide the
268 records to the department ~~agency~~ upon request by the department
269 ~~agency~~. However:

270 1. Notwithstanding any other provision of this paragraph or
271 paragraphs (b) and (e), an otherwise eligible individual may not
272 be denied benefits for any week because she or he is in training
273 with the approval of the department, or by reason of s.
274 443.101(2) relating to failure to apply for, or refusal to
275 accept, suitable work. Training may be approved by the
276 department in accordance with criteria prescribed by rule. A
277 claimant's eligibility during approved training is contingent
278 upon satisfying eligibility conditions prescribed by rule.

279 2. Notwithstanding any other provision of this chapter, an
280 otherwise eligible individual who is in training approved under
281 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
282 determined ineligible or disqualified for benefits due to
283 enrollment in such training or because of leaving work that is
284 not suitable employment to enter such training. As used in this
285 subparagraph, the term "suitable employment" means work of a
286 substantially equal or higher skill level than the worker's past
287 adversely affected employment, as defined for purposes of the
288 Trade Act of 1974, as amended, the wages for which are at least
289 80 percent of the worker's average weekly wage as determined for
290 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

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

311 2. Benefits have not been paid for that week; and-

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

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

318 443.101 Disqualification for benefits.—An individual shall
319 be disqualified for benefits:

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320 (5) For any week with respect to which or a part of which
321 he or she has received or is seeking reemployment assistance or
322 unemployment benefits under a reemployment assistance or an
323 unemployment compensation law of another state or of the United
324 States. For the purposes of this subsection, a reemployment
325 assistance or an unemployment compensation law of the United
326 States is any law of the United States which provides for
327 payment of any type and in any amounts for periods of
328 unemployment due to lack of work. However, if the appropriate
329 agency of the other state or of the United States finally
330 determines that he or she is not entitled to reemployment
331 assistance or unemployment benefits, this disqualification does
332 not apply.

333 (6) For ~~a period not to exceed 1 year from the date of the~~
334 ~~discovery by the Department of Economic Opportunity of the~~
335 ~~making of any false or fraudulent representation for the purpose~~
336 ~~of obtaining benefits contrary to this chapter, constituting a~~
337 ~~violation under s. 443.071. The disqualification imposed under~~
338 ~~this subsection shall begin with the week in which the false or~~
339 ~~fraudulent representation is made and shall continue for a~~
340 ~~period not to exceed 1 year after the date the Department of~~
341 ~~Economic Opportunity discovers the false or fraudulent~~
342 ~~representation and until any overpayment of benefits resulting~~
343 ~~from such representation has been repaid in full. This~~
344 ~~disqualification may be appealed in the same manner as any other~~
345 ~~disqualification imposed under this section. A conviction by any~~
346 ~~court of competent jurisdiction in this state of the offense~~
347 ~~prohibited or punished by s. 443.071 is conclusive upon the~~
348 ~~appeals referee and the commission of the making of the false or~~

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349 fraudulent representation for which disqualification is imposed
350 under this section.

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

353 (a) If the Department of Economic Opportunity or the
354 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
355 that the individual was terminated from work for violation of
356 any criminal law, under any jurisdiction, which was in
357 connection with his or her work, and the individual was
358 convicted, or entered a plea of guilty or nolo contendere, the
359 individual is not entitled to reemployment assistance
360 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
361 adopted by the department, and until he or she has earned income
362 of at least 17 times his or her weekly benefit amount. If,
363 before an adjudication of guilt, an admission of guilt, or a
364 plea of nolo contendere, the employer proves by competent
365 substantial evidence to the department that the arrest was due
366 to a crime against the employer or the employer's business,
367 customers, or invitees, the individual is not entitled to
368 reemployment assistance ~~unemployment~~ benefits.

369 (b) If the department or the Reemployment Assistance
370 ~~Unemployment~~ Appeals Commission finds that the individual was
371 terminated from work for any dishonest act in connection with
372 his or her work, the individual is not entitled to reemployment
373 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
374 rules adopted by the department, and until he or she has earned
375 income of at least 17 times his or her weekly benefit amount. If
376 the employer terminates an individual as a result of a dishonest
377 act in connection with his or her work and the department finds

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

380

381 If an individual is disqualified for benefits, the account of
382 the terminating employer, if the employer is in the base period,
383 is noncharged at the time the disqualification is imposed.

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

388 (b) A temporary or leased employee is deemed to have
389 voluntarily quit employment and is disqualified for benefits
390 under subparagraph (1)(a)1. if, upon conclusion of his or her
391 latest assignment, the temporary or leased employee, without
392 good cause, failed to contact the temporary help or employee-
393 leasing firm for reassignment, if the employer advised the
394 temporary or leased employee at the time of hire and that the
395 leased employee is notified also at the time of separation that
396 he or she must report for reassignment upon conclusion of each
397 assignment, regardless of the duration of the assignment, and
398 that reemployment assistance ~~unemployment~~ benefits may be denied
399 for failure to report. For purposes of this section, the time of
400 hire for a day laborer is upon his or her acceptance of the
401 first assignment following completion of an employment
402 application with the labor pool. The labor pool as defined in s.
403 448.22(1) must provide notice to the temporary employee upon
404 conclusion of the latest assignment that work is available the
405 next business day and that the temporary employee must report
406 for reassignment the next business day. The notice must be given

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407 by means of a notice printed on the paycheck, written notice
408 included in the pay envelope, or other written notification at
409 the conclusion of the current assignment.

410 (11) If an individual is discharged from employment for
411 drug use as evidenced by a positive, confirmed drug test as
412 provided in paragraph (1)(d), or is rejected for offered
413 employment because of a positive, confirmed drug test as
414 provided in paragraph (2)(c), test results and chain of custody
415 documentation provided to the employer by a licensed and
416 approved drug-testing laboratory is self-authenticating and
417 admissible in reemployment assistance ~~unemployment compensation~~
418 hearings, and such evidence creates a rebuttable presumption
419 that the individual used, or was using, controlled substances,
420 subject to the following conditions:

421 (a) To qualify for the presumption described in this
422 subsection, an employer must have implemented a drug-free
423 workplace program under ss. 440.101 and 440.102, and must submit
424 proof that the employer has qualified for the insurance
425 discounts provided under s. 627.0915, as certified by the
426 insurance carrier or self-insurance unit. In lieu of these
427 requirements, an employer who does not fit the definition of
428 "employer" in s. 440.102 may qualify for the presumption if the
429 employer is in compliance with equivalent or more stringent
430 drug-testing standards established by federal law or regulation.

431 (b) Only laboratories licensed and approved as provided in
432 s. 440.102(9), or as provided by equivalent or more stringent
433 licensing requirements established by federal law or regulation
434 may perform the drug tests.

435 (c) Disclosure of drug test results and other information

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436 pertaining to drug testing of individuals who claim or receive
437 compensation under this chapter shall be governed by s.
438 443.1715.

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

442 443.111 Payment of benefits.—

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

446 (b) As required under s. 443.091(1), each claimant must
447 report at least biweekly to receive reemployment assistance
448 ~~unemployment~~ benefits and to attest to the fact that she or he
449 is able and available for work, has not refused suitable work,
450 is seeking work and has met the requirements of s. 443.091(d).
451 ~~contacted at least five prospective employers or reported in~~
452 ~~person to a one-stop career center for reemployment services for~~
453 ~~each week of unemployment claimed,~~ and, if she or he has worked,
454 to report earnings from that work. Each claimant must continue
455 to report regardless of any appeal or pending appeal relating to
456 her or his eligibility or disqualification for benefits.

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

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

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

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465 (5) DURATION OF BENEFITS.—

466 (a) As used in this section, the term "Florida average
467 unemployment rate" means the average of the 3 months for the
468 most recent third calendar year quarter of the seasonally
469 adjusted statewide unemployment rates as published by the
470 Department of Economic Opportunity ~~Agency for Workforce~~
471 ~~Innovation~~.

472 Section 9. Section 443.1113, Florida Statutes, is amended
473 to read:

474 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
475 ~~Claims and Benefits Information System~~.—

476 (1) To the extent that funds are appropriated for each
477 phase of the Reemployment Assistance ~~Unemployment Compensation~~
478 ~~Claims and Benefits Information System~~ by the Legislature, the
479 Department of Economic Opportunity shall replace and enhance the
480 functionality provided in the following systems with an
481 integrated Internet-based system that is known as the
482 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and
483 ~~Benefits Information System~~":

484 (a) Claims and benefit mainframe system.

485 (b) Florida unemployment Internet direct.

486 (c) Florida continued claim Internet directory.

487 (d) Call center interactive voice response system.

488 (e) Benefit overpayment screening system.

489 (f) Internet and Intranet appeals system.

490 (2) The Reemployment Assistance ~~Unemployment Compensation~~
491 ~~Claims and Benefits System~~ shall accomplish the following main
492 business objectives:

493 (a) Wherever cost-effective and operationally feasible,

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494 eliminate or automate existing paper processes and enhance any
495 existing automated workflows in order to expedite customer
496 transactions and eliminate redundancy.

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

499 (c) Integrate benefit payment control with the adjudication
500 program and collection system in order to improve the detection
501 of fraud.

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

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

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

510 (a) Collection of reemployment assistance ~~unemployment~~
511 ~~compensation~~ taxes.

512 (b) General ledger, financial management, or budgeting
513 capabilities.

514 (c) Human resource planning or management capabilities.

515 (4) The project to implement the Reemployment Assistance
516 ~~Unemployment Compensation~~ Claims and Benefits Information System
517 shall be comprised of the following phases and corresponding
518 implementation timeframes:

519 (a) No later than the end of fiscal year 2009-2010
520 completion of the business re-engineering analysis and
521 documentation of both the detailed system requirements and the
522 overall system architecture.

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523 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
524 Benefits Internet portal that replaces the Florida Unemployment
525 Internet Direct and the Florida Continued Claims Internet
526 Directory systems, the Call Center Interactive Voice Response
527 System, the Benefit Overpayment Screening System, the Internet
528 and Intranet Appeals System, and the Claims and Benefits
529 Mainframe System shall be deployed to full operational status no
530 later than the end of fiscal year 2012-2013.

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

534 (a) The project sponsor for the Reemployment Assistance
535 ~~Unemployment Compensation~~ Claims and Benefits Information System
536 project is the department.

537 (b) The project shall be governed by an executive steering
538 committee composed of the following voting members or their
539 designees:

- 540 1. The executive director of the department.
- 541 2. The executive director of the Department of Revenue.
- 542 3. The director of the Division of Workforce Services
543 within the department.
- 544 4. The program director of the General Tax Administration
545 Program Office within the Department of Revenue.
- 546 5. The chief information officer of the department.

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

- 550 1. Providing management direction and support to the
551 project management team.

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552 2. Assessing the project's alignment with the strategic
553 goals of the department for administering the reemployment
554 assistance ~~unemployment compensation~~ program.

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

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

559 5. Recommending suspension or termination of the project to
560 the Governor, the President of the Senate, and the Speaker of
561 the House of Representatives if it determines that the primary
562 objectives cannot be achieved.

563 (d) The project management team shall work under the
564 direction of the executive steering committee and shall be
565 minimally comprised of senior managers and stakeholders from the
566 department and the Department of Revenue. The project management
567 team is responsible for:

568 1. Providing daily planning, management, and oversight of
569 the project.

570 2. Submitting an operational work plan and providing
571 quarterly updates to that plan to the executive steering
572 committee. The plan must specify project milestones,
573 deliverables, and expenditures.

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

576 a. Planned versus actual project costs;

577 b. An assessment of the status of major milestones and
578 deliverables;

579 c. Identification of any issues requiring resolution, the
580 proposed resolution for these issues, and information regarding

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581 the status of the resolution;

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

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

585 All recommendations must be reviewed by project stakeholders
586 before submission to the executive steering committee in order
587 to ensure that the recommendations meet required acceptance
588 criteria.

589 Section 10. Paragraph (b) of subsection (8) of section
590 443.1116, Florida Statutes, is amended to read:

591 443.1116 Short-time compensation.—

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

594 (b) An individual who receives all of the short-time
595 compensation or combined reemployment assistance or unemployment
596 compensation and short-time compensation available in a benefit
597 year is considered an exhaustee for purposes of the extended
598 benefits program in s. 443.1115 and, if otherwise eligible under
599 those provisions, is eligible to receive extended benefits.

600 Section 11. Subsection (3) of section 443.1215, Florida
601 Statutes, is amended to read:

602 443.1215 Employers.—

603 (3) An employing unit that fails to keep the records of
604 employment required by this chapter and by the rules of the
605 Department of Economic Opportunity and the state agency
606 providing reemployment assistance ~~unemployment~~ tax collection
607 services is presumed to be an employer liable for the payment of
608 contributions under this chapter, regardless of the number of
609 individuals employed by the employing unit. However, the tax

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610 collection service provider shall make written demand that the
611 employing unit keep and maintain required payroll records. The
612 demand must be made at least 6 months before assessing
613 contributions against an employing unit determined to be an
614 employer that is subject to this chapter solely by reason of
615 this subsection.

616 Section 12. Paragraphs (a) and (d) of subsection (1),
617 subsections (8) and (12), and paragraphs (f), (h), and (p) of
618 subsection (13) of section 443.1216, Florida Statutes, are
619 amended to read:

620 443.1216 Employment.—Employment, as defined in s. 443.036,
621 is subject to this chapter under the following conditions:

622 (1) (a) The employment subject to this chapter includes a
623 service performed, including a service performed in interstate
624 commerce, by:

625 1. An officer of a corporation.

626 2. An individual who, under the usual common-law rules
627 applicable in determining the employer-employee relationship, is
628 an employee. However, whenever a client, as defined in s.
629 443.036(18), which would otherwise be designated as an employing
630 unit has contracted with an employee leasing company to supply
631 it with workers, those workers are considered employees of the
632 employee leasing company. An employee leasing company may lease
633 corporate officers of the client to the client and other workers
634 to the client, except as prohibited by regulations of the
635 Internal Revenue Service. Employees of an employee leasing
636 company must be reported under the employee leasing company's
637 tax identification number and contribution rate for work
638 performed for the employee leasing company.

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639 a. In addition to any other report required to be filed by
 640 law, an employee leasing company shall submit a report to the
 641 Labor Market Statistics Center within the Department of Economic
 642 Opportunity which includes each client establishment and each
 643 establishment of the employee leasing company, or as otherwise
 644 directed by the department. The report must include the
 645 following information for each establishment:

- 646 (I) The trade or establishment name;
- 647 (II) The former reemployment assistance ~~unemployment~~
 648 ~~compensation~~ account number, if available;
- 649 (III) The former federal employer's identification number
 650 (FEIN), if available;
- 651 (IV) The industry code recognized and published by the
 652 United States Office of Management and Budget, if available;
- 653 (V) A description of the client's primary business activity
 654 in order to verify or assign an industry code;
- 655 (VI) The address of the physical location;
- 656 (VII) The number of full-time and part-time employees who
 657 worked during, or received pay that was subject to reemployment
 658 assistance ~~unemployment-compensation~~ taxes for, the pay period
 659 including the 12th of the month for each month of the quarter;
- 660 (VIII) The total wages subject to reemployment assistance
 661 ~~unemployment-compensation~~ taxes paid during the calendar
 662 quarter;
- 663 (IX) An internal identification code to uniquely identify
 664 each establishment of each client;
- 665 (X) The month and year that the client entered into the
 666 contract for services; and
- 667 (XI) The month and year that the client terminated the

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668 contract for services.

669 b. The report shall be submitted electronically or in a
670 manner otherwise prescribed by the Department of Economic
671 Opportunity in the format specified by the Bureau of Labor
672 Statistics of the United States Department of Labor for its
673 Multiple Worksite Report for Professional Employer
674 Organizations. The report must be provided quarterly to the
675 Labor Market Statistics Center within the department, or as
676 otherwise directed by the department, and must be filed by the
677 last day of the month immediately following the end of the
678 calendar quarter. The information required in sub-sub-
679 subparagraphs a.(X) and (XI) need be provided only in the
680 quarter in which the contract to which it relates was entered
681 into or terminated. The sum of the employment data and the sum
682 of the wage data in this report must match the employment and
683 wages reported in the reemployment assistance ~~unemployment~~
684 ~~compensation~~ quarterly tax and wage report. A report is not
685 required for any calendar quarter preceding the third calendar
686 quarter of 2010.

687 c. The department shall adopt rules as necessary to
688 administer this subparagraph, and may administer, collect,
689 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
690 the report required by this subparagraph.

691 d. For the purposes of this subparagraph, the term
692 "establishment" means any location where business is conducted
693 or where services or industrial operations are performed.

694 3. An individual other than an individual who is an
695 employee under subparagraph 1. or subparagraph 2., who performs
696 services for remuneration for any person:

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697 a. As an agent-driver or commission-driver engaged in
698 distributing meat products, vegetable products, fruit products,
699 bakery products, beverages other than milk, or laundry or
700 drycleaning services for his or her principal.

701 b. As a traveling or city salesperson engaged on a full-
702 time basis in the solicitation on behalf of, and the
703 transmission to, his or her principal of orders from
704 wholesalers, retailers, contractors, or operators of hotels,
705 restaurants, or other similar establishments for merchandise for
706 resale or supplies for use in their business operations. This
707 sub-subparagraph does not apply to an agent-driver or a
708 commission-driver and does not apply to sideline sales
709 activities performed on behalf of a person other than the
710 salesperson's principal.

