

By the Committee on Commerce and Tourism; and Senator Bogdanoff

577-02440A-12

20121416c1

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.
11 443.071, F.S.; specifying what constitutes prima facie
12 evidence that the person claimed and received
13 reemployment assistance from the state through
14 transaction history and payment; revising references
15 to conform to changes made by the act; amending s.
16 443.091, F.S.; providing scoring requirements relating
17 to initial skills reviews; providing for workforce
18 training for certain eligible claimants; requiring the
19 development and use of best practices; providing
20 reporting requirements; providing work search
21 requirements for certain claimants; revising
22 references to conform to changes made by the act;
23 providing for the applicability of certain exceptions
24 relating to benefits based on employment with a
25 private employer under contract with an educational
26 institution; amending s. 443.101, F.S.; clarifying how
27 a disqualification for benefits for fraud is imposed;
28 revising references to conform to changes made by the
29 act; amending s. 443.1216, F.S.; providing that

577-02440A-12

20121416c1

30 employee leasing companies may make a one-time
31 election to report leased employees under the
32 respective unemployment account of each leasing
33 company client; providing procedures and application
34 for such election; revising references to conform to
35 the changes made by the act; amending s. 443.131,
36 F.S.; prohibiting benefits from being charged to the
37 employment record of an employer that is forced to lay
38 off workers as a result of a manmade disaster of
39 national significance; revising references to conform
40 to changes made by the act; amending s. 443.151, F.S.;
41 revising the statute of limitations related to the
42 collection of unemployment compensation benefits
43 overpayments; revising references to conform to
44 changes made by the act; amending s. 443.171, F.S.;
45 deleting an exemption from public records requirements
46 for unemployment compensation records and reports;
47 revising references to conform to changes made by the
48 act; amending s. 443.1715, F.S.; revising an exemption
49 from public records requirements for unemployment
50 compensation records and reports; revising references
51 to conform to changes made by the act; amending ss.
52 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046,
53 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,
54 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,
55 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,
56 288.075, 288.1045, 288.106, 288.1081, 288.1089,
57 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,
58 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,

577-02440A-12

20121416c1

59 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,
 60 443.1315, 443.1316, 443.1317, 443.141, 443.163,
 61 443.17161, 443.181, 443.191, 443.221, 445.009,
 62 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
 63 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
 64 921.0022, 946.513, 946.523, 985.618, 1003.496,
 65 1008.39, and 1008.41, F.S.; revising references to
 66 conform to changes made by the act; reviving,
 67 readopting, and amending s. 443.1117, F.S., relating
 68 to temporary extended benefits; providing for
 69 retroactive application; providing for applicability
 70 relating to extended benefits for certain weeks and
 71 for periods of high unemployment; providing for
 72 applicability; providing for severability; providing
 73 that the act fulfills an important state interest;
 74 providing effective dates.

75
 76 Be It Enacted by the Legislature of the State of Florida:

77
 78 Section 1. Section 443.011, Florida Statutes, is amended to
 79 read:

80 443.011 Short title.—This chapter may be cited as the
 81 “Reemployment Assistance Program Unemployment Compensation Law.”

82 Section 2. Subsections (1), (3), (10), and (12) of section
 83 443.012, Florida Statutes, are amended to read:

84 443.012 Reemployment Assistance Unemployment Appeals
 85 Commission.—

86 (1) There is created within the Division of Workforce
 87 Services of the Department of Economic Opportunity a

577-02440A-12

20121416c1

88 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
89 commission is composed of a chair and two other members
90 appointed by the Governor, subject to confirmation by the
91 Senate. Only one appointee may be a representative of employers,
92 as demonstrated by his or her previous vocation, employment, or
93 affiliation; and only one appointee may be a representative of
94 employees, as demonstrated by his or her previous vocation,
95 employment, or affiliation.

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

99 (b) The chair has authority to appoint a general counsel
100 and other personnel to carry out the duties and responsibilities
101 of the commission.

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

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

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

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

577-02440A-12

20121416c1

117 (10) The commission shall have a seal for authenticating
118 its orders, awards, and proceedings, upon which shall be
119 inscribed the words "State of Florida-Reemployment Assistance
120 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
121 judicially noticed.

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

126 Section 3. Subsections (12), (14), and (26) of section
127 443.036, Florida Statutes, are amended, present subsections (38)
128 through (46) are renumbered as subsections (39) through (47),
129 respectively, present subsections (38) and (42) are amended, and
130 a new subsection (38) is added to that section, to read:

131 443.036 Definitions.—As used in this chapter, the term:

132 (12) "Commission" means the Reemployment Assistance
133 ~~Unemployment~~ Appeals Commission.

134 (14) "Contribution" means a payment of payroll tax to the
135 Unemployment Compensation Trust Fund which is required under
136 this chapter to finance reemployment assistance ~~unemployment~~
137 benefits.

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

143 (38) "Reemployment assistance" means cash benefits payable
144 to individuals with respect to their unemployment pursuant to
145 the provisions of this chapter. Where the context requires,

577-02440A-12

20121416c1

146 reemployment assistance also means cash benefits payable to
147 individuals with respect to their unemployment pursuant to 5
148 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
149 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
150 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
151 U.S.C. s. 503. Any reference to reemployment assistance shall
152 mean compensation payable from an unemployment fund as defined
153 in 26 U.S.C. s. 3306(f).

154 ~~(39)~~~~(38)~~ "Reimbursement" means a payment of money to the
155 Unemployment Compensation Trust Fund in lieu of a contribution
156 which is required under this chapter to finance reemployment
157 assistance ~~unemployment~~ benefits.

158 ~~(43)~~~~(42)~~ "Tax collection service provider" or "service
159 provider" means the state agency providing reemployment
160 assistance ~~unemployment~~ tax collection services under contract
161 with the Department of Economic Opportunity through an
162 interagency agreement pursuant to s. 443.1316.

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

166 443.051 Benefits not alienable; exception, child support
167 intercept.—

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

169 (a) "Reemployment assistance" or "unemployment
170 compensation" means any compensation payable under state law,
171 including amounts payable pursuant to an agreement under any
172 federal law providing for compensation, assistance, or
173 allowances for unemployment.

174 (3) EXCEPTION, SUPPORT INTERCEPT.—

577-02440A-12

20121416c1

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

193 (d) Any amount deducted and withheld under this subsection
194 shall for all purposes be treated as if it were paid to the
195 individual as reemployment assistance or unemployment
196 compensation and paid by the individual to the Department of
197 Revenue for support obligations.

198 Section 5. Subsections (6), (7), and (8) of section
199 443.071, Florida Statutes, are amended to read:

200 443.071 Penalties.—

201 (6) The entry into evidence of an application for
202 reemployment assistance ~~unemployment~~ benefits initiated by the
203 use of the Internet claims program or the interactive voice

577-02440A-12

20121416c1

204 response system telephone claims program of the Department of
205 Economic Opportunity constitutes prima facie evidence of the
206 establishment of a personal benefit account by or for an
207 individual if the following information is provided: the
208 applicant's name, residence address, date of birth, social
209 security number, and present or former place of work.

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

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

227 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
228 and subsection (3) of section 443.091, Florida Statutes, are
229 amended to read:

230 443.091 Benefit eligibility conditions.—

231 (1) An unemployed individual is eligible to receive
232 benefits for any week only if the Department of Economic

577-02440A-12

20121416c1

233 Opportunity finds that:

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

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

246 2. The administrator or operator of the initial skills
247 review shall notify the department ~~agency~~ when the individual
248 completes the initial skills review and report the results of
249 the review to the regional workforce board or the one-stop
250 career center as directed by the workforce board. The department
251 shall prescribe a numeric score on the initial skills review
252 that demonstrates a minimal proficiency in workforce skills. The
253 department, workforce board, or one-stop career center shall use
254 the initial skills review to develop a plan for referring
255 individuals to training and employment opportunities. The
256 failure of the individual to comply with this requirement will
257 result in the individual being determined ineligible for
258 benefits for the week in which the noncompliance occurred and
259 for any subsequent week of unemployment until the requirement is
260 satisfied. However, this requirement does not apply if the
261 individual is able to affirmatively attest to being unable to

577-02440A-12

20121416c1

262 complete such review due to illiteracy or a language impediment
263 or is exempt from the work registration requirement as set forth
264 in paragraph (b).

265 3. Any individual that falls below the minimal proficiency
266 score prescribed by the department in subparagraph 2. on the
267 initial skills review shall be offered training opportunities
268 and encouraged to participate in such training at no cost to the
269 individual in order to improve his or her workforce skills to
270 the minimal proficiency level.