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

713 a. The contract of service contemplates that substantially
714 all of the services are to be performed personally by the
715 individual;

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

719 c. The services are not in the nature of a single
720 transaction that is not part of a continuing relationship with
721 the person for whom the services are performed.

722 (d) If two or more related corporations concurrently employ
723 the same individual and compensate the individual through a
724 common paymaster, each related corporation is considered to have
725 paid wages to the individual only in the amounts actually

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726 disbursed by that corporation to the individual and is not
727 considered to have paid the wages actually disbursed to the
728 individual by another of the related corporations. The
729 department and the state agency providing reemployment
730 assistance ~~unemployment~~ tax collection services may adopt rules
731 necessary to administer this paragraph.

732 1. As used in this paragraph, the term "common paymaster"
733 means a member of a group of related corporations that disburses
734 wages to concurrent employees on behalf of the related
735 corporations and that is responsible for keeping payroll records
736 for those concurrent employees. A common paymaster is not
737 required to disburse wages to all the employees of the related
738 corporations; however, this subparagraph does not apply to wages
739 of concurrent employees which are not disbursed through a common
740 paymaster. A common paymaster must pay concurrently employed
741 individuals under this subparagraph by one combined paycheck.

742 2. As used in this paragraph, the term "concurrent
743 employment" means the existence of simultaneous employment
744 relationships between an individual and related corporations.
745 Those relationships require the performance of services by the
746 employee for the benefit of the related corporations, including
747 the common paymaster, in exchange for wages that, if deductible
748 for the purposes of federal income tax, are deductible by the
749 related corporations.

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

753 a. The corporations are members of a "controlled group of
754 corporations" as defined in s. 1563 of the Internal Revenue Code

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755 of 1986 or would be members if s. 1563(a)(4) and (b) did not
756 apply.

757 b. In the case of a corporation that does not issue stock,
758 at least 50 percent of the members of the board of directors or
759 other governing body of one corporation are members of the board
760 of directors or other governing body of the other corporation or
761 the holders of at least 50 percent of the voting power to select
762 those members are concurrently the holders of at least 50
763 percent of the voting power to select those members of the other
764 corporation.

765 c. At least 50 percent of the officers of one corporation
766 are concurrently officers of the other corporation.

767 d. At least 30 percent of the employees of one corporation
768 are concurrently employees of the other corporation.

769 4. The common paymaster must report to the tax collection
770 service provider, as part of the reemployment assistance
771 ~~unemployment compensation~~ quarterly tax and wage report, the
772 state reemployment assistance ~~unemployment compensation~~ account
773 number and name of each related corporation for which concurrent
774 employees are being reported. Failure to timely report this
775 information shall result in the related corporations being
776 denied common paymaster status for that calendar quarter.

777 5. The common paymaster also has the primary responsibility
778 for remitting contributions due under this chapter for the wages
779 it disburses as the common paymaster. The common paymaster must
780 compute these contributions as though it were the sole employer
781 of the concurrently employed individuals. If a common paymaster
782 fails to timely remit these contributions or reports, in whole
783 or in part, the common paymaster remains liable for the full

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784 amount of the unpaid portion of these contributions. In
785 addition, each of the other related corporations using the
786 common paymaster is jointly and severally liable for its
787 appropriate share of these contributions. Each related
788 corporation's share equals the greater of:

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

791 b. The liability under this chapter which, notwithstanding
792 this section, would have existed for the wages from the other
793 related corporations, reduced by an allocable portion of any
794 contributions previously paid by the common paymaster for those
795 wages.

796 (8) Services not covered under paragraph (7)(b) which are
797 performed entirely outside of this state, and for which
798 contributions are not required or paid under a reemployment
799 assistance or an unemployment compensation law of any other
800 state or of the Federal Government, are deemed to be employment
801 subject to this chapter if the individual performing the
802 services is a resident of this state and the tax collection
803 service provider approves the election of the employing unit for
804 whom the services are performed, electing that the entire
805 service of the individual is deemed to be employment subject to
806 this chapter.

807 (12) The employment subject to this chapter includes
808 services covered by a reciprocal arrangement under s. 443.221
809 between the Department of Economic Opportunity or its tax
810 collection service provider and the agency charged with the
811 administration of another state reemployment assistance or
812 unemployment compensation law or a federal reemployment

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813 assistance or unemployment compensation law, under which all
814 services performed by an individual for an employing unit are
815 deemed to be performed entirely within this state, if the
816 department or its tax collection service provider approved an
817 election of the employing unit in which all of the services
818 performed by the individual during the period covered by the
819 election are deemed to be insured work.

820 (13) The following are exempt from coverage under this
821 chapter:

822 (f) Service performed in the employ of a public employer as
823 defined in s. 443.036, except as provided in subsection (2), and
824 service performed in the employ of an instrumentality of a
825 public employer as described in s. 443.036(36)(b) or (c)
826 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
827 immune under the United States Constitution from the tax imposed
828 by s. 3301 of the Internal Revenue Code for that service.

829 (h) Service for which reemployment assistance ~~unemployment~~
830 ~~compensation~~ is payable under a reemployment assistance or an
831 unemployment compensation system established by the United
832 States Congress, of which this chapter is not a part.

833 (p) Service covered by an arrangement between the
834 Department of Economic Opportunity, or its tax collection
835 service provider, and the agency charged with the administration
836 of another state or federal reemployment assistance or
837 unemployment compensation law under which all services performed
838 by an individual for an employing unit during the period covered
839 by the employing unit's duly approved election is deemed to be
840 performed entirely within the other agency's state or under the
841 federal law.

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842 Section 13. Paragraph (a) and (f) of subsection (3) of
843 section 443.131, Florida Statutes, are amended to read:

844 443.131 Contributions.—

845 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
846 EXPERIENCE.—

847 (a) *Employment records.*—The regular and short-time
848 compensation benefits paid to an eligible individual shall be
849 charged to the employment record of each employer who paid the
850 individual wages of at least \$100 during the individual's base
851 period in proportion to the total wages paid by all employers
852 who paid the individual wages during the individual's base
853 period. Benefits may not be charged to the employment record of
854 an employer who furnishes part-time work to an individual who,
855 because of loss of employment with one or more other employers,
856 is eligible for partial benefits while being furnished part-time
857 work by the employer on substantially the same basis and in
858 substantially the same amount as the individual's employment
859 during his or her base period, regardless of whether this part-
860 time work is simultaneous or successive to the individual's lost
861 employment. Further, as provided in s. 443.151(3), benefits may
862 not be charged to the employment record of an employer who
863 furnishes the Department of Economic Opportunity with notice, as
864 prescribed in rules of the department, that any of the following
865 apply:

866 1. If an individual leaves his or her work without good
867 cause attributable to the employer or is discharged by the
868 employer for misconduct connected with his or her work, benefits
869 subsequently paid to the individual based on wages paid by the
870 employer before the separation may not be charged to the

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871 employment record of the employer.

872 2. If an individual is discharged by the employer for
873 unsatisfactory performance during an initial employment
874 probationary period, benefits subsequently paid to the
875 individual based on wages paid during the probationary period by
876 the employer before the separation may not be charged to the
877 employer's employment record. As used in this subparagraph, the
878 term "initial employment probationary period" means an
879 established probationary plan that applies to all employees or a
880 specific group of employees and that does not exceed 90 calendar
881 days following the first day a new employee begins work. The
882 employee must be informed of the probationary period within the
883 first 7 days of work. The employer must demonstrate by
884 conclusive evidence that the individual was separated because of
885 unsatisfactory work performance and not because of lack of work
886 due to temporary, seasonal, casual, or other similar employment
887 that is not of a regular, permanent, and year-round nature.

888 3. Benefits subsequently paid to an individual after his or
889 her refusal without good cause to accept suitable work from an
890 employer may not be charged to the employment record of the
891 employer if any part of those benefits are based on wages paid
892 by the employer before the individual's refusal to accept
893 suitable work. As used in this subparagraph, the term "good
894 cause" does not include distance to employment caused by a
895 change of residence by the individual. The department shall
896 adopt rules prescribing for the payment of all benefits whether
897 this subparagraph applies regardless of whether a
898 disqualification under s. 443.101 applies to the claim.

899 4. If an individual is separated from work as a direct

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900 result of a natural disaster declared under the Robert T.
901 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
902 ss. 5121 et seq., benefits subsequently paid to the individual
903 based on wages paid by the employer before the separation may
904 not be charged to the employment record of the employer.

905 5. If an individual is separated from work as a direct
906 result of an oil spill, terrorist attack, or other similar
907 disaster of national significance not subject to a declaration
908 under the Robert T. Stafford Disaster Relief and Emergency
909 Assistance Act, benefits subsequently paid to the individual
910 based on wages paid by the employer before the separation may
911 not be charged to the employment record of the employer.

912 (f) *Transfer of employment records.*—

913 1. For the purposes of this subsection, two or more
914 employers who are parties to a transfer of business or the
915 subject of a merger, consolidation, or other form of
916 reorganization, effecting a change in legal identity or form,
917 are deemed a single employer and are considered to be one
918 employer with a continuous employment record if the tax
919 collection service provider finds that the successor employer
920 continues to carry on the employing enterprises of all of the
921 predecessor employers and that the successor employer has paid
922 all contributions required of and due from all of the
923 predecessor employers and has assumed liability for all
924 contributions that may become due from all of the predecessor
925 employers. In addition, an employer may not be considered a
926 successor under this subparagraph if the employer purchases a
927 company with a lower rate into which employees with job
928 functions unrelated to the business endeavors of the predecessor

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929 are transferred for the purpose of acquiring the low rate and
930 avoiding payment of contributions. As used in this paragraph,
931 notwithstanding s. 443.036(14), the term "contributions" means
932 all indebtedness to the tax collection service provider,
933 including, but not limited to, interest, penalty, collection
934 fee, and service fee. A successor employer must accept the
935 transfer of all of the predecessor employers' employment records
936 within 30 days after the date of the official notification of
937 liability by succession. If a predecessor employer has unpaid
938 contributions or outstanding quarterly reports, the successor
939 employer must pay the total amount with certified funds within
940 30 days after the date of the notice listing the total amount
941 due. After the total indebtedness is paid, the tax collection
942 service provider shall transfer the employment records of all of
943 the predecessor employers to the successor employer's employment
944 record. The tax collection service provider shall determine the
945 contribution rate of the combined successor and predecessor
946 employers upon the transfer of the employment records, as
947 prescribed by rule, in order to calculate any change in the
948 contribution rate resulting from the transfer of the employment
949 records.

950 2. Regardless of whether a predecessor employer's
951 employment record is transferred to a successor employer under
952 this paragraph, the tax collection service provider shall treat
953 the predecessor employer, if he or she subsequently employs
954 individuals, as an employer without a previous employment record
955 or, if his or her coverage is terminated under s. 443.121, as a
956 new employing unit.

957 3. The state agency providing reemployment assistance

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958 ~~unemployment~~ tax collection services may adopt rules governing
959 the partial transfer of experience rating when an employer
960 transfers an identifiable and segregable portion of his or her
961 payrolls and business to a successor employing unit. As a
962 condition of each partial transfer, these rules must require the
963 following to be filed with the tax collection service provider:
964 an application by the successor employing unit, an agreement by
965 the predecessor employer, and the evidence required by the tax
966 collection service provider to show the benefit experience and
967 payrolls attributable to the transferred portion through the
968 date of the transfer. These rules must provide that the
969 successor employing unit, if not an employer subject to this
970 chapter, becomes an employer as of the date of the transfer and
971 that the transferred portion of the predecessor employer's
972 employment record is removed from the employment record of the
973 predecessor employer. For each calendar year after the date of
974 the transfer of the employment record in the records of the tax
975 collection service provider, the service provider shall compute
976 the contribution rate payable by the successor employer or
977 employing unit based on his or her employment record, combined
978 with the transferred portion of the predecessor employer's
979 employment record. These rules may also prescribe what
980 contribution rates are payable by the predecessor and successor
981 employers for the period between the date of the transfer of the
982 transferred portion of the predecessor employer's employment
983 record in the records of the tax collection service provider and
984 the first day of the next calendar year.

985 4. This paragraph does not apply to an employee leasing
986 company and client contractual agreement as defined in s.

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987 443.036. The tax collection service provider shall, if the
988 contractual agreement is terminated or the employee leasing
989 company fails to submit reports or pay contributions as required
990 by the service provider, treat the client as a new employer
991 without previous employment record unless the client is
992 otherwise eligible for a variation from the standard rate.

993 Section 14. Paragraph (d) of subsection (2) of section
994 443.1312, Florida Statutes, is amended to read:

995 443.1312 Reimbursements; nonprofit organizations.—Benefits
996 paid to employees of nonprofit organizations shall be financed
997 in accordance with this section.

998 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
999 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
1000 subject to this chapter under s. 443.1215(1)(c) or s.
1001 443.121(3)(a) must pay contributions under s. 443.131 unless it
1002 elects, in accordance with this subsection, to reimburse the
1003 Unemployment Compensation Trust Fund for all of the regular
1004 benefits, short-time compensation benefits, and one-half of the
1005 extended benefits paid, which are attributable to service in the
1006 employ of the nonprofit organization, to individuals for weeks
1007 of unemployment which begin during the effective period of the
1008 election.

1009 (d) In accordance with rules adopted by the Department of
1010 Economic Opportunity or the state agency providing reemployment
1011 assistance ~~unemployment~~ tax collection services, the tax
1012 collection service provider shall notify each nonprofit
1013 organization of any determination of the organization's status
1014 as an employer, the effective date of any election the
1015 organization makes, and the effective date of any termination of

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1016 the election. Each determination is subject to reconsideration,
1017 appeal, and review under s. 443.141(2)(c).

1018 Section 15. Subsection (3) and paragraph (a) of subsection
1019 (4) of section 443.1313, Florida Statutes, are amended to read:

1020 443.1313 Public employers; reimbursements; election to pay
1021 contributions.—Benefits paid to employees of a public employer,
1022 as defined in s. 443.036, based on service described in s.
1023 443.1216(2) shall be financed in accordance with this section.

1024 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1025 or contributing employer under this section, a public employer
1026 may not change this election for at least 2 calendar years. This
1027 subsection does not prevent a public employer subject to this
1028 subsection from changing its election after completing 2
1029 calendar years under another financing method if the new
1030 election is timely filed. The state agency providing
1031 reemployment assistance ~~unemployment~~ tax collection services may
1032 adopt rules prescribing procedures for changing methods of
1033 reporting.

1034 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
1035 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1036 (a) There is established within the Unemployment
1037 Compensation Trust Fund a Public Employers Reemployment
1038 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
1039 be maintained as a separate account within the trust fund. All
1040 benefits paid to the employees of a public employer that elects
1041 to become a contributing employer under paragraph (b) must be
1042 charged to the Public Employers Unemployment Compensation
1043 Benefit Account.

1044 Section 16. Subsection (7) of section 443.1315, Florida

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1045 Statutes, is amended to read:

1046 443.1315 Treatment of Indian tribes.—

1047 (7) The Department of Economic Opportunity and the state
1048 agency providing reemployment assistance ~~unemployment~~ tax
1049 collection services shall adopt rules necessary to administer
1050 this section.

1051 Section 17. Section 443.1316, Florida Statutes, is amended
1052 to read:

1053 443.1316 Reemployment assistance ~~Unemployment~~ tax
1054 collection services; interagency agreement.—

1055 (1) The Department of Economic Opportunity shall contract
1056 with the Department of Revenue, through an interagency
1057 agreement, to perform the duties of the tax collection service
1058 provider and provide other reemployment assistance ~~unemployment~~
1059 tax collection services under this chapter. Under the
1060 interagency agreement, the tax collection service provider may
1061 only implement:

1062 (a) The provisions of this chapter conferring duties upon
1063 the tax collection service provider.

1064 (b) The provisions of law conferring duties upon the
1065 department which are specifically delegated to the tax
1066 collection service provider in the interagency agreement.

1067 (2) (a) The Department of Revenue is considered to be
1068 administering a revenue law of this state when the department
1069 implements this chapter, or otherwise provides reemployment
1070 assistance ~~unemployment~~ tax collection services, under contract
1071 with the department through the interagency agreement.

1072 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1073 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;

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1074 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
 1075 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
 1076 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
 1077 213.757 apply to the collection of reemployment assistance
 1078 ~~unemployment~~ contributions and reimbursements by the Department
 1079 of Revenue unless prohibited by federal law.

1080 Section 18. Paragraph (a) of subsection (1) and subsections
 1081 (2) and (3) of section 443.1317, Florida Statutes, are amended
 1082 to read:

1083 443.1317 Rulemaking authority; enforcement of rules.—

1084 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1085 (a) Except as otherwise provided in s. 443.012, the
 1086 Department of Economic Opportunity has ultimate authority over
 1087 the administration of the Reemployment Assistance ~~Unemployment~~
 1088 ~~Compensation~~ Program.

1089 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
 1090 providing reemployment assistance ~~unemployment~~ tax collection
 1091 services under contract with the Department of Economic
 1092 Opportunity through an interagency agreement pursuant to s.
 1093 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
 1094 subject to approval by the department, to administer the
 1095 provisions of law described in s. 443.1316(1)(a) and (b) which
 1096 are within this chapter. These rules must not conflict with the
 1097 rules adopted by the department or with the interagency
 1098 agreement.

1099 (3) ENFORCEMENT OF RULES.—The Department of Economic
 1100 Opportunity may enforce any rule adopted by the state agency
 1101 providing reemployment assistance ~~unemployment~~ tax collection
 1102 services to administer this chapter. The tax collection service

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1103 provider may enforce any rule adopted by the department to
1104 administer the provisions of law described in s. 443.1316(1) (a)
1105 and (b).

1106 Section 19. Paragraphs (b) and (g) of subsection (1),
1107 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
1108 subsection (4) of section 443.141, Florida Statutes, are amended
1109 to read:

1110 443.141 Collection of contributions and reimbursements.—

1111 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1112 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1113 (b) *Penalty for delinquent, erroneous, incomplete, or*
1114 *insufficient reports.*—

1115 1. An employing unit that fails to file any report required
1116 by the Department of Economic Opportunity or its tax collection
1117 service provider, in accordance with rules for administering
1118 this chapter, shall pay to the service provider for each
1119 delinquent report the sum of \$25 for each 30 days or fraction
1120 thereof that the employing unit is delinquent, unless the
1121 department ~~agency~~ or its service provider, whichever required
1122 the report, finds that the employing unit has good reason for
1123 failing to file the report. The department or its service
1124 provider may assess penalties only through the date of the
1125 issuance of the final assessment notice. However, additional
1126 penalties accrue if the delinquent report is subsequently filed.

1127 2.a. An employing unit that files an erroneous, incomplete,
1128 or insufficient report with the department or its tax collection
1129 service provider shall pay a penalty. The amount of the penalty
1130 is \$50 or 10 percent of any tax due, whichever is greater, but
1131 no more than \$300 per report. The penalty shall be added to any

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1132 tax, penalty, or interest otherwise due.

1133 b. The department or its tax collection service provider
1134 shall waive the penalty if the employing unit files an accurate,
1135 complete, and sufficient report within 30 days after a penalty
1136 notice is issued to the employing unit. The penalty may not be
1137 waived pursuant to this subparagraph more than one time during a
1138 12-month period.

1139 c. As used in this subsection, the term "erroneous,
1140 incomplete, or insufficient report" means a report so lacking in
1141 information, completeness, or arrangement that the report cannot
1142 be readily understood, verified, or reviewed. Such reports
1143 include, but are not limited to, reports having missing wage or
1144 employee information, missing or incorrect social security
1145 numbers, or illegible entries; reports submitted in a format
1146 that is not approved by the department or its tax collection
1147 service provider; and reports showing gross wages that do not
1148 equal the total of the wages of each employee. However, the term
1149 does not include a report that merely contains inaccurate data
1150 that was supplied to the employer by the employee, if the
1151 employer was unaware of the inaccuracy.

1152 3. Penalties imposed pursuant to this paragraph shall be
1153 deposited in the Special Employment Security Administration
1154 Trust Fund.

1155 4. The penalty and interest for a delinquent, erroneous,
1156 incomplete, or insufficient report may be waived if the penalty
1157 or interest is inequitable. The provisions of s. 213.24(1) apply
1158 to any penalty or interest that is imposed under this section.

1159 (g) *Adoption of rules.*—The department and the state agency
1160 providing reemployment assistance ~~unemployment~~ tax collection

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1161 services may adopt rules to administer this subsection.

1162 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1163 (c) *Appeals*.—The department and the state agency providing
1164 reemployment assistance ~~unemployment~~ tax collection services
1165 shall adopt rules prescribing the procedures for an employing
1166 unit determined to be an employer to file an appeal and be
1167 afforded an opportunity for a hearing on the determination.
1168 Pending a hearing, the employing unit must file reports and pay
1169 contributions in accordance with s. 443.131.

1170 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
1171 CONTRIBUTIONS AND REIMBURSEMENTS.—

1172 (c) Any agent or employee designated by the Department of
1173 Economic Opportunity or its tax collection service provider may
1174 administer an oath to any person for any return or report
1175 required by this chapter or by the rules of the department or
1176 the state agency providing reemployment assistance ~~unemployment~~
1177 tax collection services, and an oath made before the department
1178 or its service provider or any authorized agent or employee has
1179 the same effect as an oath made before any judicial officer or
1180 notary public of the state.

1181 (e) The tax collection service provider may commence an
1182 action in any other state to collect reemployment assistance
1183 ~~unemployment compensation~~ contributions, reimbursements,
1184 penalties, and interest legally due this state. The officials of
1185 other states that extend a like comity to this state may sue for
1186 the collection of contributions, reimbursements, interest, and
1187 penalties in the courts of this state. The courts of this state
1188 shall recognize and enforce liability for contributions,
1189 reimbursements, interest, and penalties imposed by other states

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1190 that extend a like comity to this state.

1191 Section 20. Paragraph (b) of subsection (1), paragraph (b)
1192 of subsection (2), paragraph (c) of subsection (3), and
1193 paragraphs (a) and (b) of subsection (6) of section 443.151,
1194 Florida Statutes, are amended to read:

1195 443.151 Procedure concerning claims.—

1196 (1) POSTING OF INFORMATION.—

1197 (b)1. The department shall advise each individual filing a
1198 new claim for reemployment assistance ~~unemployment compensation~~,
1199 at the time of filing the claim, that:

1200 a. Reemployment assistance ~~unemployment compensation~~ is
1201 subject to federal income tax.

1202 b. Requirements exist pertaining to estimated tax payments.

1203 c. The individual may elect to have federal income tax
1204 deducted and withheld from the individual's payment of
1205 reemployment assistance ~~unemployment compensation~~ at the amount
1206 specified in the federal Internal Revenue Code.

1207 d. The individual is not permitted to change a previously
1208 elected withholding status more than twice per calendar year.

1209 2. Amounts deducted and withheld from reemployment
1210 assistance ~~unemployment compensation~~ must remain in the
1211 Unemployment Compensation Trust Fund until transferred to the
1212 federal taxing authority as payment of income tax.

1213 3. The department shall follow all procedures specified by
1214 the United States Department of Labor and the federal Internal
1215 Revenue Service pertaining to the deducting and withholding of
1216 income tax.

1217 4. If more than one authorized request for deduction and
1218 withholding is made, amounts must be deducted and withheld in

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1219 accordance with the following priorities:

1220 a. Reemployment assistance ~~Unemployment~~ overpayments have

1221 first priority;

1222 b. Child support payments have second priority; and

1223 c. Withholding under this subsection has third priority.

1224 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF

1225 CLAIMANTS AND EMPLOYERS.—

1226 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~

1227 ~~Compensation~~ Claims and Benefits Information System described in

1228 s. 443.1113 is fully operational, the process for filing claims

1229 must incorporate the process for registering for work with the

1230 workforce information systems established pursuant to s.

1231 445.011. A claim for benefits may not be processed until the

1232 work registration requirement is satisfied. The department may

1233 adopt rules as necessary to administer the work registration

1234 requirement set forth in this paragraph.

1235 (3) DETERMINATION OF ELIGIBILITY.—

1236 (c) *Nonmonetary determinations.*—If the department receives

1237 information that may result in a denial of benefits, the

1238 department must complete an investigation of the claim required

1239 by subsection (2) and provide notice of a nonmonetary

1240 determination to the claimant and the employer from whom the

1241 claimant's reason for separation affects his or her entitlement

1242 to benefits. The determination must state the reason for the

1243 determination and whether the reemployment assistance

1244 ~~unemployment~~ tax account of the contributing employer is charged

1245 for benefits paid on the claim. The nonmonetary determination is

1246 final unless within 20 days after the mailing of the notices to

1247 the parties' last known addresses, or in lieu of mailing, within

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1248 20 days after the delivery of the notices, an appeal or written
1249 request for reconsideration is filed by the claimant or other
1250 party entitled to notice. The department may adopt rules as
1251 necessary to implement the processes described in this paragraph
1252 relating to notices of nonmonetary determination and the appeals
1253 or reconsideration requests filed in response to such notices,
1254 and may adopt rules prescribing the manner and procedure by
1255 which employers within the base period of a claimant become
1256 entitled to notice of nonmonetary determination.

1257 (6) RECOVERY AND RECOUPMENT.—

1258 (a) Any person who, by reason of her or his fraud, receives
1259 benefits under this chapter to which she or he is not entitled
1260 is liable for repaying those benefits to the Department of
1261 Economic Opportunity on behalf of the trust fund or, in the
1262 discretion of the department, to have those benefits deducted
1263 from future benefits payable to her or him under this chapter.
1264 To enforce this paragraph, the department must find the
1265 existence of fraud through a redetermination or decision under
1266 this section within 2 years after the fraud was committed. Any
1267 recovery or recoupment of benefits must be commenced ~~effected~~
1268 within 7 ~~5~~ years after the redetermination or decision.

1269 (b) Any person who, by reason other than her or his fraud,
1270 receives benefits under this chapter to which, under a
1271 redetermination or decision pursuant to this section, she or he
1272 is not entitled, is liable for repaying those benefits to the
1273 department on behalf of the trust fund or, in the discretion of
1274 the department, to have those benefits deducted from any future
1275 benefits payable to her or him under this chapter. Any recovery
1276 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~

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1277 years after the redetermination or decision.

1278 Section 21. Subsection (1) and paragraph (c) of subsection
1279 (3) of section 443.163, Florida Statutes, are amended to read:

1280 443.163 Electronic reporting and remitting of contributions
1281 and reimbursements.—

1282 (1) An employer may file any report and remit any
1283 contributions or reimbursements required under this chapter by
1284 electronic means. The Department of Economic Opportunity or the
1285 state agency providing reemployment assistance ~~unemployment~~ tax
1286 collection services shall adopt rules prescribing the format and
1287 instructions necessary for electronically filing reports and
1288 remitting contributions and reimbursements to ensure a full
1289 collection of contributions and reimbursements due. The
1290 acceptable method of transfer, the method, form, and content of
1291 the electronic means, and the method, if any, by which the
1292 employer will be provided with an acknowledgment shall be
1293 prescribed by the department or its tax collection service
1294 provider. However, any employer who employed 10 or more
1295 employees in any quarter during the preceding state fiscal year
1296 must file the Employers Quarterly Reports (UCT-6) for the
1297 current calendar year and remit the contributions and
1298 reimbursements due by electronic means approved by the tax
1299 collection service provider. A person who prepared and reported
1300 for 100 or more employers in any quarter during the preceding
1301 state fiscal year must file the Employers Quarterly Reports
1302 (UCT-6) for each calendar quarter in the current calendar year,
1303 beginning with reports due for the second calendar quarter of
1304 2003, by electronic means approved by the tax collection service
1305 provider.

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1306 (3) The tax collection service provider may waive the
1307 requirement to file an Employers Quarterly Report (UCT-6) by
1308 electronic means for employers that are unable to comply despite
1309 good faith efforts or due to circumstances beyond the employer's
1310 reasonable control.

1311 (c) The department or the state agency providing
1312 reemployment assistance ~~unemployment~~ tax collection services may
1313 establish by rule the length of time a waiver is valid and may
1314 determine whether subsequent waivers will be authorized, based
1315 on this subsection.

1316 Section 22. Subsections (2) and (5) and paragraphs (a) and
1317 (c) of subsection (9) of section 443.171, Florida Statutes, are
1318 amended to read:

1319 443.171 Department of Economic Opportunity and commission;
1320 powers and duties; records and reports; proceedings; state-
1321 federal cooperation.—

1322 (2) PUBLICATION OF ACTS AND RULES.—The Department of
1323 Economic Opportunity shall cause to be printed and distributed
1324 to the public, or otherwise distributed to the public through
1325 the Internet or similar electronic means, the text of this
1326 chapter and of the rules for administering this chapter adopted
1327 by the department or the state agency providing reemployment
1328 assistance ~~unemployment~~ tax collection services and any other
1329 matter relevant and suitable. The department shall furnish this
1330 information to any person upon request. However, any pamphlet,
1331 rules, circulars, or reports required by this chapter may not
1332 contain any matter except the actual data necessary to complete
1333 them or the actual language of the rule, together with the
1334 proper notices.

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1335 (5) RECORDS AND REPORTS.—Each employing unit shall keep
1336 true and accurate work records, containing the information
1337 required by the Department of Economic Opportunity or its tax
1338 collection service provider. These records must be open to
1339 inspection and are subject to being copied by the department or
1340 its tax collection service provider at any reasonable time and
1341 as often as necessary. The department or its tax collection
1342 service provider may require from any employing unit any sworn
1343 or unsworn reports, for persons employed by the employing unit,
1344 necessary for the effective administration of this chapter.
1345 However, a state or local governmental agency performing
1346 intelligence or counterintelligence functions need not report an
1347 employee if the head of that agency determines that reporting
1348 the employee could endanger the safety of the employee or
1349 compromise an ongoing investigation or intelligence mission.
1350 ~~Information revealing the employing unit's or individual's~~
1351 ~~identity obtained from the employing unit or from any individual~~
1352 ~~through the administration of this chapter, is, except to the~~
1353 ~~extent necessary for the proper presentation of a claim or upon~~
1354 ~~written authorization of the claimant who has a workers'~~
1355 ~~compensation claim pending, confidential and exempt from s.~~
1356 ~~119.07(1). This confidential information is available only to~~
1357 ~~public employees in the performance of their public duties. Any~~
1358 ~~claimant, or the claimant's legal representative, at a hearing~~
1359 ~~before an appeals referee or the commission must be supplied~~
1360 ~~with information from these records to the extent necessary for~~
1361 ~~the proper presentation of her or his claim. Any employee or~~
1362 ~~member of the commission, any employee of the department or its~~
1363 ~~tax collection service provider, or any other person receiving~~

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1364 ~~confidential information who violates this subsection commits a~~
 1365 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1366 ~~775.082 or s. 775.083. However, the department or its tax~~
 1367 ~~collection service provider may furnish to any employer copies~~
 1368 ~~of any report previously submitted by that employer, upon the~~
 1369 ~~request of the employer. The department or its tax collection~~
 1370 ~~service provider may charge a reasonable fee for copies of~~
 1371 ~~reports, which may not exceed the actual reasonable cost of the~~
 1372 ~~preparation of the copies as prescribed by rules adopted by the~~
 1373 ~~department or the state agency providing tax collection~~
 1374 ~~services. Fees received by the department or its tax collection~~
 1375 ~~service provider for copies furnished under this subsection must~~
 1376 ~~be deposited in the Employment Security Administration Trust~~
 1377 ~~Fund.~~

1378 (9) STATE-FEDERAL COOPERATION.—

1379 (a)1. In the administration of this chapter, the Department
 1380 of Economic Opportunity and its tax collection service provider
 1381 shall cooperate with the United States Department of Labor to
 1382 the fullest extent consistent with this chapter and shall take
 1383 those actions, through the adoption of appropriate rules,
 1384 administrative methods, and standards, necessary to secure for
 1385 this state all advantages available under the provisions of
 1386 federal law relating to reemployment assistance ~~unemployment~~
 1387 ~~compensation.~~

1388 2. In the administration of the provisions in s. 443.1115,
 1389 which are enacted to conform with the Federal-State Extended
 1390 Unemployment Compensation Act of 1970, the department shall take
 1391 those actions necessary to ensure that those provisions are
 1392 interpreted and applied to meet the requirements of the federal

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1393 act as interpreted by the United States Department of Labor and
1394 to secure for this state the full reimbursement of the federal
1395 share of extended benefits paid under this chapter which is
1396 reimbursable under the federal act.

1397 3. The department and its tax collection service provider
1398 shall comply with the regulations of the United States
1399 Department of Labor relating to the receipt or expenditure by
1400 this state of funds granted under federal law; shall submit the
1401 reports in the form and containing the information the United
1402 States Department of Labor requires; and shall comply with
1403 directions of the United States Department of Labor necessary to
1404 assure the correctness and verification of these reports.

1405 (c) The department and its tax collection service provider
1406 shall cooperate with the agencies of other states, and shall
1407 make every proper effort within their means, to oppose and
1408 prevent any further action leading to the complete or
1409 substantial federalization of state reemployment assistance
1410 ~~unemployment compensation~~ funds or state employment security
1411 programs. The department and its tax collection service provider
1412 may make, and may cooperate with other appropriate agencies in
1413 making, studies as to the practicability and probable cost of
1414 possible new state-administered social security programs and the
1415 relative desirability of state, rather than federal, action in
1416 that field of study.