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

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

284 (d) She or he is able to work and is available for work. In
285 order to assess eligibility for a claimed week of unemployment,
286 the department shall develop criteria to determine a claimant's
287 ability to work and availability for work. A claimant must be
288 actively seeking work in order to be considered available for
289 work. This means engaging in systematic and sustained efforts to
290 find work, including contacting at least five prospective

577-02440A-12

20121416c1

291 employers for each week of unemployment claimed. The department
292 ~~agency~~ may require the claimant to provide proof of such efforts
293 to the one-stop career center as part of reemployment services.
294 The department ~~agency~~ shall conduct random reviews of work
295 search information provided by claimants. As an alternative to
296 contacting at least five prospective employers for any week of
297 unemployment claimed, a claimant may, for that same week, report
298 in person to a one-stop career center to meet with a
299 representative of the center and access reemployment services of
300 the center. The center shall keep a record of the services or
301 information provided to the claimant and shall provide the
302 records to the department ~~agency~~ upon request by the department
303 ~~agency~~. However:

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

313 2. Notwithstanding any other provision of this chapter, an
314 otherwise eligible individual who is in training approved under
315 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
316 determined ineligible or disqualified for benefits due to
317 enrollment in such training or because of leaving work that is
318 not suitable employment to enter such training. As used in this
319 subparagraph, the term "suitable employment" means work of a

577-02440A-12

20121416c1

320 substantially equal or higher skill level than the worker's past
321 adversely affected employment, as defined for purposes of the
322 Trade Act of 1974, as amended, the wages for which are at least
323 80 percent of the worker's average weekly wage as determined for
324 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

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

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

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

577-02440A-12

20121416c1

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

353 (a) Benefits are not payable for services in an
354 instructional, research, or principal administrative capacity
355 for an educational institution or an institution of higher
356 education for any week of unemployment commencing during the
357 period between 2 successive academic years; during a similar
358 period between two regular terms, whether or not successive; or
359 during a period of paid sabbatical leave provided for in the
360 individual's contract, to any individual, if the individual
361 performs those services in the first of those academic years or
362 terms and there is a contract or a reasonable assurance that the
363 individual will perform services in any such capacity for any
364 educational institution or institution of higher education in
365 the second of those academic years or terms.

366 (b) Benefits may not be based on services in any other
367 capacity for an educational institution or an institution of
368 higher education to any individual for any week that commences
369 during a period between 2 successive academic years or terms if
370 the individual performs those services in the first of the
371 academic years or terms and there is a reasonable assurance that
372 the individual will perform those services in the second of the
373 academic years or terms. However, if compensation is denied to
374 any individual under this paragraph and the individual was not
375 offered an opportunity to perform those services for the
376 educational institution for the second of those academic years
377 or terms, that individual is entitled to a retroactive payment

577-02440A-12

20121416c1

378 of compensation for each week for which the individual filed a
379 timely claim for compensation and for which compensation was
380 denied solely by reason of this paragraph.

381 (c) Benefits are not payable based on services provided to
382 an educational institution or institution of higher learning to
383 any individual for any week that commences during an established
384 and customary vacation period or holiday recess if the
385 individual performs any services described in paragraph (a) or
386 paragraph (b) in the period immediately before the vacation
387 period or holiday recess and there is a reasonable assurance
388 that the individual will perform any service in the period
389 immediately after the vacation period or holiday recess.

390 (d) Benefits are not payable for services in any capacity
391 specified in paragraphs (a), (b), and (c) to any individual who
392 performed those services in an educational institution while in
393 the employ of a governmental agency or governmental entity that
394 is established and operated exclusively for the purpose of
395 providing those services to one or more educational
396 institutions.

397 (e) Benefits are not payable for services in any capacity
398 specified in paragraphs (a), (b), (c), and (d) to any individual
399 who provided those services to or on behalf of an educational
400 institution, or an institution of higher education.

401 (f) Beginning July 1, 2013, paragraphs (a)-(e) apply to any
402 individual who provided services for an educational institution
403 while in the employ of a private employer holding a contractual
404 relationship with such educational institution, but only if at
405 least 75 percent of the individual's base period wages with the
406 private employer are attributable to services performed in an

577-02440A-12

20121416c1

407 educational institution.

408 (g)~~(f)~~ As used in this subsection, the term:

409 1. "Fixed contract" means a written agreement of employment
410 for a specified period of time.

411 2. "Continuing contract" means a written agreement that is
412 automatically renewed until terminated by one of the parties to
413 the contract.

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

417 443.101 Disqualification for benefits.—An individual shall
418 be disqualified for benefits:

419 (5) For any week with respect to which or a part of which
420 he or she has received or is seeking reemployment assistance or
421 unemployment benefits under a reemployment assistance or an
422 unemployment compensation law of another state or of the United
423 States. For the purposes of this subsection, a reemployment
424 assistance or an unemployment compensation law of the United
425 States is any law of the United States which provides for
426 payment of any type and in any amounts for periods of
427 unemployment due to lack of work. However, if the appropriate
428 agency of the other state or of the United States finally
429 determines that he or she is not entitled to reemployment
430 assistance or unemployment benefits, this disqualification does
431 not apply.

432 (6) For ~~a period not to exceed 1 year from the date of the~~
433 ~~discovery by the Department of Economic Opportunity of the~~
434 ~~making of~~ any false or fraudulent representation for the purpose
435 of obtaining benefits contrary to this chapter, constituting a

577-02440A-12

20121416c1

436 violation under s. 443.071. The disqualification imposed under
437 this subsection shall begin with the week in which the false or
438 fraudulent representation is made and shall continue for a
439 period not to exceed 1 year after the date the Department of
440 Economic Opportunity discovers the false or fraudulent
441 representation and until any overpayment of benefits resulting
442 from such representation has been repaid in full. This
443 disqualification may be appealed in the same manner as any other
444 disqualification imposed under this section. A conviction by any
445 court of competent jurisdiction in this state of the offense
446 prohibited or punished by s. 443.071 is conclusive upon the
447 appeals referee and the commission of the making of the false or
448 fraudulent representation for which disqualification is imposed
449 under this section.

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

452 (a) If the Department of Economic Opportunity or the
453 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
454 that the individual was terminated from work for violation of
455 any criminal law, under any jurisdiction, which was in
456 connection with his or her work, and the individual was
457 convicted, or entered a plea of guilty or nolo contendere, the
458 individual is not entitled to reemployment assistance
459 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
460 adopted by the department, and until he or she has earned income
461 of at least 17 times his or her weekly benefit amount. If,
462 before an adjudication of guilt, an admission of guilt, or a
463 plea of nolo contendere, the employer proves by competent
464 substantial evidence to the department that the arrest was due

577-02440A-12

20121416c1

465 to a crime against the employer or the employer's business,
466 customers, or invitees, the individual is not entitled to
467 reemployment assistance ~~unemployment~~ benefits.

468 (b) If the department or the Reemployment Assistance
469 ~~Unemployment~~ Appeals Commission finds that the individual was
470 terminated from work for any dishonest act in connection with
471 his or her work, the individual is not entitled to reemployment
472 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
473 rules adopted by the department, and until he or she has earned
474 income of at least 17 times his or her weekly benefit amount. If
475 the employer terminates an individual as a result of a dishonest
476 act in connection with his or her work and the department finds
477 misconduct in connection with his or her work, the individual is
478 not entitled to reemployment assistance ~~unemployment~~ benefits.

479
480 If an individual is disqualified for benefits, the account of
481 the terminating employer, if the employer is in the base period,
482 is noncharged at the time the disqualification is imposed.

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

487 (b) A temporary or leased employee is deemed to have
488 voluntarily quit employment and is disqualified for benefits
489 under subparagraph (1)(a)1. if, upon conclusion of his or her
490 latest assignment, the temporary or leased employee, without
491 good cause, failed to contact the temporary help or employee-
492 leasing firm for reassignment, if the employer advised the
493 temporary or leased employee at the time of hire and that the

577-02440A-12

20121416c1

494 leased employee is notified also at the time of separation that
495 he or she must report for reassignment upon conclusion of each
496 assignment, regardless of the duration of the assignment, and
497 that reemployment assistance ~~unemployment~~ benefits may be denied
498 for failure to report. For purposes of this section, the time of
499 hire for a day laborer is upon his or her acceptance of the
500 first assignment following completion of an employment
501 application with the labor pool. The labor pool as defined in s.
502 448.22(1) must provide notice to the temporary employee upon
503 conclusion of the latest assignment that work is available the
504 next business day and that the temporary employee must report
505 for reassignment the next business day. The notice must be given
506 by means of a notice printed on the paycheck, written notice
507 included in the pay envelope, or other written notification at
508 the conclusion of the current assignment.

509 (11) If an individual is discharged from employment for
510 drug use as evidenced by a positive, confirmed drug test as
511 provided in paragraph (1)(d), or is rejected for offered
512 employment because of a positive, confirmed drug test as
513 provided in paragraph (2)(c), test results and chain of custody
514 documentation provided to the employer by a licensed and
515 approved drug-testing laboratory is self-authenticating and
516 admissible in reemployment assistance ~~unemployment compensation~~
517 hearings, and such evidence creates a rebuttable presumption
518 that the individual used, or was using, controlled substances,
519 subject to the following conditions:

520 (a) To qualify for the presumption described in this
521 subsection, an employer must have implemented a drug-free
522 workplace program under ss. 440.101 and 440.102, and must submit

577-02440A-12

20121416c1

523 proof that the employer has qualified for the insurance
524 discounts provided under s. 627.0915, as certified by the
525 insurance carrier or self-insurance unit. In lieu of these
526 requirements, an employer who does not fit the definition of
527 "employer" in s. 440.102 may qualify for the presumption if the
528 employer is in compliance with equivalent or more stringent
529 drug-testing standards established by federal law or regulation.