1417 Section 23. Subsections (1) and (2) of section 443.1715,
1418 Florida Statutes, are amended to read:

1419 443.1715 Disclosure of information; confidentiality.—

1420 (1) RECORDS AND REPORTS.—Information revealing an employing
1421 unit's or individual's identity obtained from the employing unit

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1422 or any individual under the administration of this chapter, and
1423 any determination revealing that information, ~~except to the~~
1424 ~~extent necessary for the proper presentation of a claim or upon~~
1425 ~~written authorization of the claimant who has a workers'~~
1426 ~~compensation claim pending or is receiving compensation~~
1427 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1428 24(a), Art. I of the State Constitution. This confidential
1429 information may be released in accordance with the provisions in
1430 20 C.F.R. part 603 ~~only to public employees in the performance~~
1431 ~~of their public duties. Except as otherwise provided by law,~~
1432 ~~public employees receiving this confidential information must~~
1433 ~~maintain the confidentiality of the information. Any claimant,~~
1434 ~~or the claimant's legal representative, at a hearing before an~~
1435 ~~appeals referee or the commission is entitled to information~~
1436 ~~from these records to the extent necessary for the proper~~
1437 ~~presentation of her or his claim. A person receiving~~
1438 ~~confidential information who violates this subsection commits a~~
1439 ~~misdemeanor of the second degree, punishable as provided in s.~~
1440 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
1441 its tax collection service provider may, however, furnish to any
1442 employer copies of any report submitted by that employer upon
1443 the request of the employer and may furnish to any claimant
1444 copies of any report submitted by that claimant upon the request
1445 of the claimant. The department or its tax collection service
1446 provider may charge a reasonable fee for copies of these reports
1447 as prescribed by rule, which may not exceed the actual
1448 reasonable cost of the preparation of the copies. Fees received
1449 for copies under this subsection must be deposited in the
1450 Employment Security Administration Trust Fund.

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1451 (2) DISCLOSURE OF INFORMATION.—

1452 (a) Subject to restrictions the Department of Economic
1453 Opportunity or the state agency providing reemployment
1454 assistance ~~unemployment~~ tax collection services adopts by rule,
1455 information declared confidential under this section is
1456 available to any agency of this or any other state, or any
1457 federal agency, charged with the administration of any
1458 reemployment assistance or unemployment compensation law or the
1459 maintenance of the one-stop delivery system, or the Bureau of
1460 Internal Revenue of the United States Department of the
1461 Treasury, or the Florida Department of Revenue. Information
1462 obtained in connection with the administration of the one-stop
1463 delivery system may be made available to persons or agencies for
1464 purposes appropriate to the operation of a public employment
1465 service or a job-preparatory or career education or training
1466 program. The department shall, on a quarterly basis, furnish the
1467 National Directory of New Hires with information concerning the
1468 wages and reemployment assistance ~~unemployment~~ benefits paid to
1469 individuals, by the dates, in the format, and containing the
1470 information specified in the regulations of the United States
1471 Secretary of Health and Human Services. Upon request, the
1472 department shall furnish any agency of the United States charged
1473 with the administration of public works or assistance through
1474 public employment, and may furnish to any state agency similarly
1475 charged, the name, address, ordinary occupation, and employment
1476 status of each recipient of benefits and the recipient's rights
1477 to further benefits under this chapter. Except as otherwise
1478 provided by law, the receiving agency must retain the
1479 confidentiality of this information as provided in this section.

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1480 The tax collection service provider may request the Comptroller
1481 of the Currency of the United States to examine the correctness
1482 of any return or report of any national banking association
1483 rendered under this chapter and may in connection with that
1484 request transmit any report or return for examination to the
1485 Comptroller of the Currency of the United States as provided in
1486 s. 3305(c) of the federal Internal Revenue Code.

1487 (b) The employer or the employer's workers' compensation
1488 carrier against whom a claim for benefits under chapter 440 has
1489 been made, or a representative of either, may request from the
1490 department records of wages of the employee reported to the
1491 department by any employer for the quarter that includes the
1492 date of the accident that is the subject of such claim and for
1493 subsequent quarters.

1494 1. The request must be made with the authorization or
1495 consent of the employee or any employer who paid wages to the
1496 employee after the date of the accident.

1497 2. The employer or carrier shall make the request on a form
1498 prescribed by rule for such purpose by the department ~~agency~~.
1499 Such form shall contain a certification by the requesting party
1500 that it is a party entitled to the information requested.

1501 3. The department shall provide the most current
1502 information readily available within 15 days after receiving the
1503 request.

1504 Section 24. Subsections (1), (4), (5), (6), and (7) and
1505 paragraph (c) of subsection (2) of section 443.17161, Florida
1506 Statutes, are amended to read:

1507 443.17161 Authorized electronic access to employer
1508 information.-

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1509 (1) Notwithstanding any other provision of this chapter,
1510 the Department of Economic Opportunity ~~Agency for Workforce~~
1511 ~~Innovation~~ shall contract with one or more consumer reporting
1512 agencies to provide users with secured electronic access to
1513 employer-provided information relating to the quarterly wages
1514 report submitted in accordance with the state's reemployment
1515 assistance ~~unemployment compensation~~ law. The access is limited
1516 to the wage reports for the appropriate amount of time for the
1517 purpose the information is requested.

1518 (2) Users must obtain consent in writing or by electronic
1519 signature from an applicant for credit, employment, or other
1520 permitted purposes. Any written or electronic signature consent
1521 from an applicant must be signed and must include the following:

1522 (c) Notice that the files of the Department of Economic
1523 Opportunity ~~Agency for Workforce Innovation~~ or its tax
1524 collection service provider containing information concerning
1525 wage and employment history which is submitted by the applicant
1526 or his or her employers may be accessed; and

1527 (4) If a consumer reporting agency or user violates this
1528 section, the Department of Economic Opportunity ~~Agency for~~
1529 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
1530 consumer reporting agency, terminate the contract established
1531 between the department ~~Agency for Workforce Innovation~~ and the
1532 consumer reporting agency or require the consumer reporting
1533 agency to terminate the contract established between the
1534 consumer reporting agency and the user under this section.

1535 (5) The Department of Economic Opportunity ~~Agency for~~
1536 ~~Workforce Innovation~~ shall establish minimum audit, security,
1537 net worth, and liability insurance standards, technical

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1538 requirements, and any other terms and conditions considered
1539 necessary in the discretion of the state agency to safeguard the
1540 confidentiality of the information released under this section
1541 and to otherwise serve the public interest. The department
1542 ~~Agency for Workforce Innovation~~ shall also include, in
1543 coordination with any necessary state agencies, necessary audit
1544 procedures to ensure that these rules are followed.

1545 (6) In contracting with one or more consumer reporting
1546 agencies under this section, any revenues generated by the
1547 contract must be used to pay the entire cost of providing access
1548 to the information. Further, in accordance with federal
1549 regulations, any additional revenues generated by the Department
1550 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
1551 state under this section must be paid into the Administrative
1552 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
1553 the administration of the unemployment compensation system or be
1554 used as program income.

1555 (7) The Department of Economic Opportunity ~~Agency for~~
1556 ~~Workforce Innovation~~ may not provide wage and employment history
1557 information to any consumer reporting agency before the consumer
1558 reporting agency or agencies under contract with the department
1559 ~~Agency for Workforce Innovation~~ pay all development and other
1560 startup costs incurred by the state in connection with the
1561 design, installation, and administration of technological
1562 systems and procedures for the electronic access program.

1563 Section 25. Subsection (2) of section 443.181, Florida
1564 Statutes, is amended to read:

1565 443.181 Public employment service.—

1566 (2) All funds received by this state under 29 U.S.C. ss.

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1567 49-491-1 must be paid into the Employment Security
 1568 Administration Trust Fund, and these funds are available to the
 1569 Department of Economic Opportunity for expenditure as provided
 1570 by this chapter or by federal law. For the purpose of
 1571 establishing and maintaining one-stop career centers, the
 1572 department may enter into agreements with the Railroad
 1573 Retirement Board or any other agency of the United States
 1574 charged with the administration of a reemployment assistance or
 1575 ~~an~~ unemployment compensation law, with any political subdivision
 1576 of this state, or with any private, nonprofit organization. As a
 1577 part of any such agreement, the department may accept moneys,
 1578 services, or quarters as a contribution to the Employment
 1579 Security Administration Trust Fund.

1580 Section 26. Subsection (6) of section 443.191, Florida
 1581 Statutes, is amended to read:

1582 443.191 Unemployment Compensation Trust Fund; establishment
 1583 and control.—

1584 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
 1585 Compensation Trust Fund is the sole and exclusive source for
 1586 paying reemployment assistance ~~unemployment~~ benefits, and these
 1587 benefits are due and payable only to the extent that
 1588 contributions or reimbursements, with increments thereon,
 1589 actually collected and credited to the fund and not otherwise
 1590 appropriated or allocated, are available for payment. The state
 1591 shall administer the fund without any liability on the part of
 1592 the state beyond the amount of moneys received from the United
 1593 States Department of Labor or other federal agency.

1594 Section 27. Paragraphs (b), (c), and (d) of subsection (1)
 1595 and subsections (3) and (4) of section 443.221, Florida

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1596 Statutes, are amended to read:

1597 443.221 Reciprocal arrangements.-

1598 (1)

1599 (b) For services to be considered as performed within a
1600 state under a reciprocal agreement, the employing unit must have
1601 an election in effect for those services, which is approved by
1602 the agency charged with the administration of such state's
1603 reemployment assistance or unemployment compensation law, under
1604 which all the services performed by the individual for the
1605 employing unit are deemed to be performed entirely within that
1606 state.

1607 (c) The department shall participate in any arrangements
1608 for the payment of compensation on the basis of combining an
1609 individual's wages and employment covered under this chapter
1610 with her or his wages and employment covered under the
1611 reemployment assistance or unemployment compensation laws of
1612 other states, which are approved by the United States Secretary
1613 of Labor, in consultation with the state reemployment assistance
1614 or unemployment compensation agencies, as reasonably calculated
1615 to assure the prompt and full payment of compensation in those
1616 situations and which include provisions for:

1617 1. Applying the base period of a single state law to a
1618 claim involving the combining of an individual's wages and
1619 employment covered under two or more state reemployment
1620 assistance or unemployment compensation laws; and

1621 2. Avoiding the duplicate use of wages and employment
1622 because of the combination.

1623 (d) Contributions or reimbursements due under this chapter
1624 with respect to wages for insured work are, for the purposes of

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1625 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1626 to the fund as of the date payment was made as contributions or
1627 reimbursements therefor under another state or federal
1628 reemployment assistance or unemployment compensation law, but an
1629 arrangement may not be entered into unless it contains
1630 provisions for reimbursement to the fund of the contributions or
1631 reimbursements and the actual earnings thereon as the department
1632 or its tax collection service provider finds are fair and
1633 reasonable as to all affected interests.

1634 (3) The Department of Economic Opportunity or its tax
1635 collection service provider may enter into reciprocal
1636 arrangements with other states or the Federal Government, or
1637 both, for exchanging services, determining and enforcing payment
1638 obligations, and making available facilities and information.
1639 The department or its tax collection service provider may
1640 conduct investigations, secure and transmit information, make
1641 available services and facilities, and exercise other powers
1642 provided under this chapter to facilitate the administration of
1643 any reemployment assistance or unemployment compensation or
1644 public employment service law and, in a similar manner, accept
1645 and use information, services, and facilities made available to
1646 this state by the agency charged with the administration of any
1647 other unemployment compensation or public employment service
1648 law.

1649 (4) To the extent permissible under federal law, the
1650 Department of Economic Opportunity may enter into or cooperate
1651 in arrangements whereby facilities and services provided under
1652 this chapter and facilities and services provided under the
1653 reemployment assistance or unemployment compensation law of any

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1654 foreign government may be used for the taking of claims and the
1655 payment of benefits under the employment security law of the
1656 state or under a similar law of that government.

1657 Section 28. Paragraph (c) of subsection (5) and subsection
1658 (8) of section 20.60, Florida Statutes, are amended to read:

1659 20.60 Department of Economic Opportunity; creation; powers
1660 and duties.—

1661 (5) The divisions within the department have specific
1662 responsibilities to achieve the duties, responsibilities, and
1663 goals of the department. Specifically:

1664 (c) The Division of Workforce Services shall:

1665 1. Prepare and submit a unified budget request for
1666 workforce in accordance with chapter 216 for, and in conjunction
1667 with, Workforce Florida, Inc., and its board.

1668 2. Ensure that the state appropriately administers federal
1669 and state workforce funding by administering plans and policies
1670 of Workforce Florida, Inc., under contract with Workforce
1671 Florida, Inc. The operating budget and midyear amendments
1672 thereto must be part of such contract.

1673 a. All program and fiscal instructions to regional
1674 workforce boards shall emanate from the Department of Economic
1675 Opportunity pursuant to plans and policies of Workforce Florida,
1676 Inc., which shall be responsible for all policy directions to
1677 the regional workforce boards.

1678 b. Unless otherwise provided by agreement with Workforce
1679 Florida, Inc., administrative and personnel policies of the
1680 Department of Economic Opportunity shall apply.

1681 3. Implement the state's reemployment assistance
1682 ~~unemployment compensation~~ program. The Department of Economic

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1683 Opportunity shall ensure that the state appropriately
1684 administers the reemployment assistance ~~unemployment~~
1685 ~~compensation~~ program pursuant to state and federal law.

1686 4. Assist in developing the 5-year statewide strategic plan
1687 required by this section.

1688 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
1689 Commission, authorized by s. 443.012, is not subject to control,
1690 supervision, or direction by the department in the performance
1691 of its powers and duties but shall receive any and all support
1692 and assistance from the department which is required for the
1693 performance of its duties.

1694 Section 29. Paragraph (a) of subsection (1) of section
1695 27.52, Florida Statutes, is amended to read:

1696 27.52 Determination of indigent status.—

1697 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1698 of a public defender under s. 27.51 based upon an inability to
1699 pay must apply to the clerk of the court for a determination of
1700 indigent status using an application form developed by the
1701 Florida Clerks of Court Operations Corporation with final
1702 approval by the Supreme Court.

1703 (a) The application must include, at a minimum, the
1704 following financial information:

1705 1. Net income, consisting of total salary and wages, minus
1706 deductions required by law, including court-ordered support
1707 payments.

1708 2. Other income, including, but not limited to, social
1709 security benefits, union funds, veterans' benefits, workers'
1710 compensation, other regular support from absent family members,
1711 public or private employee pensions, reemployment assistance or

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1712 unemployment compensation, dividends, interest, rent, trusts,
1713 and gifts.

1714 3. Assets, including, but not limited to, cash, savings
1715 accounts, bank accounts, stocks, bonds, certificates of deposit,
1716 equity in real estate, and equity in a boat or a motor vehicle
1717 or in other tangible property.

1718 4. All liabilities and debts.

1719 5. If applicable, the amount of any bail paid for the
1720 applicant's release from incarceration and the source of the
1721 funds.

1722
1723 The application must include a signature by the applicant which
1724 attests to the truthfulness of the information provided. The
1725 application form developed by the corporation must include
1726 notice that the applicant may seek court review of a clerk's
1727 determination that the applicant is not indigent, as provided in
1728 this section.

1729 Section 30. Subsection (6) of section 40.24, Florida
1730 Statutes, is amended to read:

1731 40.24 Compensation and reimbursement policy.—

1732 (6) A juror who receives reemployment assistance
1733 ~~unemployment~~ benefits does not lose such benefits because he or
1734 she receives compensation for juror service.

1735 Section 31. Paragraph (a) of subsection (7) of section
1736 45.031, Florida Statutes, is amended to read:

1737 45.031 Judicial sales procedure.—In any sale of real or
1738 personal property under an order or judgment, the procedures
1739 provided in this section and ss. 45.0315-45.035 may be followed
1740 as an alternative to any other sale procedure if so ordered by

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1741 the court.

1742 (7) DISBURSEMENTS OF PROCEEDS.—

1743 (a) On filing a certificate of title, the clerk shall
1744 disburse the proceeds of the sale in accordance with the order
1745 or final judgment and shall file a report of such disbursements
1746 and serve a copy of it on each party, and on the Department of
1747 Revenue if the department was named as a defendant in the action
1748 or if the Department of Economic Opportunity or the former
1749 Agency for Workforce Innovation was named as a defendant while
1750 the Department of Revenue was providing reemployment assistance
1751 ~~unemployment~~ tax collection services under contract with the
1752 Department of Economic Opportunity or the former Agency for
1753 Workforce Innovation through an interagency agreement pursuant
1754 to s. 443.1316.

1755 Section 32. Subsection (2) of section 55.204, Florida
1756 Statutes, is amended to read:

1757 55.204 Duration and continuation of judgment lien;
1758 destruction of records.—

1759 (2) Liens securing the payment of child support or tax
1760 obligations under s. 95.091(1)(b) lapse 20 years after the date
1761 of the original filing of the warrant or other document required
1762 by law to establish a lien. Liens securing the payment of
1763 reemployment assistance ~~unemployment~~ tax obligations lapse 10
1764 years after the date of the original filing of the notice of
1765 lien. A second lien based on the original filing may not be
1766 obtained.

1767 Section 33. Paragraph (a) of subsection (1) of section
1768 57.082, Florida Statutes, is amended to read:

1769 57.082 Determination of civil indigent status.—

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1770 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1771 of an attorney in a civil case eligible for court-appointed
1772 counsel, or seeking relief from payment of filing fees and
1773 prepayment of costs under s. 57.081, based upon an inability to
1774 pay must apply to the clerk of the court for a determination of
1775 civil indigent status using an application form developed by the
1776 Florida Clerks of Court Operations Corporation with final
1777 approval by the Supreme Court.

1778 (a) The application must include, at a minimum, the
1779 following financial information:

1780 1. Net income, consisting of total salary and wages, minus
1781 deductions required by law, including court-ordered support
1782 payments.

1783 2. Other income, including, but not limited to, social
1784 security benefits, union funds, veterans' benefits, workers'
1785 compensation, other regular support from absent family members,
1786 public or private employee pensions, reemployment assistance or
1787 unemployment compensation, dividends, interest, rent, trusts,
1788 and gifts.

1789 3. Assets, including, but not limited to, cash, savings
1790 accounts, bank accounts, stocks, bonds, certificates of deposit,
1791 equity in real estate, and equity in a boat or a motor vehicle
1792 or in other tangible property.

1793 4. All liabilities and debts.

1794

1795 The application must include a signature by the applicant which
1796 attests to the truthfulness of the information provided. The
1797 application form developed by the corporation must include
1798 notice that the applicant may seek court review of a clerk's

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1799 determination that the applicant is not indigent, as provided in
1800 this section.

1801 Section 34. Subsection (8) of section 61.046, Florida
1802 Statutes, is amended to read:

1803 61.046 Definitions.—As used in this chapter, the term:

1804 (8) "Income" means any form of payment to an individual,
1805 regardless of source, including, but not limited to: wages,
1806 salary, commissions and bonuses, compensation as an independent
1807 contractor, worker's compensation, disability benefits, annuity
1808 and retirement benefits, pensions, dividends, interest,
1809 royalties, trusts, and any other payments, made by any person,
1810 private entity, federal or state government, or any unit of
1811 local government. United States Department of Veterans Affairs
1812 disability benefits and reemployment assistance or unemployment
1813 compensation, as defined in chapter 443, are excluded from this
1814 definition of income except for purposes of establishing an
1815 amount of support.

1816 Section 35. Paragraph (a) of subsection (3) of section
1817 61.1824, Florida Statutes, is amended to read:

1818 61.1824 State Disbursement Unit.—

1819 (3) The State Disbursement Unit shall perform the following
1820 functions:

1821 (a) Disburse all receipts from intercepts, including, but
1822 not limited to, United States Internal Revenue Service,
1823 reemployment assistance or unemployment compensation, lottery,
1824 and administrative offset intercepts.

1825 Section 36. Paragraph (a) of subsection (2) of section
1826 61.30, Florida Statutes, is amended to read:

1827 61.30 Child support guidelines; retroactive child support.—

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1828 (2) Income shall be determined on a monthly basis for each
1829 parent as follows:

1830 (a) Gross income shall include, but is not limited to, the
1831 following:

1832 1. Salary or wages.

1833 2. Bonuses, commissions, allowances, overtime, tips, and
1834 other similar payments.

1835 3. Business income from sources such as self-employment,
1836 partnership, close corporations, and independent contracts.
1837 "Business income" means gross receipts minus ordinary and
1838 necessary expenses required to produce income.

1839 4. Disability benefits.

1840 5. All workers' compensation benefits and settlements.

1841 6. Reemployment assistance or unemployment compensation.

1842 7. Pension, retirement, or annuity payments.

1843 8. Social security benefits.

1844 9. Spousal support received from a previous marriage or
1845 court ordered in the marriage before the court.

1846 10. Interest and dividends.

1847 11. Rental income, which is gross receipts minus ordinary
1848 and necessary expenses required to produce the income.

1849 12. Income from royalties, trusts, or estates.

1850 13. Reimbursed expenses or in kind payments to the extent
1851 that they reduce living expenses.

1852 14. Gains derived from dealings in property, unless the
1853 gain is nonrecurring.

1854 Section 37. Paragraph (a) of subsection (4) of section
1855 69.041, Florida Statutes, is amended to read:

1856 69.041 State named party; lien foreclosure, suit to quiet

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title.—

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

Section 38. Subsection (1) of section 77.041, Florida Statutes, is amended to read:

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

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

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

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1886

1887 The Writ of Garnishment delivered to you with this Notice
1888 means that wages, money, and other property belonging to you
1889 have been garnished to pay a court judgment against you.
1890 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
1891 OR PROPERTY. READ THIS NOTICE CAREFULLY.

1892 State and federal laws provide that certain wages, money,
1893 and property, even if deposited in a bank, savings and loan, or
1894 credit union, may not be taken to pay certain types of court
1895 judgments. Such wages, money, and property are exempt from
1896 garnishment. The major exemptions are listed below on the form
1897 for Claim of Exemption and Request for Hearing. This list does
1898 not include all possible exemptions. You should consult a lawyer
1899 for specific advice.

1900 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM
1901 BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY
1902 TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION
1903 AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE
1904 THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE
1905 CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU
1906 RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.
1907 YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO
1908 THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES
1909 LISTED ON THE WRIT OF GARNISHMENT.

1910 If you request a hearing, it will be held as soon as
1911 possible after your request is received by the court. The
1912 plaintiff must file any objection within 3 business days if you
1913 hand delivered to the plaintiff a copy of the form for Claim of
1914 Exemption and Request for Hearing or, alternatively, 8 business

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1915 days if you mailed a copy of the form for claim and request to
 1916 the plaintiff. If the plaintiff files an objection to your Claim
 1917 of Exemption and Request for Hearing, the clerk will notify you
 1918 and the other parties of the time and date of the hearing. You
 1919 may attend the hearing with or without an attorney. If the
 1920 plaintiff fails to file an objection, no hearing is required,
 1921 the writ of garnishment will be dissolved and your wages, money,
 1922 or property will be released.

1923 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
 1924 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY
 1925 FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK
 1926 CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL
 1927 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
 1928 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE
 1929 AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK
 1930 THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN
 1931 YOUR AREA.

1932
 1933 CLAIM OF EXEMPTION AND
 1934 REQUEST FOR HEARING
 1935

1936 I claim exemptions from garnishment under the following
 1937 categories as checked:

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

1938
 a. I provide more than one-half of the support for a child
 or other dependent and have net earnings of \$750 or less
 per week.

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.... b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$750 per week, but have not agreed in writing to have my wages garnished.

1940

.... 2. Social Security benefits.

1941

.... 3. Supplemental Security Income benefits.

1942

.... 4. Public assistance (welfare).

1943

.... 5. Workers' Compensation.

1944

.... 6. Reemployment assistance or unemployment Compensation.

1945

.... 7. Veterans' benefits.

1946

.... 8. Retirement or profit-sharing benefits or pension money.

1947

.... 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.

1948

.... 10. Disability income benefits.

1949

.... 11. Prepaid College Trust Fund or Medical Savings Account.

1950

.... 12. Other exemptions as provided by law.

.....(explain)

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

Address:

Telephone number:.....

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

.....

Defendant's signature

Date.....

STATE OF FLORIDA

COUNTY OF

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

Notary Public/Deputy Clerk

Personally KnownOR Produced Identification....

Type of Identification Produced.....

Section 39. Paragraph (n) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

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

(n)1.a. In addition to those positions exempted by other

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1981 paragraphs of this subsection, each department head may
1982 designate a maximum of 20 policymaking or managerial positions,
1983 as defined by the department and approved by the Administration
1984 Commission, as being exempt from the Career Service System.
1985 Career service employees who occupy a position designated as a
1986 position in the Selected Exempt Service under this paragraph
1987 shall have the right to remain in the Career Service System by
1988 opting to serve in a position not exempted by the employing
1989 agency. Unless otherwise fixed by law, the department shall set
1990 the salary and benefits of these positions in accordance with
1991 the rules of the Selected Exempt Service; provided, however,
1992 that if the agency head determines that the general counsel,
1993 chief Cabinet aide, public information administrator or
1994 comparable position for a Cabinet officer, inspector general, or
1995 legislative affairs director has both policymaking and
1996 managerial responsibilities and if the department determines
1997 that any such position has both policymaking and managerial
1998 responsibilities, the salary and benefits for each such position
1999 shall be established by the department in accordance with the
2000 rules of the Senior Management Service.

2001 b. In addition, each department may designate one
2002 additional position in the Senior Management Service if that
2003 position reports directly to the agency head or to a position in
2004 the Senior Management Service and if any additional costs are
2005 absorbed from the existing budget of that department.

2006 2. If otherwise exempt, employees of the Public Employees
2007 Relations Commission, the Commission on Human Relations, and the
2008 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
2009 the certification of their respective commission heads, may be

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2010 provided for under this paragraph as members of the Senior
 2011 Management Service, if otherwise qualified. However, the deputy
 2012 general counsel of the Public Employees Relations Commission
 2013 shall be compensated as members of the Selected Exempt Service.

2014 Section 40. Subsection (4) of section 110.502, Florida
 2015 Statutes, is amended to read:

2016 110.502 Scope of act; status of volunteers.—

2017 (4) Persons working with state agencies pursuant to this
 2018 part shall be considered as unpaid independent volunteers and
 2019 shall not be entitled to reemployment assistance ~~unemployment~~
 2020 ~~compensation~~.

2021 Section 41. Subsection (10) of section 120.80, Florida
 2022 Statutes, is amended to read:

2023 120.80 Exceptions and special requirements; agencies.—

2024 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2025 (a) Notwithstanding s. 120.54, the rulemaking provisions of
 2026 this chapter do not apply to reemployment assistance
 2027 ~~unemployment~~ appeals referees.

2028 (b) Notwithstanding s. 120.54(5), the uniform rules of
 2029 procedure do not apply to appeal proceedings conducted under
 2030 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
 2031 Commission, special deputies, or reemployment assistance
 2032 ~~unemployment~~ appeals referees.

2033 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
 2034 443 may not be conducted by an administrative law judge assigned
 2035 by the division, but instead shall be conducted by the
 2036 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
 2037 reemployment assistance ~~unemployment compensation~~ appeals,
 2038 reemployment assistance ~~unemployment~~ appeals referees, and the

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2039 Department of Economic Opportunity or its special deputies under
2040 s. 443.141.

2041 Section 42. Subsection (4) of section 125.9502, Florida
2042 Statutes, is amended to read:

2043 125.9502 Scope of ss. 125.9501-125.9506; status of
2044 volunteers.—

2045 (4) Persons working with a unit of county government or a
2046 constitutional county officer pursuant to ss. 125.9501-125.9506
2047 are considered unpaid independent volunteers and are not
2048 entitled to reemployment assistance ~~unemployment compensation~~.

2049 Section 43. Paragraph (d) of subsection (1) and paragraph
2050 (b) of subsection (2) of section 212.096, Florida Statutes, are
2051 amended to read:

2052 212.096 Sales, rental, storage, use tax; enterprise zone
2053 jobs credit against sales tax.—

2054 (1) For the purposes of the credit provided in this
2055 section:

2056 (d) "Job" means a full-time position, as consistent with
2057 terms used by the Department of Economic Opportunity ~~Agency for~~
2058 ~~Workforce Innovation~~ and the United States Department of Labor
2059 for purposes of reemployment assistance ~~unemployment~~
2060 ~~compensation~~ tax administration and employment estimation
2061 resulting directly from a business operation in this state. This
2062 term may not include a temporary construction job involved with
2063 the construction of facilities or any job that has previously
2064 been included in any application for tax credits under s.
2065 220.181(1). The term also includes employment of an employee
2066 leased from an employee leasing company licensed under chapter
2067 468 if such employee has been continuously leased to the

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2068 employer for an average of at least 36 hours per week for more
2069 than 6 months.

2070

2071 A person shall be deemed to be employed if the person performs
2072 duties in connection with the operations of the business on a
2073 regular, full-time basis, provided the person is performing such
2074 duties for an average of at least 36 hours per week each month.
2075 The person must be performing such duties at a business site
2076 located in the enterprise zone.

2077 (2)

2078 (b) The credit shall be computed as 20 percent of the
2079 actual monthly wages paid in this state to each new employee
2080 hired when a new job has been created, unless the business is
2081 located within a rural enterprise zone pursuant to s. 290.004,
2082 in which case the credit shall be 30 percent of the actual
2083 monthly wages paid. If no less than 20 percent of the employees
2084 of the business are residents of an enterprise zone, excluding
2085 temporary and part-time employees, the credit shall be computed
2086 as 30 percent of the actual monthly wages paid in this state to
2087 each new employee hired when a new job has been created, unless
2088 the business is located within a rural enterprise zone, in which
2089 case the credit shall be 45 percent of the actual monthly wages
2090 paid. If the new employee hired when a new job is created is a
2091 participant in the welfare transition program, the following
2092 credit shall be a percent of the actual monthly wages paid: 40
2093 percent for \$4 above the hourly federal minimum wage rate; 41
2094 percent for \$5 above the hourly federal minimum wage rate; 42
2095 percent for \$6 above the hourly federal minimum wage rate; 43
2096 percent for \$7 above the hourly federal minimum wage rate; and

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2097 44 percent for \$8 above the hourly federal minimum wage rate.
2098 For purposes of this paragraph, monthly wages shall be computed
2099 as one-twelfth of the expected annual wages paid to such
2100 employee. The amount paid as wages to a new employee is the
2101 compensation paid to such employee that is subject to
2102 reemployment assistance ~~unemployment~~ tax. The credit shall be
2103 allowed for up to 24 consecutive months, beginning with the
2104 first tax return due pursuant to s. 212.11 after approval by the
2105 department.

2106 Section 44. Subsection (4) of section 213.053, Florida
2107 Statutes, is amended to read:

2108 213.053 Confidentiality and information sharing.—

2109 (4) The department, while providing reemployment assistance
2110 ~~unemployment~~ tax collection services under contract with the
2111 Department of Economic Opportunity through an interagency
2112 agreement pursuant to s. 443.1316, may release reemployment
2113 assistance ~~unemployment~~ tax rate information to the agent of an
2114 employer who provides payroll services for more than 100
2115 employers, pursuant to the terms of a memorandum of
2116 understanding. The memorandum of understanding must state that
2117 the agent affirms, subject to the criminal penalties contained
2118 in ss. 443.171 and 443.1715, that the agent will retain the
2119 confidentiality of the information, that the agent has in effect
2120 a power of attorney from the employer which permits the agent to
2121 obtain reemployment assistance ~~unemployment~~ tax rate
2122 information, and that the agent shall provide the department
2123 with a copy of the employer's power of attorney upon request.

2124 Section 45. Paragraph (a) of subsection (6) of section
2125 216.292, Florida Statutes, is amended to read:

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2126 216.292 Appropriations nontransferable; exceptions.—

2127 (6) The Chief Financial Officer shall transfer from any
2128 available funds of an agency or the judicial branch the
2129 following amounts and shall report all such transfers and the
2130 reasons therefor to the legislative appropriations committees
2131 and the Executive Office of the Governor:

2132 (a) The amount due to the Unemployment Compensation Trust
2133 Fund which is more than 90 days delinquent on reimbursements due
2134 to the Unemployment Compensation Trust Fund. The amount
2135 transferred shall be that certified by the state agency
2136 providing reemployment assistance ~~unemployment~~ tax collection
2137 services under contract with the Department of Economic
2138 Opportunity through an interagency agreement pursuant to s.
2139 443.1316.

2140 Section 46. Paragraph (ff) of subsection (1) of section
2141 220.03, Florida Statutes, is amended to read:

2142 220.03 Definitions.—

2143 (1) SPECIFIC TERMS.—When used in this code, and when not
2144 otherwise distinctly expressed or manifestly incompatible with
2145 the intent thereof, the following terms shall have the following
2146 meanings:

2147 (ff) "Job" means a full-time position, as consistent with
2148 terms used by the Department of Economic Opportunity and the
2149 United States Department of Labor for purposes of reemployment
2150 assistance ~~unemployment compensation~~ tax administration and
2151 employment estimation resulting directly from business
2152 operations in this state. The term may not include a temporary
2153 construction job involved with the construction of facilities or
2154 any job that has previously been included in any application for

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2155 tax credits under s. 212.096. The term also includes employment
2156 of an employee leased from an employee leasing company licensed
2157 under chapter 468 if the employee has been continuously leased
2158 to the employer for an average of at least 36 hours per week for
2159 more than 6 months.

2160 Section 47. Paragraph (b) of subsection (1) of section
2161 220.181, Florida Statutes, is amended to read:

2162 220.181 Enterprise zone jobs credit.—

2163 (1)

2164 (b) This credit applies only with respect to wages subject
2165 to reemployment assistance ~~unemployment~~ tax. The credit provided
2166 in this section does not apply:

2167 1. For any employee who is an owner, partner, or majority
2168 stockholder of an eligible business.

2169 2. For any new employee who is employed for any period less
2170 than 3 months.

2171 Section 48. Paragraph (e) of subsection (1) of section
2172 220.191, Florida Statutes, is amended to read:

2173 220.191 Capital investment tax credit.—

2174 (1) DEFINITIONS.—For purposes of this section:

2175 (e) "Jobs" means full-time equivalent positions, as that
2176 term is consistent with terms used by the Department of Economic
2177 Opportunity and the United States Department of Labor for
2178 purposes of reemployment assistance ~~unemployment~~ tax
2179 administration and employment estimation, resulting directly
2180 from a project in this state. The term does not include
2181 temporary construction jobs involved in the construction of the
2182 project facility.