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

534 (c) Disclosure of drug test results and other information
535 pertaining to drug testing of individuals who claim or receive
536 compensation under this chapter shall be governed by s.
537 443.1715.

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

541 443.111 Payment of benefits.—

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

545 (b) As required under s. 443.091(1), each claimant must
546 report at least biweekly to receive reemployment assistance
547 ~~unemployment~~ benefits and to attest to the fact that she or he
548 is able and available for work, has not refused suitable work,
549 is seeking work and has met the requirements of s. 443.091(d).
550 ~~contacted at least five prospective employers or reported in~~
551 ~~person to a one-stop career center for reemployment services for~~

577-02440A-12

20121416c1

552 ~~each week of unemployment claimed~~, and, if she or he has worked,
553 to report earnings from that work. Each claimant must continue
554 to report regardless of any appeal or pending appeal relating to
555 her or his eligibility or disqualification for benefits.

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

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

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

564 (5) DURATION OF BENEFITS.—

565 (a) As used in this section, the term "Florida average
566 unemployment rate" means the average of the 3 months for the
567 most recent third calendar year quarter of the seasonally
568 adjusted statewide unemployment rates as published by the
569 Department of Economic Opportunity Agency for Workforce
570 Innovation.

571 Section 9. Section 443.1113, Florida Statutes, is amended
572 to read:

573 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
574 Claims and Benefits Information System.—

575 (1) To the extent that funds are appropriated for each
576 phase of the Reemployment Assistance ~~Unemployment Compensation~~
577 Claims and Benefits Information System by the Legislature, the
578 Department of Economic Opportunity shall replace and enhance the
579 functionality provided in the following systems with an
580 integrated Internet-based system that is known as the

577-02440A-12

20121416c1

581 “Reemployment Assistance Unemployment Compensation Claims and
582 Benefits Information System”:

- 583 (a) Claims and benefit mainframe system.
- 584 (b) Florida unemployment Internet direct.
- 585 (c) Florida continued claim Internet directory.
- 586 (d) Call center interactive voice response system.
- 587 (e) Benefit overpayment screening system.
- 588 (f) Internet and Intranet appeals system.

589 (2) The Reemployment Assistance Unemployment Compensation
590 Claims and Benefits System shall accomplish the following main
591 business objectives:

592 (a) Wherever cost-effective and operationally feasible,
593 eliminate or automate existing paper processes and enhance any
594 existing automated workflows in order to expedite customer
595 transactions and eliminate redundancy.

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

598 (c) Integrate benefit payment control with the adjudication
599 program and collection system in order to improve the detection
600 of fraud.

601 (d) Comply with all requirements established in federal and
602 state law for reemployment assistance unemployment compensation.

603 (e) Integrate with the Department of Revenue’s statewide
604 unified tax system that collects reemployment assistance
605 unemployment compensation taxes.

606 (3) The scope of the Reemployment Assistance Unemployment
607 Compensation Claims and Benefits Information System does not
608 include any of the following functionalities:

609 (a) Collection of reemployment assistance unemployment

577-02440A-12

20121416c1

610 ~~compensation~~ taxes.

611 (b) General ledger, financial management, or budgeting
612 capabilities.

613 (c) Human resource planning or management capabilities.

614 (4) The project to implement the Reemployment Assistance
615 ~~Unemployment Compensation~~ Claims and Benefits Information System
616 shall be comprised of the following phases and corresponding
617 implementation timeframes:

618 (a) No later than the end of fiscal year 2009-2010
619 completion of the business re-engineering analysis and
620 documentation of both the detailed system requirements and the
621 overall system architecture.

622 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
623 Benefits Internet portal that replaces the Florida Unemployment
624 Internet Direct and the Florida Continued Claims Internet
625 Directory systems, the Call Center Interactive Voice Response
626 System, the Benefit Overpayment Screening System, the Internet
627 and Intranet Appeals System, and the Claims and Benefits
628 Mainframe System shall be deployed to full operational status no
629 later than the end of fiscal year 2012-2013.

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

633 (a) The project sponsor for the Reemployment Assistance
634 ~~Unemployment Compensation~~ Claims and Benefits Information System
635 project is the department.

636 (b) The project shall be governed by an executive steering
637 committee composed of the following voting members or their
638 designees:

577-02440A-12

20121416c1

- 639 1. The executive director of the department.
- 640 2. The executive director of the Department of Revenue.
- 641 3. The director of the Division of Workforce Services
- 642 within the department.
- 643 4. The program director of the General Tax Administration
- 644 Program Office within the Department of Revenue.
- 645 5. The chief information officer of the department.
- 646 (c) The executive steering committee has the overall
- 647 responsibility for ensuring that the project meets its primary
- 648 objectives and is specifically responsible for:
- 649 1. Providing management direction and support to the
- 650 project management team.
- 651 2. Assessing the project's alignment with the strategic
- 652 goals of the department for administering the reemployment
- 653 assistance ~~unemployment compensation~~ program.
- 654 3. Reviewing and approving or disapproving any changes to
- 655 the project's scope, schedule, and costs.
- 656 4. Reviewing, approving or disapproving, and determining
- 657 whether to proceed with any major project deliverables.
- 658 5. Recommending suspension or termination of the project to
- 659 the Governor, the President of the Senate, and the Speaker of
- 660 the House of Representatives if it determines that the primary
- 661 objectives cannot be achieved.
- 662 (d) The project management team shall work under the
- 663 direction of the executive steering committee and shall be
- 664 minimally comprised of senior managers and stakeholders from the
- 665 department and the Department of Revenue. The project management
- 666 team is responsible for:
- 667 1. Providing daily planning, management, and oversight of

577-02440A-12

20121416c1

668 the project.

669 2. Submitting an operational work plan and providing
670 quarterly updates to that plan to the executive steering
671 committee. The plan must specify project milestones,
672 deliverables, and expenditures.

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

675 a. Planned versus actual project costs;

676 b. An assessment of the status of major milestones and
677 deliverables;

678 c. Identification of any issues requiring resolution, the
679 proposed resolution for these issues, and information regarding
680 the status of the resolution;

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

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

684 All recommendations must be reviewed by project stakeholders
685 before submission to the executive steering committee in order
686 to ensure that the recommendations meet required acceptance
687 criteria.

688 Section 10. Paragraph (b) of subsection (8) of section
689 443.1116, Florida Statutes, is amended to read:

690 443.1116 Short-time compensation.—

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

693 (b) An individual who receives all of the short-time
694 compensation or combined reemployment assistance or unemployment
695 compensation and short-time compensation available in a benefit
696 year is considered an exhaustee for purposes of the extended

577-02440A-12

20121416c1

697 benefits program in s. 443.1115 and, if otherwise eligible under
698 those provisions, is eligible to receive extended benefits.

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

701 443.1215 Employers.—

702 (3) An employing unit that fails to keep the records of
703 employment required by this chapter and by the rules of the
704 Department of Economic Opportunity and the state agency
705 providing reemployment assistance ~~unemployment~~ tax collection
706 services is presumed to be an employer liable for the payment of
707 contributions under this chapter, regardless of the number of
708 individuals employed by the employing unit. However, the tax
709 collection service provider shall make written demand that the
710 employing unit keep and maintain required payroll records. The
711 demand must be made at least 6 months before assessing
712 contributions against an employing unit determined to be an
713 employer that is subject to this chapter solely by reason of
714 this subsection.

715 Section 12. Paragraphs (a) and (d) of subsection (1),
716 subsections (8) and (12), and paragraphs (f), (h), and (p) of
717 subsection (13) of section 443.1216, Florida Statutes, are
718 amended to read:

719 443.1216 Employment.—Employment, as defined in s. 443.036,
720 is subject to this chapter under the following conditions:

721 (1) (a) The employment subject to this chapter includes a
722 service performed, including a service performed in interstate
723 commerce, by:

724 1. An officer of a corporation.

725 2. An individual who, under the usual common-law rules

577-02440A-12

20121416c1

726 applicable in determining the employer-employee relationship, is
727 an employee. However, whenever a client, as defined in s.
728 443.036(18), which would otherwise be designated as an employing
729 unit has contracted with an employee leasing company to supply
730 it with workers, those workers are considered employees of the
731 employee leasing company. An employee leasing company may lease
732 corporate officers of the client to the client and other workers
733 to the client, except as prohibited by regulations of the
734 Internal Revenue Service. Employees of an employee leasing
735 company must be reported under the employee leasing company's
736 tax identification number and contribution rate for work
737 performed for the employee leasing company.

738 a. However, except for the internal employees of an
739 employee leasing company, each employee leasing company may make
740 a separate one-time election to report and pay contributions
741 under the tax identification number and contribution rate for
742 each client of the employee leasing company. Under the client
743 method, an employee leasing company choosing this option must
744 assign leased employees to the client company that is leasing
745 the employees. The client method is solely a method to report
746 and pay unemployment contributions and whichever method is
747 chosen, such election may not impact any other aspect of state
748 law. An employee leasing company that elects the client method
749 must pay contributions at the rates assigned to each client
750 company.