2183 Section 49. Paragraph (d) of subsection (3) of section

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2184 220.194, Florida Statutes, is amended to read:

2185 220.194 Corporate income tax credits for spaceflight
2186 projects.—

2187 (3) DEFINITIONS.—As used in this section, the term:

2188 (d) "New job" means the full-time employment of an employee
2189 in a manner that is consistent with terms used by the Department
2190 of Economic Opportunity Agency for Workforce Innovation and the
2191 United States Department of Labor for purposes of reemployment
2192 assistance ~~unemployment compensation~~ tax administration and
2193 employment estimation. In order to meet the requirement for
2194 certification specified in paragraph (5) (b), a new job must:

2195 1. Pay new employees at least 115 percent of the statewide
2196 or countywide average annual private sector wage for the 3
2197 taxable years immediately preceding filing an application for
2198 certification;

2199 2. Require a new employee to perform duties on a regular
2200 full-time basis in this state for an average of at least 36
2201 hours per week each month for the 3 taxable years immediately
2202 preceding filing an application for certification; and

2203 3. Not be held by a person who has previously been included
2204 as a new employee on an application for any credit authorized
2205 under this section.

2206 Section 50. Section 222.15, Florida Statutes, is amended to
2207 read:

2208 222.15 Wages or reemployment assistance or unemployment
2209 compensation payments due deceased employee may be paid spouse
2210 or certain relatives.—

2211 (1) It is lawful for any employer, in case of the death of
2212 an employee, to pay to the wife or husband, and in case there is

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2213 no wife or husband, then to the child or children, provided the
2214 child or children are over the age of 18 years, and in case
2215 there is no child or children, then to the father or mother, any
2216 wages or travel expenses that may be due such employee at the
2217 time of his or her death.

2218 (2) It is also lawful for the Department of Economic
2219 Opportunity, in case of death of any unemployed individual, to
2220 pay to those persons referred to in subsection (1) any
2221 reemployment assistance or unemployment compensation payments
2222 that may be due to the individual at the time of his or her
2223 death.

2224 Section 51. Section 222.16, Florida Statutes, is amended to
2225 read:

2226 222.16 Wages or reemployment assistance or unemployment
2227 compensation payments so paid not subject to administration.—Any
2228 wages, travel expenses, or reemployment assistance or
2229 unemployment compensation payments so paid under the authority
2230 of s. 222.15 shall not be considered as assets of the estate and
2231 subject to administration; provided, however, that the travel
2232 expenses so exempted from administration shall not exceed the
2233 sum of \$300.

2234 Section 52. Paragraph (m) of subsection (1) of section
2235 255.20, Florida Statutes, is amended to read:

2236 255.20 Local bids and contracts for public construction
2237 works; specification of state-produced lumber.—

2238 (1) A county, municipality, special district as defined in
2239 chapter 189, or other political subdivision of the state seeking
2240 to construct or improve a public building, structure, or other
2241 public construction works must competitively award to an

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2242 appropriately licensed contractor each project that is estimated
2243 in accordance with generally accepted cost-accounting principles
2244 to cost more than \$300,000. For electrical work, the local
2245 government must competitively award to an appropriately licensed
2246 contractor each project that is estimated in accordance with
2247 generally accepted cost-accounting principles to cost more than
2248 \$75,000. As used in this section, the term "competitively award"
2249 means to award contracts based on the submission of sealed bids,
2250 proposals submitted in response to a request for proposal,
2251 proposals submitted in response to a request for qualifications,
2252 or proposals submitted for competitive negotiation. This
2253 subsection expressly allows contracts for construction
2254 management services, design/build contracts, continuation
2255 contracts based on unit prices, and any other contract
2256 arrangement with a private sector contractor permitted by any
2257 applicable municipal or county ordinance, by district
2258 resolution, or by state law. For purposes of this section, cost
2259 includes the cost of all labor, except inmate labor, and the
2260 cost of equipment and materials to be used in the construction
2261 of the project. Subject to the provisions of subsection (3), the
2262 county, municipality, special district, or other political
2263 subdivision may establish, by municipal or county ordinance or
2264 special district resolution, procedures for conducting the
2265 bidding process.

2266 (m) Any contractor may be considered ineligible to bid by
2267 the governmental entity if the contractor has been found guilty
2268 by a court of any violation of federal labor or employment tax
2269 laws regarding subjects such as safety, tax withholding,
2270 workers' compensation, reemployment assistance or unemployment

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2271 tax, social security and Medicare tax, wage or hour, or
2272 prevailing rate laws within the past 5 years.

2273 Section 53. Subsection (5) of section 288.075, Florida
2274 Statutes, is amended to read:

2275 288.075 Confidentiality of records.—

2276 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
2277 federal employer identification number, reemployment assistance
2278 ~~unemployment compensation~~ account number, or Florida sales tax
2279 registration number held by an economic development agency is
2280 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2281 of the State Constitution.

2282 Section 54. Paragraph (c) of subsection (1) of section
2283 288.1045, Florida Statutes, is amended to read:

2284 288.1045 Qualified defense contractor and space flight
2285 business tax refund program.—

2286 (1) DEFINITIONS.—As used in this section:

2287 (c) "Business unit" means an employing unit, as defined in
2288 s. 443.036, that is registered with the department for
2289 reemployment assistance ~~unemployment compensation~~ purposes or
2290 means a subcategory or division of an employing unit that is
2291 accepted by the department as a reporting unit.

2292 Section 55. Paragraph (d) of subsection (2) of section
2293 288.106, Florida Statutes, is amended to read:

2294 288.106 Tax refund program for qualified target industry
2295 businesses.—

2296 (2) DEFINITIONS.—As used in this section:

2297 (d) "Business" means an employing unit, as defined in s.
2298 443.036, that is registered for reemployment assistance
2299 ~~unemployment compensation~~ purposes with the state agency

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2300 providing reemployment assistance ~~unemployment~~ tax collection
 2301 services under an interagency agreement pursuant to s. 443.1316,
 2302 or a subcategory or division of an employing unit that is
 2303 accepted by the state agency providing reemployment assistance
 2304 ~~unemployment~~ tax collection services as a reporting unit.

2305 Section 56. Paragraph (b) of subsection (3) of section
 2306 288.1081, Florida Statutes, is amended to read:

2307 288.1081 Economic Gardening Business Loan Pilot Program.—

2308 (3)

2309 (b) A loan applicant must submit a written application to
 2310 the loan administrator in the format prescribed by the loan
 2311 administrator. The application must include:

2312 1. The applicant's federal employer identification number,
 2313 reemployment assistance ~~unemployment~~ account number, and sales
 2314 or other tax registration number.

2315 2. The street address of the applicant's principal place of
 2316 business in this state.

2317 3. A description of the type of economic activity, product,
 2318 or research and development undertaken by the applicant,
 2319 including the six-digit North American Industry Classification
 2320 System code for each type of economic activity conducted by the
 2321 applicant.

2322 4. The applicant's annual revenue, number of employees,
 2323 number of full-time equivalent employees, and other information
 2324 necessary to verify the applicant's eligibility for the pilot
 2325 program under s. 288.1082(4) (a).

2326 5. The projected investment in the business, if any, which
 2327 the applicant proposes in conjunction with the loan.

2328 6. The total investment in the business from all sources,

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2329 if any, which the applicant proposes in conjunction with the
2330 loan.

2331 7. The number of net new full-time equivalent jobs that, as
2332 a result of the loan, the applicant proposes to create in this
2333 state as of December 31 of each year and the average annual wage
2334 of the proposed jobs.

2335 8. The total number of full-time equivalent employees the
2336 applicant currently employs in this state.

2337 9. The date that the applicant anticipates it needs the
2338 loan.

2339 10. A detailed explanation of why the loan is needed to
2340 assist the applicant in expanding jobs in the state.

2341 11. A statement that all of the applicant's available
2342 corporate assets are pledged as collateral for the amount of the
2343 loan.

2344 12. A statement that the applicant, upon receiving the
2345 loan, agrees not to seek additional long-term debt without prior
2346 approval of the loan administrator.

2347 13. A statement that the loan is a joint obligation of the
2348 business and of each person who owns at least 20 percent of the
2349 business.

2350 14. Any additional information requested by the department
2351 or the loan administrator.

2352 Section 57. Paragraph (a) of subsection (3) of section
2353 288.1089, Florida Statutes, is amended to read:

2354 288.1089 Innovation Incentive Program.—

2355 (3) To be eligible for consideration for an innovation
2356 incentive award, an innovation business, a research and
2357 development entity, or an alternative and renewable energy

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2358 company must submit a written application to the department
2359 before making a decision to locate new operations in this state
2360 or expand an existing operation in this state. The application
2361 must include, but not be limited to:

2362 (a) The applicant's federal employer identification number,
2363 reemployment assistance ~~unemployment~~ account number, and state
2364 sales tax registration number. If such numbers are not available
2365 at the time of application, they must be submitted to the
2366 department in writing before the disbursement of any payments
2367 under this section.

2368 Section 58. Subsection (1) of section 334.30, Florida
2369 Statutes, is amended to read:

2370 334.30 Public-private transportation facilities.—The
2371 Legislature finds and declares that there is a public need for
2372 the rapid construction of safe and efficient transportation
2373 facilities for the purpose of traveling within the state, and
2374 that it is in the public's interest to provide for the
2375 construction of additional safe, convenient, and economical
2376 transportation facilities.

2377 (1) The department may receive or solicit proposals and,
2378 with legislative approval as evidenced by approval of the
2379 project in the department's work program, enter into agreements
2380 with private entities, or consortia thereof, for the building,
2381 operation, ownership, or financing of transportation facilities.
2382 The department may advance projects programmed in the adopted 5-
2383 year work program or projects increasing transportation capacity
2384 and greater than \$500 million in the 10-year Strategic
2385 Intermodal Plan using funds provided by public-private
2386 partnerships or private entities to be reimbursed from

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2387 department funds for the project as programmed in the adopted
2388 work program. The department shall by rule establish an
2389 application fee for the submission of unsolicited proposals
2390 under this section. The fee must be sufficient to pay the costs
2391 of evaluating the proposals. The department may engage the
2392 services of private consultants to assist in the evaluation.
2393 Before approval, the department must determine that the proposed
2394 project:

2395 (a) Is in the public's best interest;

2396 (b) Would not require state funds to be used unless the
2397 project is on the State Highway System;

2398 (c) Would have adequate safeguards in place to ensure that
2399 no additional costs or service disruptions would be realized by
2400 the traveling public and residents of the state in the event of
2401 default or cancellation of the agreement by the department;

2402 (d) Would have adequate safeguards in place to ensure that
2403 the department or the private entity has the opportunity to add
2404 capacity to the proposed project and other transportation
2405 facilities serving similar origins and destinations; and

2406 (e) Would be owned by the department upon completion or
2407 termination of the agreement.

2408

2409 The department shall ensure that all reasonable costs to the
2410 state, related to transportation facilities that are not part of
2411 the State Highway System, are borne by the private entity. The
2412 department shall also ensure that all reasonable costs to the
2413 state and substantially affected local governments and
2414 utilities, related to the private transportation facility, are
2415 borne by the private entity for transportation facilities that

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2416 are owned by private entities. For projects on the State Highway
2417 System, the department may use state resources to participate in
2418 funding and financing the project as provided for under the
2419 department's enabling legislation. Because the Legislature
2420 recognizes that private entities or consortia thereof would
2421 perform a governmental or public purpose or function when they
2422 enter into agreements with the department to design, build,
2423 operate, own, or finance transportation facilities, the
2424 transportation facilities, including leasehold interests
2425 thereof, are exempt from ad valorem taxes as provided in chapter
2426 196 to the extent property is owned by the state or other
2427 government entity, and from intangible taxes as provided in
2428 chapter 199 and special assessments of the state, any city,
2429 town, county, special district, political subdivision of the
2430 state, or any other governmental entity. The private entities or
2431 consortia thereof are exempt from tax imposed by chapter 201 on
2432 all documents or obligations to pay money which arise out of the
2433 agreements to design, build, operate, own, lease, or finance
2434 transportation facilities. Any private entities or consortia
2435 thereof must pay any applicable corporate taxes as provided in
2436 chapter 220, and reemployment assistance ~~unemployment~~
2437 ~~compensation~~ taxes as provided in chapter 443, and sales and use
2438 tax as provided in chapter 212 shall be applicable. The private
2439 entities or consortia thereof must also register and collect the
2440 tax imposed by chapter 212 on all their direct sales and leases
2441 that are subject to tax under chapter 212. The agreement between
2442 the private entity or consortia thereof and the department
2443 establishing a transportation facility under this chapter
2444 constitutes documentation sufficient to claim any exemption

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2445 under this section.

2446 Section 59. Subsection (8) of section 408.809, Florida
2447 Statutes, is amended to read:

2448 408.809 Background screening; prohibited offenses.—

2449 (8) There is no reemployment assistance ~~unemployment~~
2450 ~~compensation~~ or other monetary liability on the part of, and no
2451 cause of action for damages arising against, an employer that,
2452 upon notice of a disqualifying offense listed under chapter 435
2453 or this section, terminates the person against whom the report
2454 was issued, whether or not that person has filed for an
2455 exemption with the Department of Health or the agency.

2456 Section 60. Paragraph (e) of subsection (7) of section
2457 409.2563, Florida Statutes, is amended to read:

2458 409.2563 Administrative establishment of child support
2459 obligations.—

2460 (7) ADMINISTRATIVE SUPPORT ORDER.—

2461 (e) An administrative support order must comply with ss.
2462 61.13(1) and 61.30. The department shall develop a standard form
2463 or forms for administrative support orders. An administrative
2464 support order must provide and state findings, if applicable,
2465 concerning:

- 2466 1. The full name and date of birth of the child or
2467 children;
- 2468 2. The name of the parent from whom support is being sought
2469 and the other parent or caregiver;
- 2470 3. The parent's duty and ability to provide support;
- 2471 4. The amount of the parent's monthly support obligation;
- 2472 5. Any obligation to pay retroactive support;
- 2473 6. The parent's obligation to provide for the health care

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2474 needs of each child, whether through health insurance,
2475 contribution toward the cost of health insurance, payment or
2476 reimbursement of health care expenses for the child, or any
2477 combination thereof;

2478 7. The beginning date of any required monthly payments and
2479 health insurance;

2480 8. That all support payments ordered must be paid to the
2481 Florida State Disbursement Unit as provided by s. 61.1824;

2482 9. That the parents, or caregiver if applicable, must file
2483 with the department when the administrative support order is
2484 rendered, if they have not already done so, and update as
2485 appropriate the information required pursuant to paragraph
2486 (13) (b);

2487 10. That both parents, or parent and caregiver if
2488 applicable, are required to promptly notify the department of
2489 any change in their mailing addresses pursuant to paragraph
2490 (13) (c); and

2491 11. That if the parent ordered to pay support receives
2492 reemployment assistance or unemployment compensation benefits,
2493 the payor shall withhold, and transmit to the department, 40
2494 percent of the benefits for payment of support, not to exceed
2495 the amount owed.

2496
2497 An income deduction order as provided by s. 61.1301 must be
2498 incorporated into the administrative support order or, if not
2499 incorporated into the administrative support order, the
2500 department or the Division of Administrative Hearings shall
2501 render a separate income deduction order.

2502 Section 61. Paragraph (a) of subsection (3), subsection

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2503 (8), and paragraph (a) of subsection (9) of section 409.2576,
2504 Florida Statutes, are amended to read:

2505 409.2576 State Directory of New Hires.—

2506 (3) EMPLOYERS TO FURNISH REPORTS.—

2507 (a) Each employer subject to the reporting requirements of
2508 chapter 443 with 250 or more employees, shall provide to the
2509 State Directory of New Hires, a report listing the employer's
2510 legal name, address, and reemployment assistance ~~unemployment~~
2511 ~~compensation~~ identification number. The report must also provide
2512 the name and social security number of each new employee or
2513 rehired employee at the end of the first pay period following
2514 employment or reemployment.

2515 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
2516 Directory of New Hires must furnish information regarding newly
2517 hired or rehired employees to the National Directory of New
2518 Hires for matching with the records of other state case
2519 registries within 3 business days of entering such information
2520 from the employer into the State Directory of New Hires. The
2521 State Directory of New Hires shall enter into an agreement with
2522 the Department of Economic Opportunity or its tax collection
2523 service provider for the quarterly reporting to the National
2524 Directory of New Hires information on wages and reemployment
2525 assistance ~~unemployment compensation~~ taken from the quarterly
2526 report to the Secretary of Labor, now required by Title III of
2527 the Social Security Act, except that no report shall be filed
2528 with respect to an employee of a state or local agency
2529 performing intelligence or counterintelligence functions, if the
2530 head of such agency has determined that filing such a report
2531 could endanger the safety of the employee or compromise an

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2532 ongoing investigation or intelligence mission.