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

753 (II) The employee leasing company must notify the
754 Department of Revenue of its election by July 1, 2012, and such

577-02440A-12

20121416c1

755 election applies to reports and contributions for the first
756 quarter of the following calendar year. The notification must
757 include:

758 (A) A list of each client company and the unemployment
759 account number or, if one has not yet been issued, the federal
760 employment identification number, as established by the employee
761 leasing company upon the election to file by client method;

762 (B) A list of each client company's current and previous
763 employees and their respective social security numbers for the
764 prior 3 state fiscal years or, if the client company has not
765 been a client for the prior 3 state fiscal years, such portion
766 of the prior 3 state fiscal years that the client company has
767 been a client must be supplied;

768 (C) The wage data and benefit charges associated with each
769 client company for the prior 3 state fiscal years or, if the
770 client company has not been a client for the prior 3 state
771 fiscal years, such portion of the prior 3 state fiscal years
772 that the client company has been a client must be supplied. If
773 the client company's employment record is chargeable with
774 benefits for less than 8 calendar quarters while being a client
775 of the employee leasing company, the client company must pay
776 contributions at the initial rate of 2.7 percent; and

777 (D) The wage data and benefit charges for the prior 3 state
778 fiscal years that cannot be associated with a client company
779 must be reported and charged to the employee leasing company.

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

782 (IV) The employee leasing company shall file a Florida
783 Department of Revenue Employer's Quarterly Report for each

577-02440A-12

20121416c1

784 client company by approved electronic means, and pay all
785 contributions by approved electronic means.

786 (V) For the purposes of calculating experience rates when
787 the client method is chosen, each client's own benefit charges
788 and wage data experience while with the employee leasing company
789 determines each client's tax rate where the client has been a
790 client of the employee leasing company for at least 8 calendar
791 quarters before the election. The client company shall continue
792 to report the nonleased employees under its tax rate.

793 (VI) The election is binding on each client of the employee
794 leasing company, for as long as a written agreement is in effect
795 between the client and the employee leasing company pursuant to
796 s. 468.525(3)(a). If the relationship between the employee
797 leasing company and the client terminates, the client retains
798 the wage and benefit history experienced under the employee
799 leasing company.

800 (VII) Notwithstanding which election method the employee
801 leasing company chooses, the applicable client company is an
802 employing unit for purposes of s. 443.071. The employee leasing
803 company or any of its officers or agents are liable for any
804 violation of s. 443.071 engaged in by such persons or entities.
805 The applicable client company or any of its officers or agents
806 are liable for any violation of s. 443.071 engaged in by such
807 persons or entities. The employee leasing company or its
808 applicable client company are not liable for any violation of s.
809 443.071 engaged in by the other party or by the other party's
810 officers or agents.

811 (VIII) If an employee leasing company fails to select the
812 client method of reporting not later than July 1, 2012, the

577-02440A-12

20121416c1

813 entity is required to report under the employee leasing
814 company's tax identification number and contribution rate.

815 (IX) After an employee leasing company is licensed pursuant
816 to part XI of chapter 468, each newly licensed entity has 30
817 days after the date the license is granted to notify the tax
818 collection service provider in writing of their selection of the
819 client method. A newly licensed employee leasing company that
820 fails to timely select reporting pursuant to the client method
821 of reporting must report under the employee leasing company's
822 tax identification number and contribution rate.

823 (X) Irrespective of the election, each transfer of trade or
824 business, including workforce, or a portion thereof, between
825 employee leasing companies is subject to the provisions of s.
826 443.131(3)(g) if, at the time of the transfer, there is common
827 ownership, management, or control between the entities.

828 b.a. In addition to any other report required to be filed
829 by law, an employee leasing company shall submit a report to the
830 Labor Market Statistics Center within the Department of Economic
831 Opportunity which includes each client establishment and each
832 establishment of the ~~employee~~ leasing company, or as otherwise
833 directed by the department. The report must include the
834 following information for each establishment:

835 (I) The trade or establishment name;

836 (II) The former reemployment assistance ~~unemployment~~
837 ~~compensation~~ account number, if available;

838 (III) The former federal employer's identification number
839 ~~(FEIN)~~, if available;

840 (IV) The industry code recognized and published by the
841 United States Office of Management and Budget, if available;

577-02440A-12

20121416c1

842 (V) A description of the client's primary business activity
843 in order to verify or assign an industry code;

844 (VI) The address of the physical location;

845 (VII) The number of full-time and part-time employees who
846 worked during, or received pay that was subject to reemployment
847 assistance ~~unemployment compensation~~ taxes for, the pay period
848 including the 12th of the month for each month of the quarter;

849 (VIII) The total wages subject to reemployment assistance
850 ~~unemployment compensation~~ taxes paid during the calendar
851 quarter;

852 (IX) An internal identification code to uniquely identify
853 each establishment of each client;

854 (X) The month and year that the client entered into the
855 contract for services; and

856 (XI) The month and year that the client terminated the
857 contract for services.

858 ~~c.b.~~ The report must ~~shall~~ be submitted electronically or
859 in a manner otherwise prescribed by the Department of Economic
860 Opportunity in the format specified by the Bureau of Labor
861 Statistics of the United States Department of Labor for its
862 Multiple Worksite Report for Professional Employer
863 Organizations. The report must be provided quarterly to the
864 Labor Market Statistics Center within the department, or as
865 otherwise directed by the department, and must be filed by the
866 last day of the month immediately after ~~following~~ the end of the
867 calendar quarter. The information required in sub-sub-
868 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided
869 only in the quarter in which the contract to which it relates
870 was entered into or terminated. The sum of the employment data

577-02440A-12

20121416c1

871 and the sum of the wage data in this report must match the
872 employment and wages reported in the reemployment assistance
873 ~~unemployment compensation~~ quarterly tax and wage report. A
874 report is not required for any calendar quarter preceding the
875 third calendar quarter of 2010.

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

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

883 3. An individual other than an individual who is an
884 employee under subparagraph 1. or subparagraph 2., who performs
885 services for remuneration for any person:

886 a. As an agent-driver or commission-driver engaged in
887 distributing meat products, vegetable products, fruit products,
888 bakery products, beverages other than milk, or laundry or
889 drycleaning services for his or her principal.

890 b. As a traveling or city salesperson engaged on a full-
891 time basis in the solicitation on behalf of, and the
892 transmission to, his or her principal of orders from
893 wholesalers, retailers, contractors, or operators of hotels,
894 restaurants, or other similar establishments for merchandise for
895 resale or supplies for use in the ~~their~~ business operations.
896 This sub-subparagraph does not apply to an agent-driver or a
897 commission-driver and does not apply to sideline sales
898 activities performed on behalf of a person other than the
899 salesperson's principal.

577-02440A-12

20121416c1

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

902 a. The contract of service contemplates that substantially
903 all of the services are to be performed personally by the
904 individual;

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

908 c. The services are not in the nature of a single
909 transaction that is not part of a continuing relationship with
910 the person for whom the services are performed.

911 (d) If two or more related corporations concurrently employ
912 the same individual and compensate the individual through a
913 common paymaster, each related corporation is considered to have
914 paid wages to the individual only in the amounts actually
915 disbursed by that corporation to the individual and is not
916 considered to have paid the wages actually disbursed to the
917 individual by another of the related corporations. The
918 department and the state agency providing reemployment
919 assistance ~~unemployment~~ tax collection services may adopt rules
920 necessary to administer this paragraph.

921 1. As used in this paragraph, the term "common paymaster"
922 means a member of a group of related corporations that disburses
923 wages to concurrent employees on behalf of the related
924 corporations and that is responsible for keeping payroll records
925 for those concurrent employees. A common paymaster is not
926 required to disburse wages to all the employees of the related
927 corporations; however, this subparagraph does not apply to wages
928 of concurrent employees which are not disbursed through a common

577-02440A-12

20121416c1

929 paymaster. A common paymaster must pay concurrently employed
930 individuals under this subparagraph by one combined paycheck.

931 2. As used in this paragraph, the term "concurrent
932 employment" means the existence of simultaneous employment
933 relationships between an individual and related corporations.
934 Those relationships require the performance of services by the
935 employee for the benefit of the related corporations, including
936 the common paymaster, in exchange for wages that, if deductible
937 for the purposes of federal income tax, are deductible by the
938 related corporations.

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

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

946 b. In the case of a corporation that does not issue stock,
947 at least 50 percent of the members of the board of directors or
948 other governing body of one corporation are members of the board
949 of directors or other governing body of the other corporation or
950 the holders of at least 50 percent of the voting power to select
951 those members are concurrently the holders of at least 50
952 percent of the voting power to select those members of the other
953 corporation.

954 c. At least 50 percent of the officers of one corporation
955 are concurrently officers of the other corporation.

956 d. At least 30 percent of the employees of one corporation
957 are concurrently employees of the other corporation.

577-02440A-12

20121416c1

958 4. The common paymaster must report to the tax collection
959 service provider, as part of the reemployment assistance
960 ~~unemployment compensation~~ quarterly tax and wage report, the
961 state reemployment assistance ~~unemployment compensation~~ account
962 number and name of each related corporation for which concurrent
963 employees are being reported. Failure to timely report this
964 information shall result in the related corporations being
965 denied common paymaster status for that calendar quarter.

966 5. The common paymaster shall remit ~~also has the primary~~
967 ~~responsibility for remitting~~ contributions due under this
968 chapter for the wages it disburses as the common paymaster. The
969 common paymaster must compute these contributions as though it
970 were the sole employer of the concurrently employed individuals.
971 If a common paymaster fails to timely remit these contributions
972 or reports, in whole or in part, the common paymaster is ~~remains~~
973 liable for the full amount of the unpaid portion of these
974 contributions. In addition, each of the other related
975 corporations using the common paymaster is jointly and severally
976 liable for its appropriate share of these contributions. Each
977 related corporation's share equals the greater of:

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

980 b. The liability under this chapter which, notwithstanding
981 this section, would have existed for the wages from the other
982 related corporations, reduced by an allocable portion of any
983 contributions previously paid by the common paymaster for those
984 wages.

985 (8) Services not covered under paragraph (7) (b) which are
986 performed entirely outside of this state, and for which

577-02440A-12

20121416c1

987 contributions are not required or paid under a reemployment
988 assistance or an unemployment compensation law of any other
989 state or of the Federal Government, are deemed to be employment
990 subject to this chapter if the individual performing the
991 services is a resident of this state and the tax collection
992 service provider approves the election of the employing unit for
993 whom the services are performed, electing that the entire
994 service of the individual is deemed to be employment subject to
995 this chapter.

996 (12) The employment subject to this chapter includes
997 services covered by a reciprocal arrangement under s. 443.221
998 between the Department of Economic Opportunity or its tax
999 collection service provider and the agency charged with the
1000 administration of another state reemployment assistance or
1001 unemployment compensation law or a federal reemployment
1002 assistance or unemployment compensation law, under which all
1003 services performed by an individual for an employing unit are
1004 deemed to be performed entirely within this state, if the
1005 department or its tax collection service provider approved an
1006 election of the employing unit in which all of the services
1007 performed by the individual during the period covered by the
1008 election are deemed to be insured work.

1009 (13) The following are exempt from coverage under this
1010 chapter:

1011 (f) Service performed in the employ of a public employer as
1012 defined in s. 443.036, except as provided in subsection (2), and
1013 service performed in the employ of an instrumentality of a
1014 public employer as described in s. 443.036(36)(b) or (c)
1015 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is

577-02440A-12

20121416c1

1016 immune under the United States Constitution from the tax imposed
1017 by s. 3301 of the Internal Revenue Code for that service.

1018 (h) Service for which reemployment assistance ~~unemployment~~
1019 ~~compensation~~ is payable under a reemployment assistance or an
1020 unemployment compensation system established by the United
1021 States Congress, of which this chapter is not a part.

1022 (p) Service covered by an arrangement between the
1023 Department of Economic Opportunity, or its tax collection
1024 service provider, and the agency charged with the administration
1025 of another state or federal reemployment assistance or
1026 unemployment compensation law under which all services performed
1027 by an individual for an employing unit during the period covered
1028 by the employing unit's duly approved election is deemed to be
1029 performed entirely within the other agency's state or under the
1030 federal law.

1031 Section 13. Paragraph (a) and (f) of subsection (3) of
1032 section 443.131, Florida Statutes, are amended to read:

1033 443.131 Contributions.—

1034 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1035 EXPERIENCE.—

1036 (a) *Employment records.*—The regular and short-time
1037 compensation benefits paid to an eligible individual shall be
1038 charged to the employment record of each employer who paid the
1039 individual wages of at least \$100 during the individual's base
1040 period in proportion to the total wages paid by all employers
1041 who paid the individual wages during the individual's base
1042 period. Benefits may not be charged to the employment record of
1043 an employer who furnishes part-time work to an individual who,
1044 because of loss of employment with one or more other employers,

577-02440A-12

20121416c1

1045 is eligible for partial benefits while being furnished part-time
1046 work by the employer on substantially the same basis and in
1047 substantially the same amount as the individual's employment
1048 during his or her base period, regardless of whether this part-
1049 time work is simultaneous or successive to the individual's lost
1050 employment. Further, as provided in s. 443.151(3), benefits may
1051 not be charged to the employment record of an employer who
1052 furnishes the Department of Economic Opportunity with notice, as
1053 prescribed in rules of the department, that any of the following
1054 apply:

1055 1. If an individual leaves his or her work without good
1056 cause attributable to the employer or is discharged by the
1057 employer for misconduct connected with his or her work, benefits
1058 subsequently paid to the individual based on wages paid by the
1059 employer before the separation may not be charged to the
1060 employment record of the employer.

1061 2. If an individual is discharged by the employer for
1062 unsatisfactory performance during an initial employment
1063 probationary period, benefits subsequently paid to the
1064 individual based on wages paid during the probationary period by
1065 the employer before the separation may not be charged to the
1066 employer's employment record. As used in this subparagraph, the
1067 term "initial employment probationary period" means an
1068 established probationary plan that applies to all employees or a
1069 specific group of employees and that does not exceed 90 calendar
1070 days following the first day a new employee begins work. The
1071 employee must be informed of the probationary period within the
1072 first 7 days of work. The employer must demonstrate by
1073 conclusive evidence that the individual was separated because of

577-02440A-12

20121416c1

1074 unsatisfactory work performance and not because of lack of work
1075 due to temporary, seasonal, casual, or other similar employment
1076 that is not of a regular, permanent, and year-round nature.

1077 3. Benefits subsequently paid to an individual after his or
1078 her refusal without good cause to accept suitable work from an
1079 employer may not be charged to the employment record of the
1080 employer if any part of those benefits are based on wages paid
1081 by the employer before the individual's refusal to accept
1082 suitable work. As used in this subparagraph, the term "good
1083 cause" does not include distance to employment caused by a
1084 change of residence by the individual. The department shall
1085 adopt rules prescribing for the payment of all benefits whether
1086 this subparagraph applies regardless of whether a
1087 disqualification under s. 443.101 applies to the claim.

1088 4. If an individual is separated from work as a direct
1089 result of a natural disaster declared under the Robert T.
1090 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1091 ss. 5121 et seq., benefits subsequently paid to the individual
1092 based on wages paid by the employer before the separation may
1093 not be charged to the employment record of the employer.

1094 5. If an individual is separated from work as a direct
1095 result of an oil spill, terrorist attack, or other similar
1096 disaster of national significance not subject to a declaration
1097 under the Robert T. Stafford Disaster Relief and Emergency
1098 Assistance Act, benefits subsequently paid to the individual
1099 based on wages paid by the employer before the separation may
1100 not be charged to the employment record of the employer.

1101 (f) *Transfer of employment records.*—

1102 1. For the purposes of this subsection, two or more

577-02440A-12

20121416c1

1103 employers who are parties to a transfer of business or the
1104 subject of a merger, consolidation, or other form of
1105 reorganization, effecting a change in legal identity or form,
1106 are deemed a single employer and are considered to be one
1107 employer with a continuous employment record if the tax
1108 collection service provider finds that the successor employer
1109 continues to carry on the employing enterprises of all of the
1110 predecessor employers and that the successor employer has paid
1111 all contributions required of and due from all of the
1112 predecessor employers and has assumed liability for all
1113 contributions that may become due from all of the predecessor
1114 employers. In addition, an employer may not be considered a
1115 successor under this subparagraph if the employer purchases a
1116 company with a lower rate into which employees with job
1117 functions unrelated to the business endeavors of the predecessor
1118 are transferred for the purpose of acquiring the low rate and
1119 avoiding payment of contributions. As used in this paragraph,
1120 notwithstanding s. 443.036(14), the term "contributions" means
1121 all indebtedness to the tax collection service provider,
1122 including, but not limited to, interest, penalty, collection
1123 fee, and service fee. A successor employer must accept the
1124 transfer of all of the predecessor employers' employment records
1125 within 30 days after the date of the official notification of
1126 liability by succession. If a predecessor employer has unpaid
1127 contributions or outstanding quarterly reports, the successor
1128 employer must pay the total amount with certified funds within
1129 30 days after the date of the notice listing the total amount
1130 due. After the total indebtedness is paid, the tax collection
1131 service provider shall transfer the employment records of all of

577-02440A-12

20121416c1

1132 the predecessor employers to the successor employer's employment
1133 record. The tax collection service provider shall determine the
1134 contribution rate of the combined successor and predecessor
1135 employers upon the transfer of the employment records, as
1136 prescribed by rule, in order to calculate any change in the
1137 contribution rate resulting from the transfer of the employment
1138 records.

1139 2. Regardless of whether a predecessor employer's
1140 employment record is transferred to a successor employer under
1141 this paragraph, the tax collection service provider shall treat
1142 the predecessor employer, if he or she subsequently employs
1143 individuals, as an employer without a previous employment record
1144 or, if his or her coverage is terminated under s. 443.121, as a
1145 new employing unit.