2533 (9) DISCLOSURE OF INFORMATION.—

2534 (a) New hire information shall be disclosed to the state
2535 agency administering the following programs for the purposes of
2536 determining eligibility under those programs:

2537 1. Any state program funded under part A of Title IV of the
2538 Social Security Act;

2539 2. The Medicaid program under Title XIX of the Social
2540 Security Act;

2541 3. The reemployment assistance or unemployment compensation
2542 program under s. 3304 of the Internal Revenue Code of 1954;

2543 4. The food assistance program under the Food and Nutrition
2544 Act of 2008; and

2545 5. Any state program under a plan approved under Title I
2546 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2547 Title XIV (Aid to the Permanently and Totally Disabled), or
2548 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2549 Security Income for the Aged, Blind, and Disabled) of the Social
2550 Security Act.

2551 Section 62. Paragraph (f) of subsection (1) of section
2552 414.295, Florida Statutes, is amended to read:

2553 414.295 Temporary cash assistance programs; public records
2554 exemption.—

2555 (1) Personal identifying information of a temporary cash
2556 assistance program participant, a participant's family, or a
2557 participant's family or household member, except for information
2558 identifying a parent who does not live in the same home as the
2559 child, held by the department, the Office of Early Learning,
2560 Workforce Florida, Inc., the Department of Health, the

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2561 Department of Revenue, the Department of Education, or a
2562 regional workforce board or local committee created pursuant to
2563 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2564 24(a), Art. I of the State Constitution. Such confidential and
2565 exempt information may be released for purposes directly
2566 connected with:

2567 (f) The administration of the reemployment assistance
2568 ~~unemployment-compensation~~ program.

2569 Section 63. Subsection (4) of section 435.06, Florida
2570 Statutes, is amended to read:

2571 435.06 Exclusion from employment.—

2572 (4) There is no reemployment assistance ~~unemployment~~
2573 ~~compensation~~ or other monetary liability on the part of, and no
2574 cause of action for damages against, an employer that, upon
2575 notice of a conviction or arrest for a disqualifying offense
2576 listed under this chapter, terminates the person against whom
2577 the report was issued or who was arrested, regardless of whether
2578 or not that person has filed for an exemption pursuant to this
2579 chapter.

2580 Section 64. Subsection (2) of section 440.12, Florida
2581 Statutes, is amended to read:

2582 440.12 Time for commencement and limits on weekly rate of
2583 compensation.—

2584 (2) Compensation for disability resulting from injuries
2585 which occur after December 31, 1974, shall not be less than \$20
2586 per week. However, if the employee's wages at the time of injury
2587 are less than \$20 per week, he or she shall receive his or her
2588 full weekly wages. If the employee's wages at the time of the
2589 injury exceed \$20 per week, compensation shall not exceed an

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2590 amount per week which is:

2591 (a) Equal to 100 percent of the statewide average weekly
2592 wage, determined as hereinafter provided for the year in which
2593 the injury occurred; however, the increase to 100 percent from
2594 66 2/3 percent of the statewide average weekly wage shall apply
2595 only to injuries occurring on or after August 1, 1979; and

2596 (b) Adjusted to the nearest dollar.

2597

2598 For the purpose of this subsection, the "statewide average
2599 weekly wage" means the average weekly wage paid by employers
2600 subject to the Florida Reemployment Assistance Program
2601 ~~Unemployment Compensation~~ Law as reported to the Department of
2602 Economic Opportunity for the four calendar quarters ending each
2603 June 30, which average weekly wage shall be determined by the
2604 Department of Economic Opportunity on or before November 30 of
2605 each year and shall be used in determining the maximum weekly
2606 compensation rate with respect to injuries occurring in the
2607 calendar year immediately following. The statewide average
2608 weekly wage determined by the Department of Economic Opportunity
2609 shall be reported annually to the Legislature.

2610 Section 65. Paragraph (c) of subsection (9) and subsection
2611 (10) of section 440.15, Florida Statutes, are amended to read:

2612 440.15 Compensation for disability.—Compensation for
2613 disability shall be paid to the employee, subject to the limits
2614 provided in s. 440.12(2), as follows:

2615 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
2616 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2617 (c) Disability compensation benefits payable for any week,
2618 including those benefits provided by paragraph (1) (f), may not

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2619 be reduced pursuant to this subsection until the Social Security
2620 Administration determines the amount otherwise payable to the
2621 employee under 42 U.S.C. ss. 402 and 423 and the employee has
2622 begun receiving such social security benefit payments. The
2623 employee shall, upon demand by the department, the employer, or
2624 the carrier, authorize the Social Security Administration to
2625 release disability information relating to her or him and
2626 authorize the Department of Economic Opportunity to release
2627 reemployment assistance ~~unemployment compensation~~ information
2628 relating to her or him, in accordance with rules to be adopted
2629 by the department prescribing the procedure and manner for
2630 requesting the authorization and for compliance by the employee.
2631 The department or the employer or carrier may not make any
2632 payment of benefits for total disability or those additional
2633 benefits provided by paragraph (1)(f) for any period during
2634 which the employee willfully fails or refuses to authorize the
2635 release of information in the manner and within the time
2636 prescribed by such rules. The authority for release of
2637 disability information granted by an employee under this
2638 paragraph is effective for a period not to exceed 12 months and
2639 such authority may be renewed, as the department prescribes by
2640 rule.

2641 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
2642 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
2643 ~~UNEMPLOYMENT COMPENSATION~~.—

2644 (a) No compensation benefits shall be payable for temporary
2645 total disability or permanent total disability under this
2646 chapter for any week in which the injured employee has received,
2647 or is receiving, reemployment assistance or unemployment

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2648 compensation benefits.

2649 (b) If an employee is entitled to temporary partial
2650 benefits pursuant to subsection (4) and reemployment assistance
2651 or unemployment compensation benefits, such reemployment
2652 assistance or unemployment compensation benefits shall be
2653 primary and the temporary partial benefits shall be supplemental
2654 only, the sum of the two benefits not to exceed the amount of
2655 temporary partial benefits which would otherwise be payable.

2656 Section 66. Subsections (4) and (7) of section 440.381,
2657 Florida Statutes, are amended to read:

2658 440.381 Application for coverage; reporting payroll;
2659 payroll audit procedures; penalties.—

2660 (4) Each employer must submit a copy of the quarterly
2661 earnings report required by chapter 443 at the end of each
2662 quarter to the carrier and submit self-audits supported by the
2663 quarterly earnings reports required by chapter 443 and the rules
2664 adopted by the Department of Economic Opportunity or by the
2665 state agency providing reemployment assistance ~~unemployment~~ tax
2666 collection services under contract with the Department of
2667 Economic Opportunity through an interagency agreement pursuant
2668 to s. 443.1316. The reports must include a sworn statement by an
2669 officer or principal of the employer attesting to the accuracy
2670 of the information contained in the report.

2671 (7) If an employee suffering a compensable injury was not
2672 reported as earning wages on the last quarterly earnings report
2673 filed with the Department of Economic Opportunity or the state
2674 agency providing reemployment assistance ~~unemployment~~ tax
2675 collection services under contract with the Department of
2676 Economic Opportunity through an interagency agreement pursuant

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2677 to s. 443.1316 before the accident, the employer shall indemnify
2678 the carrier for all workers' compensation benefits paid to or on
2679 behalf of the employee unless the employer establishes that the
2680 employee was hired after the filing of the quarterly report, in
2681 which case the employer and employee shall attest to the fact
2682 that the employee was employed by the employer at the time of
2683 the injury. Failure of the employer to indemnify the insurer
2684 within 21 days after demand by the insurer is grounds for the
2685 insurer to immediately cancel coverage. Any action for
2686 indemnification brought by the carrier is cognizable in the
2687 circuit court having jurisdiction where the employer or carrier
2688 resides or transacts business. The insurer is entitled to a
2689 reasonable attorney's fee if it recovers any portion of the
2690 benefits paid in the action.

2691 Section 67. Subsection (2) of section 440.42, Florida
2692 Statutes, is amended to read:

2693 440.42 Insurance policies; liability.—

2694 (2) A workers' compensation insurance policy may require
2695 the employer to release certain employment and wage information
2696 maintained by the state pursuant to federal and state
2697 reemployment assistance ~~unemployment compensation~~ laws except to
2698 the extent prohibited or limited under federal law. By entering
2699 into a workers' compensation insurance policy with such a
2700 provision, the employer consents to the release of the
2701 information. The insurance carrier requiring such consent shall
2702 safeguard the information and maintain its confidentiality. The
2703 carrier shall limit use of the information to verifying
2704 compliance with the terms of the workers' compensation insurance
2705 policy. The department may charge a fee to cover the cost of

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2706 disclosing the information.

2707 Section 68. Paragraph (i) of subsection (1) and paragraph
2708 (b) of subsection (9) of section 445.009, Florida Statutes, are
2709 amended to read:

2710 445.009 One-stop delivery system.—

2711 (1) The one-stop delivery system is the state's primary
2712 customer-service strategy for offering every Floridian access,
2713 through service sites or telephone or computer networks, to the
2714 following services:

2715 (i) Claim filing for reemployment assistance ~~unemployment~~
2716 ~~compensation~~ services.

2717 (9)

2718 (b) The network shall assure that a uniform method is used
2719 to determine eligibility for and management of services provided
2720 by agencies that conduct workforce development activities. The
2721 Department of Management Services shall develop strategies to
2722 allow access to the databases and information management systems
2723 of the following systems in order to link information in those
2724 databases with the one-stop delivery system:

2725 1. The Reemployment Assistance ~~Unemployment—Compensation~~
2726 Program under chapter 443.

2727 2. The public employment service described in s. 443.181.

2728 3. The FLORIDA System and the components related to
2729 temporary cash assistance, food assistance, and Medicaid
2730 eligibility.

2731 4. The Student Financial Assistance System of the
2732 Department of Education.

2733 5. Enrollment in the public postsecondary education system.

2734 6. Other information systems determined appropriate by

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2735 Workforce Florida, Inc.

2736 Section 69. Subsection (6) of section 445.016, Florida
2737 Statutes, is amended to read:

2738 445.016 Untried Worker Placement and Employment Incentive
2739 Act.—

2740 (6) During an untried worker's probationary placement, the
2741 for-profit or not-for-profit agent shall be the employer of
2742 record of that untried worker, and shall provide workers'
2743 compensation and reemployment assistance ~~unemployment~~
2744 ~~compensation~~ coverage as provided by law. The business employing
2745 the untried worker through the agent may be eligible to apply
2746 for any tax credits, wage supplementation, wage subsidy, or
2747 employer payment for that employee that are authorized in law or
2748 by agreement with the employer. After satisfactory completion of
2749 such a probationary period, an untried worker shall not be
2750 considered an untried worker.

2751 Section 70. Paragraph (c) of subsection (2) and paragraph
2752 (a) of subsection (3) of section 446.50, Florida Statutes, are
2753 amended to read:

2754 446.50 Displaced homemakers; multiservice programs; report
2755 to the Legislature; Displaced Homemaker Trust Fund created.—

2756 (2) DEFINITION.—For the purposes of this section, the term
2757 "displaced homemaker" means an individual who:

2758 (c) Is not adequately employed, as defined by rule of the
2759 Department of Economic Opportunity ~~agency~~;

2760 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2761 OPPORTUNITY.—

2762 (a) The Department of Economic Opportunity, under plans
2763 established by Workforce Florida, Inc., shall establish, or

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2764 contract for the establishment of, programs for displaced
2765 homemakers which shall include:

2766 1. Job counseling, by professionals and peers, specifically
2767 designed for a person entering the job market after a number of
2768 years as a homemaker.

2769 2. Job training and placement services, including:

2770 a. Training programs for available jobs in the public and
2771 private sectors, taking into account the skills and job
2772 experiences of a homemaker and developed by working with public
2773 and private employers.

2774 b. Assistance in locating available employment for
2775 displaced homemakers, some of whom could be employed in existing
2776 job training and placement programs.

2777 c. Utilization of the services of the state employment
2778 service in locating employment opportunities.

2779 3. Financial management services providing information and
2780 assistance with respect to insurance, including, but not limited
2781 to, life, health, home, and automobile insurance, and taxes,
2782 estate and probate problems, mortgages, loans, and other related
2783 financial matters.

2784 4. Educational services, including high school equivalency
2785 degree and such other courses as the department determines would
2786 be of interest and benefit to displaced homemakers.

2787 5. Outreach and information services with respect to
2788 federal and state employment, education, health, and
2789 reemployment ~~unemployment~~ assistance programs that the
2790 department determines would be of interest and benefit to
2791 displaced homemakers.

2792 Section 71. Paragraph (b) of subsection (4) of section

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2793 448.110, Florida Statutes, is amended to read:

2794 448.110 State minimum wage; annual wage adjustment;
2795 enforcement.-

2796 (4)

2797 (b) The Department of Revenue and the Department of
2798 Economic Opportunity shall annually publish the amount of the
2799 adjusted state minimum wage and the effective date. Publication
2800 shall occur by posting the adjusted state minimum wage rate and
2801 the effective date on the Internet home pages of the Department
2802 of Economic Opportunity and the Department of Revenue by October
2803 15 of each year. In addition, to the extent funded in the
2804 General Appropriations Act, the Department of Economic
2805 Opportunity shall provide written notice of the adjusted rate
2806 and the effective date of the adjusted state minimum wage to all
2807 employers registered in the most current reemployment assistance
2808 ~~unemployment compensation~~ database. Such notice shall be mailed
2809 by November 15 of each year using the addresses included in the
2810 database. Employers are responsible for maintaining current
2811 address information in the reemployment assistance ~~unemployment~~
2812 ~~compensation~~ database. The Department of Economic Opportunity is
2813 not responsible for failure to provide notice due to incorrect
2814 or incomplete address information in the database. The
2815 Department of Economic Opportunity shall provide the Department
2816 of Revenue with the adjusted state minimum wage rate information
2817 and effective date in a timely manner.

2818 Section 72. Paragraph (e) of subsection (2) of section
2819 450.31, Florida Statutes, is amended to read:

2820 450.31 Issuance, revocation, and suspension of, and refusal
2821 to issue or renew, certificate of registration.-

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2822 (2) The department may revoke, suspend, or refuse to issue
2823 or renew any certificate of registration when it is shown that
2824 the farm labor contractor has:

2825 (e) Failed to pay reemployment assistance ~~unemployment~~
2826 ~~compensation~~ taxes as determined by the Department of Economic
2827 Opportunity; or

2828 Section 73. Subsection (9) of section 450.33, Florida
2829 Statutes, is amended to read:

2830 450.33 Duties of farm labor contractor.—Every farm labor
2831 contractor must:

2832 (9) Comply with all applicable statutes, rules, and
2833 regulations of the United States and of the State of Florida for
2834 the protection or benefit of labor, including, but not limited
2835 to, those providing for wages, hours, fair labor standards,
2836 social security, workers' compensation, reemployment assistance
2837 or ~~unemployment~~ compensation, child labor, and transportation.

2838 Section 74. Subsections (1) and (3) of section 468.529,
2839 Florida Statutes, are amended to read:

2840 468.529 Licensee's insurance; employment tax; benefit
2841 plans.—

2842 (1) A licensed employee leasing company is the employer of
2843 the leased employees, except that this provision is not intended
2844 to affect the determination of any issue arising under Pub. L.
2845 No. 93-406, the Employee Retirement Income Security Act, as
2846 amended from time to time. An employee leasing company shall be
2847 responsible for timely payment of reemployment assistance
2848 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
2849 responsible for providing workers' compensation coverage
2850 pursuant to chapter 440. However, no licensed employee leasing

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2851 company shall sponsor a plan of self-insurance for health
2852 benefits, except as may be permitted by the provisions of the
2853 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
2854 the Employee Retirement Income Security Act, as amended from
2855 time to time. For purposes of this section, a "plan of self-
2856 insurance" shall exclude any arrangement where an admitted
2857 insurance carrier has issued a policy of insurance primarily
2858 responsible for the obligations of the health plan.

2859 (3) A licensed employee leasing company shall within 30
2860 days after initiation or termination notify its workers'
2861 compensation insurance carrier, the Division of Workers'
2862 Compensation of the Department of Financial Services, and the
2863 state agency providing reemployment assistance ~~unemployment~~ tax
2864 collection services under contract with the Department of
2865 Economic Opportunity through an interagency agreement pursuant
2866 to s. 443.1316 of both the initiation or the termination of the
2867 company's relationship with any client company.

2868 Section 75. Subsection (8) of section 553.791, Florida
2869 Statutes, is amended to read:

2870 553.791 Alternative plans review and inspection.—

2871 (8) A private provider performing required inspections
2872 under this section shall inspect each phase of construction as
2873 required by the applicable codes. The private provider shall be
2874 permitted to send a duly authorized representative to the
2875 building site to perform the required inspections, provided all
2876 required reports are prepared by and bear the signature of the
2877 private provider or the private provider's duly authorized
2878 representative. The duly authorized representative must be an
2879 employee of the private provider entitled to receive

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2880 reemployment assistance ~~unemployment compensation~~ benefits under
2881 chapter 443. The contractor's contractual or legal obligations
2882 are not relieved by any action of the private provider.

2883 Section 76. Paragraph (b) of subsection (5) of section
2884 624.509, Florida Statutes, is amended to read:

2885 624.509 Premium tax; rate and computation.—

2886 (5)

2887 (b) For purposes of this subsection:

2888 1. The term "salaries" does not include amounts paid as
2889 commissions.