1146 3. The state agency providing reemployment assistance
1147 ~~unemployment~~ tax collection services may adopt rules governing
1148 the partial transfer of experience rating when an employer
1149 transfers an identifiable and segregable portion of his or her
1150 payrolls and business to a successor employing unit. As a
1151 condition of each partial transfer, these rules must require the
1152 following to be filed with the tax collection service provider:
1153 an application by the successor employing unit, an agreement by
1154 the predecessor employer, and the evidence required by the tax
1155 collection service provider to show the benefit experience and
1156 payrolls attributable to the transferred portion through the
1157 date of the transfer. These rules must provide that the
1158 successor employing unit, if not an employer subject to this
1159 chapter, becomes an employer as of the date of the transfer and
1160 that the transferred portion of the predecessor employer's

577-02440A-12

20121416c1

1161 employment record is removed from the employment record of the
1162 predecessor employer. For each calendar year after the date of
1163 the transfer of the employment record in the records of the tax
1164 collection service provider, the service provider shall compute
1165 the contribution rate payable by the successor employer or
1166 employing unit based on his or her employment record, combined
1167 with the transferred portion of the predecessor employer's
1168 employment record. These rules may also prescribe what
1169 contribution rates are payable by the predecessor and successor
1170 employers for the period between the date of the transfer of the
1171 transferred portion of the predecessor employer's employment
1172 record in the records of the tax collection service provider and
1173 the first day of the next calendar year.

1174 4. This paragraph does not apply to an employee leasing
1175 company and client contractual agreement as defined in s.
1176 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1177 collection service provider shall, if the contractual agreement
1178 is terminated or the employee leasing company fails to submit
1179 reports or pay contributions as required by the service
1180 provider, treat the client as a new employer without previous
1181 employment record unless the client is otherwise eligible for a
1182 variation from the standard rate.

1183 Section 14. Paragraph (d) of subsection (2) of section
1184 443.1312, Florida Statutes, is amended to read:

1185 443.1312 Reimbursements; nonprofit organizations.—Benefits
1186 paid to employees of nonprofit organizations shall be financed
1187 in accordance with this section.

1188 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
1189 REIMBURSEMENT.—A nonprofit organization that is, or becomes,

577-02440A-12

20121416c1

1190 subject to this chapter under s. 443.1215(1)(c) or s.
1191 443.121(3)(a) must pay contributions under s. 443.131 unless it
1192 elects, in accordance with this subsection, to reimburse the
1193 Unemployment Compensation Trust Fund for all of the regular
1194 benefits, short-time compensation benefits, and one-half of the
1195 extended benefits paid, which are attributable to service in the
1196 employ of the nonprofit organization, to individuals for weeks
1197 of unemployment which begin during the effective period of the
1198 election.

1199 (d) In accordance with rules adopted by the Department of
1200 Economic Opportunity or the state agency providing reemployment
1201 assistance ~~unemployment~~ tax collection services, the tax
1202 collection service provider shall notify each nonprofit
1203 organization of any determination of the organization's status
1204 as an employer, the effective date of any election the
1205 organization makes, and the effective date of any termination of
1206 the election. Each determination is subject to reconsideration,
1207 appeal, and review under s. 443.141(2)(c).

1208 Section 15. Subsection (3) and paragraph (a) of subsection
1209 (4) of section 443.1313, Florida Statutes, are amended to read:

1210 443.1313 Public employers; reimbursements; election to pay
1211 contributions.—Benefits paid to employees of a public employer,
1212 as defined in s. 443.036, based on service described in s.
1213 443.1216(2) shall be financed in accordance with this section.

1214 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1215 or contributing employer under this section, a public employer
1216 may not change this election for at least 2 calendar years. This
1217 subsection does not prevent a public employer subject to this
1218 subsection from changing its election after completing 2

577-02440A-12

20121416c1

1219 calendar years under another financing method if the new
 1220 election is timely filed. The state agency providing
 1221 reemployment assistance ~~unemployment~~ tax collection services may
 1222 adopt rules prescribing procedures for changing methods of
 1223 reporting.

1224 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
 1225 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1226 (a) There is established within the Unemployment
 1227 Compensation Trust Fund a Public Employers Reemployment
 1228 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
 1229 be maintained as a separate account within the trust fund. All
 1230 benefits paid to the employees of a public employer that elects
 1231 to become a contributing employer under paragraph (b) must be
 1232 charged to the Public Employers Unemployment Compensation
 1233 Benefit Account.

1234 Section 16. Subsection (7) of section 443.1315, Florida
 1235 Statutes, is amended to read:

1236 443.1315 Treatment of Indian tribes.—

1237 (7) The Department of Economic Opportunity and the state
 1238 agency providing reemployment assistance ~~unemployment~~ tax
 1239 collection services shall adopt rules necessary to administer
 1240 this section.

1241 Section 17. Section 443.1316, Florida Statutes, is amended
 1242 to read:

1243 443.1316 Reemployment assistance ~~Unemployment~~ tax
 1244 collection services; interagency agreement.—

1245 (1) The Department of Economic Opportunity shall contract
 1246 with the Department of Revenue, through an interagency
 1247 agreement, to perform the duties of the tax collection service

577-02440A-12

20121416c1

1248 provider and provide other reemployment assistance ~~unemployment~~
1249 tax collection services under this chapter. Under the
1250 interagency agreement, the tax collection service provider may
1251 only implement:

1252 (a) The provisions of this chapter conferring duties upon
1253 the tax collection service provider.

1254 (b) The provisions of law conferring duties upon the
1255 department which are specifically delegated to the tax
1256 collection service provider in the interagency agreement.

1257 (2) (a) The Department of Revenue is considered to be
1258 administering a revenue law of this state when the department
1259 implements this chapter, or otherwise provides reemployment
1260 assistance ~~unemployment~~ tax collection services, under contract
1261 with the department through the interagency agreement.

1262 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1263 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
1264 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
1265 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
1266 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
1267 213.757 apply to the collection of reemployment assistance
1268 ~~unemployment~~ contributions and reimbursements by the Department
1269 of Revenue unless prohibited by federal law.

1270 Section 18. Paragraph (a) of subsection (1) and subsections
1271 (2) and (3) of section 443.1317, Florida Statutes, are amended
1272 to read:

1273 443.1317 Rulemaking authority; enforcement of rules.—

1274 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1275 (a) Except as otherwise provided in s. 443.012, the
1276 Department of Economic Opportunity has ultimate authority over

577-02440A-12

20121416c1

1277 the administration of the Reemployment Assistance ~~Unemployment~~
1278 ~~Compensation~~ Program.

1279 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
1280 providing reemployment assistance ~~unemployment~~ tax collection
1281 services under contract with the Department of Economic
1282 Opportunity through an interagency agreement pursuant to s.
1283 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
1284 subject to approval by the department, to administer the
1285 provisions of law described in s. 443.1316(1) (a) and (b) which
1286 are within this chapter. These rules must not conflict with the
1287 rules adopted by the department or with the interagency
1288 agreement.

1289 (3) ENFORCEMENT OF RULES.—The Department of Economic
1290 Opportunity may enforce any rule adopted by the state agency
1291 providing reemployment assistance ~~unemployment~~ tax collection
1292 services to administer this chapter. The tax collection service
1293 provider may enforce any rule adopted by the department to
1294 administer the provisions of law described in s. 443.1316(1) (a)
1295 and (b).

1296 Section 19. Paragraphs (b) and (g) of subsection (1),
1297 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
1298 subsection (4) of section 443.141, Florida Statutes, are amended
1299 to read:

1300 443.141 Collection of contributions and reimbursements.—

1301 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1302 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1303 (b) *Penalty for delinquent, erroneous, incomplete, or*
1304 *insufficient reports.*—

1305 1. An employing unit that fails to file any report required

577-02440A-12

20121416c1

1306 by the Department of Economic Opportunity or its tax collection
1307 service provider, in accordance with rules for administering
1308 this chapter, shall pay to the service provider for each
1309 delinquent report the sum of \$25 for each 30 days or fraction
1310 thereof that the employing unit is delinquent, unless the
1311 department ~~agency~~ or its service provider, whichever required
1312 the report, finds that the employing unit has good reason for
1313 failing to file the report. The department or its service
1314 provider may assess penalties only through the date of the
1315 issuance of the final assessment notice. However, additional
1316 penalties accrue if the delinquent report is subsequently filed.

1317 2.a. An employing unit that files an erroneous, incomplete,
1318 or insufficient report with the department or its tax collection
1319 service provider shall pay a penalty. The amount of the penalty
1320 is \$50 or 10 percent of any tax due, whichever is greater, but
1321 no more than \$300 per report. The penalty shall be added to any
1322 tax, penalty, or interest otherwise due.

1323 b. The department or its tax collection service provider
1324 shall waive the penalty if the employing unit files an accurate,
1325 complete, and sufficient report within 30 days after a penalty
1326 notice is issued to the employing unit. The penalty may not be
1327 waived pursuant to this subparagraph more than one time during a
1328 12-month period.

1329 c. As used in this subsection, the term "erroneous,
1330 incomplete, or insufficient report" means a report so lacking in
1331 information, completeness, or arrangement that the report cannot
1332 be readily understood, verified, or reviewed. Such reports
1333 include, but are not limited to, reports having missing wage or
1334 employee information, missing or incorrect social security

577-02440A-12

20121416c1

1335 numbers, or illegible entries; reports submitted in a format
1336 that is not approved by the department or its tax collection
1337 service provider; and reports showing gross wages that do not
1338 equal the total of the wages of each employee. However, the term
1339 does not include a report that merely contains inaccurate data
1340 that was supplied to the employer by the employee, if the
1341 employer was unaware of the inaccuracy.

1342 3. Penalties imposed pursuant to this paragraph shall be
1343 deposited in the Special Employment Security Administration
1344 Trust Fund.

1345 4. The penalty and interest for a delinquent, erroneous,
1346 incomplete, or insufficient report may be waived if the penalty
1347 or interest is inequitable. The provisions of s. 213.24(1) apply
1348 to any penalty or interest that is imposed under this section.

1349 (g) *Adoption of rules.*—The department and the state agency
1350 providing reemployment assistance ~~unemployment~~ tax collection
1351 services may adopt rules to administer this subsection.

1352 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1353 (c) *Appeals.*—The department and the state agency providing
1354 reemployment assistance ~~unemployment~~ tax collection services
1355 shall adopt rules prescribing the procedures for an employing
1356 unit determined to be an employer to file an appeal and be
1357 afforded an opportunity for a hearing on the determination.
1358 Pending a hearing, the employing unit must file reports and pay
1359 contributions in accordance with s. 443.131.

1360 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
1361 CONTRIBUTIONS AND REIMBURSEMENTS.—

1362 (c) Any agent or employee designated by the Department of
1363 Economic Opportunity or its tax collection service provider may

577-02440A-12

20121416c1

1364 administer an oath to any person for any return or report
1365 required by this chapter or by the rules of the department or
1366 the state agency providing reemployment assistance ~~unemployment~~
1367 tax collection services, and an oath made before the department
1368 or its service provider or any authorized agent or employee has
1369 the same effect as an oath made before any judicial officer or
1370 notary public of the state.

1371 (e) The tax collection service provider may commence an
1372 action in any other state to collect reemployment assistance
1373 ~~unemployment compensation~~ contributions, reimbursements,
1374 penalties, and interest legally due this state. The officials of
1375 other states that extend a like comity to this state may sue for
1376 the collection of contributions, reimbursements, interest, and
1377 penalties in the courts of this state. The courts of this state
1378 shall recognize and enforce liability for contributions,
1379 reimbursements, interest, and penalties imposed by other states
1380 that extend a like comity to this state.

1381 Section 20. Paragraph (b) of subsection (1), paragraph (b)
1382 of subsection (2), paragraph (c) of subsection (3), and
1383 paragraphs (a) and (b) of subsection (6) of section 443.151,
1384 Florida Statutes, are amended to read:

1385 443.151 Procedure concerning claims.—

1386 (1) POSTING OF INFORMATION.—

1387 (b)1. The department shall advise each individual filing a
1388 new claim for reemployment assistance ~~unemployment compensation~~,
1389 at the time of filing the claim, that:

1390 a. Reemployment assistance ~~unemployment compensation~~ is
1391 subject to federal income tax.

1392 b. Requirements exist pertaining to estimated tax payments.

577-02440A-12

20121416c1

1393 c. The individual may elect to have federal income tax
1394 deducted and withheld from the individual's payment of
1395 reemployment assistance ~~unemployment compensation~~ at the amount
1396 specified in the federal Internal Revenue Code.

1397 d. The individual is not permitted to change a previously
1398 elected withholding status more than twice per calendar year.

1399 2. Amounts deducted and withheld from reemployment
1400 assistance ~~unemployment compensation~~ must remain in the
1401 Unemployment Compensation Trust Fund until transferred to the
1402 federal taxing authority as payment of income tax.

1403 3. The department shall follow all procedures specified by
1404 the United States Department of Labor and the federal Internal
1405 Revenue Service pertaining to the deducting and withholding of
1406 income tax.

1407 4. If more than one authorized request for deduction and
1408 withholding is made, amounts must be deducted and withheld in
1409 accordance with the following priorities:

1410 a. Reemployment assistance ~~Unemployment~~ overpayments have
1411 first priority;

1412 b. Child support payments have second priority; and

1413 c. Withholding under this subsection has third priority.

1414 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1415 CLAIMANTS AND EMPLOYERS.—

1416 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
1417 ~~Compensation~~ Claims and Benefits Information System described in
1418 s. 443.1113 is fully operational, the process for filing claims
1419 must incorporate the process for registering for work with the
1420 workforce information systems established pursuant to s.
1421 445.011. A claim for benefits may not be processed until the

577-02440A-12

20121416c1

1422 work registration requirement is satisfied. The department may
1423 adopt rules as necessary to administer the work registration
1424 requirement set forth in this paragraph.

1425 (3) DETERMINATION OF ELIGIBILITY.—

1426 (c) *Nonmonetary determinations.*—If the department receives
1427 information that may result in a denial of benefits, the
1428 department must complete an investigation of the claim required
1429 by subsection (2) and provide notice of a nonmonetary
1430 determination to the claimant and the employer from whom the
1431 claimant's reason for separation affects his or her entitlement
1432 to benefits. The determination must state the reason for the
1433 determination and whether the reemployment assistance
1434 ~~unemployment~~ tax account of the contributing employer is charged
1435 for benefits paid on the claim. The nonmonetary determination is
1436 final unless within 20 days after the mailing of the notices to
1437 the parties' last known addresses, or in lieu of mailing, within
1438 20 days after the delivery of the notices, an appeal or written
1439 request for reconsideration is filed by the claimant or other
1440 party entitled to notice. The department may adopt rules as
1441 necessary to implement the processes described in this paragraph
1442 relating to notices of nonmonetary determination and the appeals
1443 or reconsideration requests filed in response to such notices,
1444 and may adopt rules prescribing the manner and procedure by
1445 which employers within the base period of a claimant become
1446 entitled to notice of nonmonetary determination.

1447 (6) RECOVERY AND RECOUPMENT.—

1448 (a) Any person who, by reason of her or his fraud, receives
1449 benefits under this chapter to which she or he is not entitled
1450 is liable for repaying those benefits to the Department of

577-02440A-12

20121416c1

1451 Economic Opportunity on behalf of the trust fund or, in the
1452 discretion of the department, to have those benefits deducted
1453 from future benefits payable to her or him under this chapter.
1454 To enforce this paragraph, the department must find the
1455 existence of fraud through a redetermination or decision under
1456 this section within 2 years after the fraud was committed. Any
1457 recovery or recoupment of benefits must be commenced ~~effected~~
1458 within 7 ~~5~~ years after the redetermination or decision.

1459 (b) Any person who, by reason other than her or his fraud,
1460 receives benefits under this chapter to which, under a
1461 redetermination or decision pursuant to this section, she or he
1462 is not entitled, is liable for repaying those benefits to the
1463 department on behalf of the trust fund or, in the discretion of
1464 the department, to have those benefits deducted from any future
1465 benefits payable to her or him under this chapter. Any recovery
1466 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
1467 years after the redetermination or decision.

1468 Section 21. Subsection (1) and paragraph (c) of subsection
1469 (3) of section 443.163, Florida Statutes, are amended to read:

1470 443.163 Electronic reporting and remitting of contributions
1471 and reimbursements.—

1472 (1) An employer may file any report and remit any
1473 contributions or reimbursements required under this chapter by
1474 electronic means. The Department of Economic Opportunity or the
1475 state agency providing reemployment assistance ~~unemployment~~ tax
1476 collection services shall adopt rules prescribing the format and
1477 instructions necessary for electronically filing reports and
1478 remitting contributions and reimbursements to ensure a full
1479 collection of contributions and reimbursements due. The

577-02440A-12

20121416c1

1480 acceptable method of transfer, the method, form, and content of
1481 the electronic means, and the method, if any, by which the
1482 employer will be provided with an acknowledgment shall be
1483 prescribed by the department or its tax collection service
1484 provider. However, any employer who employed 10 or more
1485 employees in any quarter during the preceding state fiscal year
1486 must file the Employers Quarterly Reports (UCT-6) for the
1487 current calendar year and remit the contributions and
1488 reimbursements due by electronic means approved by the tax
1489 collection service provider. A person who prepared and reported
1490 for 100 or more employers in any quarter during the preceding
1491 state fiscal year must file the Employers Quarterly Reports
1492 (UCT-6) for each calendar quarter in the current calendar year,
1493 beginning with reports due for the second calendar quarter of
1494 2003, by electronic means approved by the tax collection service
1495 provider.

1496 (3) The tax collection service provider may waive the
1497 requirement to file an Employers Quarterly Report (UCT-6) by
1498 electronic means for employers that are unable to comply despite
1499 good faith efforts or due to circumstances beyond the employer's
1500 reasonable control.

1501 (c) The department or the state agency providing
1502 reemployment assistance ~~unemployment~~ tax collection services may
1503 establish by rule the length of time a waiver is valid and may
1504 determine whether subsequent waivers will be authorized, based
1505 on this subsection.