2890 2. The term "employees" does not include independent
2891 contractors or any person whose duties require that the person
2892 hold a valid license under the Florida Insurance Code, except
2893 adjusters, managing general agents, and service representatives,
2894 as defined in s. 626.015.

2895 3. The term "net tax" means the tax imposed by this section
2896 after applying the calculations and credits set forth in
2897 subsection (4).

2898 4. An affiliated group of corporations that created a
2899 service company within its affiliated group on July 30, 2002,
2900 shall allocate the salary of each service company employee
2901 covered by contracts with affiliated group members to the
2902 companies for which the employees perform services. The salary
2903 allocation is based on the amount of time during the tax year
2904 that the individual employee spends performing services or
2905 otherwise working for each company over the total amount of time
2906 the employee spends performing services or otherwise working for
2907 all companies. The total amount of salary allocated to an
2908 insurance company within the affiliated group shall be included

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2909 as that insurer's employee salaries for purposes of this
2910 section.

2911 a. Except as provided in subparagraph (a)2., the term
2912 "affiliated group of corporations" means two or more
2913 corporations that are entirely owned by a single corporation and
2914 that constitute an affiliated group of corporations as defined
2915 in s. 1504(a) of the Internal Revenue Code.

2916 b. The term "service company" means a separate corporation
2917 within the affiliated group of corporations whose employees
2918 provide services to affiliated group members and which are
2919 treated as service company employees for reemployment assistance
2920 or unemployment compensation and common law purposes. The
2921 holding company of an affiliated group may not qualify as a
2922 service company. An insurance company may not qualify as a
2923 service company.

2924 c. If an insurance company fails to substantiate, whether
2925 by means of adequate records or otherwise, its eligibility to
2926 claim the service company exception under this section, or its
2927 salary allocation under this section, no credit shall be
2928 allowed.

2929 5. A service company that is a subsidiary of a mutual
2930 insurance holding company, which mutual insurance holding
2931 company was in existence on or before January 1, 2000, shall
2932 allocate the salary of each service company employee covered by
2933 contracts with members of the mutual insurance holding company
2934 system to the companies for which the employees perform
2935 services. The salary allocation is based on the ratio of the
2936 amount of time during the tax year which the individual employee
2937 spends performing services or otherwise working for each company

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2938 to the total amount of time the employee spends performing
2939 services or otherwise working for all companies. The total
2940 amount of salary allocated to an insurance company within the
2941 mutual insurance holding company system shall be included as
2942 that insurer's employee salaries for purposes of this section.
2943 However, this subparagraph does not apply for any tax year
2944 unless funds sufficient to offset the anticipated salary credits
2945 have been appropriated to the General Revenue Fund prior to the
2946 due date of the final return for that year.

2947 a. The term "mutual insurance holding company system" means
2948 two or more corporations that are subsidiaries of a mutual
2949 insurance holding company and in compliance with part IV of
2950 chapter 628.

2951 b. The term "service company" means a separate corporation
2952 within the mutual insurance holding company system whose
2953 employees provide services to other members of the mutual
2954 insurance holding company system and are treated as service
2955 company employees for reemployment assistance or unemployment
2956 compensation and common-law purposes. The mutual insurance
2957 holding company may not qualify as a service company.

2958 c. If an insurance company fails to substantiate, whether
2959 by means of adequate records or otherwise, its eligibility to
2960 claim the service company exception under this section, or its
2961 salary allocation under this section, no credit shall be
2962 allowed.

2963 Section 77. Paragraph (c) of subsection (8) of section
2964 679.4061, Florida Statutes, is amended to read:

2965 679.4061 Discharge of account debtor; notification of
2966 assignment; identification and proof of assignment; restrictions

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2967 on assignment of accounts, chattel paper, payment intangibles,
2968 and promissory notes ineffective.-

2969 (8) This section is subject to law other than this chapter
2970 which establishes a different rule for an account debtor who is
2971 an individual and who incurred the obligation primarily for
2972 personal, family, or household purposes. Subsections (4) and (6)
2973 do not apply to the creation, attachment, perfection, or
2974 enforcement of a security interest in:

2975 (c) The interest of a debtor who is a natural person in
2976 reemployment assistance or unemployment, alimony, disability,
2977 pension, or retirement benefits or victim compensation funds.

2978 Section 78. Paragraph (c) of subsection (6) of section
2979 679.4081, Florida Statutes, is amended to read:

2980 679.4081 Restrictions on assignment of promissory notes,
2981 health-care-insurance receivables, and certain general
2982 intangibles ineffective.-

2983 (6) Subsections (1) and (3) do not apply to the creation,
2984 attachment, perfection, or enforcement of a security interest
2985 in:

2986 (c) The interest of a debtor who is a natural person in
2987 reemployment assistance or unemployment, alimony, disability,
2988 pension, or retirement benefits or victim compensation funds.

2989 Section 79. Paragraph (a) of subsection (1) of section
2990 895.02, Florida Statutes, is amended to read:

2991 895.02 Definitions.-As used in ss. 895.01-895.08, the term:

2992 (1) "Racketeering activity" means to commit, to attempt to
2993 commit, to conspire to commit, or to solicit, coerce, or
2994 intimidate another person to commit:

2995 (a) Any crime that is chargeable by petition, indictment,

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- 2996 or information under the following provisions of the Florida
 2997 Statutes:
- 2998 1. Section 210.18, relating to evasion of payment of
 2999 cigarette taxes.
 - 3000 2. Section 316.1935, relating to fleeing or attempting to
 3001 elude a law enforcement officer and aggravated fleeing or
 3002 eluding.
 - 3003 3. Section 403.727(3)(b), relating to environmental
 3004 control.
 - 3005 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3006 fraud.
 - 3007 5. Section 414.39, relating to public assistance fraud.
 - 3008 6. Section 440.105 or s. 440.106, relating to workers'
 3009 compensation.
 - 3010 7. Section 443.071(4), relating to creation of a fictitious
 3011 employer scheme to commit reemployment assistance ~~unemployment~~
 3012 ~~compensation~~ fraud.
 - 3013 8. Section 465.0161, relating to distribution of medicinal
 3014 drugs without a permit as an Internet pharmacy.
 - 3015 9. Section 499.0051, relating to crimes involving
 3016 contraband and adulterated drugs.
 - 3017 10. Part IV of chapter 501, relating to telemarketing.
 - 3018 11. Chapter 517, relating to sale of securities and
 3019 investor protection.
 - 3020 12. Section 550.235 or s. 550.3551, relating to dogracing
 3021 and horseracing.
 - 3022 13. Chapter 550, relating to jai alai frontons.
 - 3023 14. Section 551.109, relating to slot machine gaming.
 - 3024 15. Chapter 552, relating to the manufacture, distribution,

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3025 and use of explosives.

3026 16. Chapter 560, relating to money transmitters, if the
3027 violation is punishable as a felony.

3028 17. Chapter 562, relating to beverage law enforcement.

3029 18. Section 624.401, relating to transacting insurance
3030 without a certificate of authority, s. 624.437(4)(c)1., relating
3031 to operating an unauthorized multiple-employer welfare
3032 arrangement, or s. 626.902(1)(b), relating to representing or
3033 aiding an unauthorized insurer.

3034 19. Section 655.50, relating to reports of currency
3035 transactions, when such violation is punishable as a felony.

3036 20. Chapter 687, relating to interest and usurious
3037 practices.

3038 21. Section 721.08, s. 721.09, or s. 721.13, relating to
3039 real estate timeshare plans.

3040 22. Section 775.13(5)(b), relating to registration of
3041 persons found to have committed any offense for the purpose of
3042 benefiting, promoting, or furthering the interests of a criminal
3043 gang.

3044 23. Section 777.03, relating to commission of crimes by
3045 accessories after the fact.

3046 24. Chapter 782, relating to homicide.

3047 25. Chapter 784, relating to assault and battery.

3048 26. Chapter 787, relating to kidnapping or human
3049 trafficking.

3050 27. Chapter 790, relating to weapons and firearms.

3051 28. Chapter 794, relating to sexual battery, but only if
3052 such crime was committed with the intent to benefit, promote, or
3053 further the interests of a criminal gang, or for the purpose of

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- 3054 increasing a criminal gang member's own standing or position
3055 within a criminal gang.
- 3056 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
3057 796.05, or s. 796.07, relating to prostitution and sex
3058 trafficking.
- 3059 30. Chapter 806, relating to arson and criminal mischief.
- 3060 31. Chapter 810, relating to burglary and trespass.
- 3061 32. Chapter 812, relating to theft, robbery, and related
3062 crimes.
- 3063 33. Chapter 815, relating to computer-related crimes.
- 3064 34. Chapter 817, relating to fraudulent practices, false
3065 pretenses, fraud generally, and credit card crimes.
- 3066 35. Chapter 825, relating to abuse, neglect, or
3067 exploitation of an elderly person or disabled adult.
- 3068 36. Section 827.071, relating to commercial sexual
3069 exploitation of children.
- 3070 37. Chapter 831, relating to forgery and counterfeiting.
- 3071 38. Chapter 832, relating to issuance of worthless checks
3072 and drafts.
- 3073 39. Section 836.05, relating to extortion.
- 3074 40. Chapter 837, relating to perjury.
- 3075 41. Chapter 838, relating to bribery and misuse of public
3076 office.
- 3077 42. Chapter 843, relating to obstruction of justice.
- 3078 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3079 s. 847.07, relating to obscene literature and profanity.
- 3080 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3081 849.25, relating to gambling.
- 3082 45. Chapter 874, relating to criminal gangs.

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3083 46. Chapter 893, relating to drug abuse prevention and
3084 control.

3085 47. Chapter 896, relating to offenses related to financial
3086 transactions.

3087 48. Sections 914.22 and 914.23, relating to tampering with
3088 or harassing a witness, victim, or informant, and retaliation
3089 against a witness, victim, or informant.

3090 49. Sections 918.12 and 918.13, relating to tampering with
3091 jurors and evidence.

3092 Section 80. Paragraph (g) of subsection (8) of section
3093 896.101, Florida Statutes, is amended to read:

3094 896.101 Florida Money Laundering Act; definitions;
3095 penalties; injunctions; seizure warrants; immunity.—

3096 (8)

3097 (g)1. Upon service of the temporary order served pursuant
3098 to this section, the petitioner shall immediately notify by
3099 certified mail, return receipt requested, or by personal
3100 service, both the person or entity in possession of the monetary
3101 instruments or funds and the owner of the monetary instruments
3102 or funds if known, of the order entered pursuant to this section
3103 and that the lawful owner of the monetary instruments or funds
3104 being enjoined may request a hearing to contest and modify the
3105 order entered pursuant to this section by petitioning the court
3106 that issued the order, so that such notice is received within 72
3107 hours.

3108 2. The notice shall advise that the hearing shall be held
3109 within 3 days of the request, and the notice must state that the
3110 hearing will be set and noticed by the person against whom the
3111 order is served.

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3112 3. The notice shall specifically state that the lawful
 3113 owner has the right to produce evidence of legitimate business
 3114 expenses, obligations, and liabilities, including but not
 3115 limited to, employee payroll expenses verified by current
 3116 reemployment assistance ~~unemployment compensation~~ records,
 3117 employee workers' compensation insurance, employee health
 3118 insurance, state and federal taxes, and regulatory or licensing
 3119 fees only as may become due before the expiration of the
 3120 temporary order.

3121 4. Upon determination by the court that the expenses are
 3122 valid, payment of such expenses may be effected by the owner of
 3123 the enjoined monetary instruments or funds only to the court-
 3124 ordered payees through court-reviewed checks, issued by the
 3125 owner of, and the person or entity in possession of, the
 3126 enjoined monetary instruments or funds. Upon presentment, the
 3127 person or entity in possession of the enjoined funds or monetary
 3128 instruments shall only honor the payment of the check to the
 3129 court-ordered payee.

3130 Section 81. Paragraph (a) of subsection (3) of section
 3131 921.0022, Florida Statutes, is amended to read:

3132 921.0022 Criminal Punishment Code; offense severity ranking
 3133 chart.—

3134 (3) OFFENSE SEVERITY RANKING CHART

3135 (a) LEVEL 1

3136

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery

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ticket.

3138

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

3139

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

3140

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

3141

319.30 (5) 3rd Sell, exchange, give away certificate of title or identification number plate.

3142

319.35 (1) (a) 3rd Tamper, adjust, change, etc., an odometer.

3143

320.26 (1) (a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

3144

322.212 (1) (a) - (c) 3rd Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.

3145

322.212 (4) 3rd Supply or aid in supplying unauthorized driver's license or identification card.

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3147	322.212 (5) (a)	3rd	False application for driver's license or identification card.
3148	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
3149	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3150	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment assistance</u> unemployment compensation benefits.
3151	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
3152	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3153	562.27 (1)	3rd	Possess still or still apparatus.
3154	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection

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(2).

3155

812.081 (2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

3156

815.04 (4) (a) 3rd Offense against intellectual property (i.e., computer programs, data).

3157

817.52 (2) 3rd Hiring with intent to defraud, motor vehicle services.

3158

817.569 (2) 3rd Use of public record or public records information to facilitate commission of a felony.

3159

826.01 3rd Bigamy.

3160

828.122 (3) 3rd Fighting or baiting animals.

3161

831.04 (1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

3162

831.31 (1) (a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

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832.041 (1) 3rd Stopping payment with intent to defraud \$150 or more.

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832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15 (2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25 (2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.

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860.13(1)(a) 3rd Operate aircraft while under the
influence.

3175

893.13(2)(a)2. 3rd Purchase of cannabis.

3176

893.13(6)(a) 3rd Possession of cannabis (more than 20
grams).

3177

934.03(1)(a) 3rd Intercepts, or procures any other person
to intercept, any wire or oral
communication.

3178

Section 82. Subsection (2) of section 946.513, Florida
Statutes, is amended to read:

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3180

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

3181

3182

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

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Section 83. Subsection (2) of section 946.523, Florida
Statutes, is amended to read:

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3190

946.523 Prison industry enhancement (PIE) programs.—

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(2) Notwithstanding any other law to the contrary,
including s. 440.15(8), private sector employers shall provide
workers' compensation coverage to inmates who participate in
prison industry enhancement (PIE) programs under subsection (1).

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3196 However, inmates are not entitled to reemployment assistance
3197 benefits ~~unemployment compensation~~.

3198 Section 84. Paragraph (c) of subsection (5) of section
3199 985.618, Florida Statutes, is amended to read:

3200 985.618 Educational and career-related programs.—

3201 (5)

3202 (c) Notwithstanding any other law to the contrary,
3203 including s. 440.15(8), private sector employers shall provide
3204 juveniles participating in juvenile work programs under
3205 paragraph (b) with workers' compensation coverage, and juveniles
3206 shall be entitled to the benefits of such coverage. Nothing in
3207 this subsection shall be construed to allow juveniles to
3208 participate in reemployment assistance ~~unemployment compensation~~
3209 benefits.

3210 Section 85. Subsection (3) of section 1003.496, Florida
3211 Statutes, is amended to read:

3212 1003.496 High School to Business Career Enhancement
3213 Program.—

3214 (3) Employment under this section of a student intern who
3215 meets the criteria of s. 443.1216(13)(q) is not employment for
3216 purposes of reemployment assistance ~~unemployment compensation~~
3217 under chapter 443.

3218 Section 86. Subsection (3) of section 1008.39, Florida
3219 Statutes, is amended to read:

3220 1008.39 Florida Education and Training Placement
3221 Information Program.—

3222 (3) The Florida Education and Training Placement
3223 Information Program must not make public any information that
3224 could identify an individual or the individual's employer. The

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3225 Department of Education must ensure that the purpose of
3226 obtaining placement information is to evaluate and improve
3227 public programs or to conduct research for the purpose of
3228 improving services to the individuals whose social security
3229 numbers are used to identify their placement. If an agreement
3230 assures that this purpose will be served and that privacy will
3231 be protected, the Department of Education shall have access to
3232 the reemployment assistance ~~unemployment insurance~~ wage reports
3233 maintained by the Department of Economic Opportunity, the files
3234 of the Department of Children and Family Services that contain
3235 information about the distribution of public assistance, the
3236 files of the Department of Corrections that contain records of
3237 incarcerations, and the files of the Department of Business and
3238 Professional Regulation that contain the results of licensure
3239 examination.

3240 Section 87. Paragraph (b) of subsection (1) of section
3241 1008.41, Florida Statutes, is amended to read:

3242 1008.41 Workforce education; management information
3243 system.—

3244 (1) The Commissioner of Education shall coordinate uniform
3245 program structures, common definitions, and uniform management
3246 information systems for workforce education for all divisions
3247 within the department. In performing these functions, the
3248 commissioner shall designate deadlines after which data elements
3249 may not be changed for the coming fiscal or school year. School
3250 districts and Florida College System institutions shall be
3251 notified of data element changes at least 90 days prior to the
3252 start of the subsequent fiscal or school year. Such systems must
3253 provide for:

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3254 (b) Compliance with state and federal confidentiality
3255 requirements, except that the department shall have access to
3256 the reemployment assistance ~~unemployment insurance~~ wage reports
3257 to collect and report placement information about former
3258 students. Such placement reports must not disclose the
3259 individual identities of former students.

3260 Section 88. This act shall take effect July 1, 2012.