1506 Section 22. Subsections (2) and (5) and paragraphs (a) and
1507 (c) of subsection (9) of section 443.171, Florida Statutes, are
1508 amended to read:

577-02440A-12

20121416c1

1509 443.171 Department of Economic Opportunity and commission;
1510 powers and duties; records and reports; proceedings; state-
1511 federal cooperation.—

1512 (2) PUBLICATION OF ACTS AND RULES.—The Department of
1513 Economic Opportunity shall cause to be printed and distributed
1514 to the public, or otherwise distributed to the public through
1515 the Internet or similar electronic means, the text of this
1516 chapter and of the rules for administering this chapter adopted
1517 by the department or the state agency providing reemployment
1518 assistance ~~unemployment~~ tax collection services and any other
1519 matter relevant and suitable. The department shall furnish this
1520 information to any person upon request. However, any pamphlet,
1521 rules, circulars, or reports required by this chapter may not
1522 contain any matter except the actual data necessary to complete
1523 them or the actual language of the rule, together with the
1524 proper notices.

1525 (5) RECORDS AND REPORTS.—Each employing unit shall keep
1526 true and accurate work records, containing the information
1527 required by the Department of Economic Opportunity or its tax
1528 collection service provider. These records must be open to
1529 inspection and are subject to being copied by the department or
1530 its tax collection service provider at any reasonable time and
1531 as often as necessary. The department or its tax collection
1532 service provider may require from any employing unit any sworn
1533 or unsworn reports, for persons employed by the employing unit,
1534 necessary for the effective administration of this chapter.
1535 However, a state or local governmental agency performing
1536 intelligence or counterintelligence functions need not report an
1537 employee if the head of that agency determines that reporting

577-02440A-12

20121416c1

1538 the employee could endanger the safety of the employee or
1539 compromise an ongoing investigation or intelligence mission.
1540 ~~Information revealing the employing unit's or individual's~~
1541 ~~identity obtained from the employing unit or from any individual~~
1542 ~~through the administration of this chapter, is, except to the~~
1543 ~~extent necessary for the proper presentation of a claim or upon~~
1544 ~~written authorization of the claimant who has a workers'~~
1545 ~~compensation claim pending, confidential and exempt from s.~~
1546 ~~119.07(1). This confidential information is available only to~~
1547 ~~public employees in the performance of their public duties. Any~~
1548 ~~claimant, or the claimant's legal representative, at a hearing~~
1549 ~~before an appeals referee or the commission must be supplied~~
1550 ~~with information from these records to the extent necessary for~~
1551 ~~the proper presentation of her or his claim. Any employee or~~
1552 ~~member of the commission, any employee of the department or its~~
1553 ~~tax collection service provider, or any other person receiving~~
1554 ~~confidential information who violates this subsection commits a~~
1555 ~~misdemeanor of the second degree, punishable as provided in s.~~
1556 ~~775.082 or s. 775.083. However, the department or its tax~~
1557 ~~collection service provider may furnish to any employer copies~~
1558 ~~of any report previously submitted by that employer, upon the~~
1559 ~~request of the employer. The department or its tax collection~~
1560 ~~service provider may charge a reasonable fee for copies of~~
1561 ~~reports, which may not exceed the actual reasonable cost of the~~
1562 ~~preparation of the copies as prescribed by rules adopted by the~~
1563 ~~department or the state agency providing tax collection~~
1564 ~~services. Fees received by the department or its tax collection~~
1565 ~~service provider for copies furnished under this subsection must~~
1566 ~~be deposited in the Employment Security Administration Trust~~

577-02440A-12

20121416c1

1567 ~~Fund.~~

1568 (9) STATE-FEDERAL COOPERATION.—

1569 (a)1. In the administration of this chapter, the Department
1570 of Economic Opportunity and its tax collection service provider
1571 shall cooperate with the United States Department of Labor to
1572 the fullest extent consistent with this chapter and shall take
1573 those actions, through the adoption of appropriate rules,
1574 administrative methods, and standards, necessary to secure for
1575 this state all advantages available under the provisions of
1576 federal law relating to reemployment assistance ~~unemployment~~
1577 ~~compensation~~.

1578 2. In the administration of the provisions in s. 443.1115,
1579 which are enacted to conform with the Federal-State Extended
1580 Unemployment Compensation Act of 1970, the department shall take
1581 those actions necessary to ensure that those provisions are
1582 interpreted and applied to meet the requirements of the federal
1583 act as interpreted by the United States Department of Labor and
1584 to secure for this state the full reimbursement of the federal
1585 share of extended benefits paid under this chapter which is
1586 reimbursable under the federal act.

1587 3. The department and its tax collection service provider
1588 shall comply with the regulations of the United States
1589 Department of Labor relating to the receipt or expenditure by
1590 this state of funds granted under federal law; shall submit the
1591 reports in the form and containing the information the United
1592 States Department of Labor requires; and shall comply with
1593 directions of the United States Department of Labor necessary to
1594 assure the correctness and verification of these reports.

1595 (c) The department and its tax collection service provider

577-02440A-12

20121416c1

1596 shall cooperate with the agencies of other states, and shall
1597 make every proper effort within their means, to oppose and
1598 prevent any further action leading to the complete or
1599 substantial federalization of state reemployment assistance
1600 ~~unemployment compensation~~ funds or state employment security
1601 programs. The department and its tax collection service provider
1602 may make, and may cooperate with other appropriate agencies in
1603 making, studies as to the practicability and probable cost of
1604 possible new state-administered social security programs and the
1605 relative desirability of state, rather than federal, action in
1606 that field of study.

1607 Section 23. Subsections (1) and (2) of section 443.1715,
1608 Florida Statutes, are amended to read:

1609 443.1715 Disclosure of information; confidentiality.-

1610 (1) RECORDS AND REPORTS.-Information revealing an employing
1611 unit's or individual's identity obtained from the employing unit
1612 or any individual under the administration of this chapter, and
1613 any determination revealing that information, ~~except to the~~
1614 ~~extent necessary for the proper presentation of a claim or upon~~
1615 ~~written authorization of the claimant who has a workers'~~
1616 ~~compensation claim pending or is receiving compensation~~
1617 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1618 24(a), Art. I of the State Constitution. This confidential
1619 information may be released in accordance with the provisions in
1620 20 C.F.R. part 603 ~~only to public employees in the performance~~
1621 ~~of their public duties. Except as otherwise provided by law,~~
1622 ~~public employees receiving this confidential information must~~
1623 ~~maintain the confidentiality of the information. Any claimant,~~
1624 ~~or the claimant's legal representative, at a hearing before an~~

577-02440A-12

20121416c1

1625 ~~appeals referee or the commission is entitled to information~~
1626 ~~from these records to the extent necessary for the proper~~
1627 ~~presentation of her or his claim. A person receiving~~
1628 ~~confidential information who violates this subsection commits a~~
1629 ~~misdemeanor of the second degree, punishable as provided in s.~~
1630 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
1631 its tax collection service provider may, however, furnish to any
1632 employer copies of any report submitted by that employer upon
1633 the request of the employer and may furnish to any claimant
1634 copies of any report submitted by that claimant upon the request
1635 of the claimant. The department or its tax collection service
1636 provider may charge a reasonable fee for copies of these reports
1637 as prescribed by rule, which may not exceed the actual
1638 reasonable cost of the preparation of the copies. Fees received
1639 for copies under this subsection must be deposited in the
1640 Employment Security Administration Trust Fund.

1641 (2) DISCLOSURE OF INFORMATION.—

1642 (a) Subject to restrictions the Department of Economic
1643 Opportunity or the state agency providing reemployment
1644 assistance ~~unemployment~~ tax collection services adopts by rule,
1645 information declared confidential under this section is
1646 available to any agency of this or any other state, or any
1647 federal agency, charged with the administration of any
1648 reemployment assistance or unemployment compensation law or the
1649 maintenance of the one-stop delivery system, or the Bureau of
1650 Internal Revenue of the United States Department of the
1651 Treasury, or the Florida Department of Revenue. Information
1652 obtained in connection with the administration of the one-stop
1653 delivery system may be made available to persons or agencies for

577-02440A-12

20121416c1

1654 purposes appropriate to the operation of a public employment
1655 service or a job-preparatory or career education or training
1656 program. The department shall, on a quarterly basis, furnish the
1657 National Directory of New Hires with information concerning the
1658 wages and reemployment assistance ~~unemployment~~ benefits paid to
1659 individuals, by the dates, in the format, and containing the
1660 information specified in the regulations of the United States
1661 Secretary of Health and Human Services. Upon request, the
1662 department shall furnish any agency of the United States charged
1663 with the administration of public works or assistance through
1664 public employment, and may furnish to any state agency similarly
1665 charged, the name, address, ordinary occupation, and employment
1666 status of each recipient of benefits and the recipient's rights
1667 to further benefits under this chapter. Except as otherwise
1668 provided by law, the receiving agency must retain the
1669 confidentiality of this information as provided in this section.
1670 The tax collection service provider may request the Comptroller
1671 of the Currency of the United States to examine the correctness
1672 of any return or report of any national banking association
1673 rendered under this chapter and may in connection with that
1674 request transmit any report or return for examination to the
1675 Comptroller of the Currency of the United States as provided in
1676 s. 3305(c) of the federal Internal Revenue Code.

1677 (b) The employer or the employer's workers' compensation
1678 carrier against whom a claim for benefits under chapter 440 has
1679 been made, or a representative of either, may request from the
1680 department records of wages of the employee reported to the
1681 department by any employer for the quarter that includes the
1682 date of the accident that is the subject of such claim and for

577-02440A-12

20121416c1

1683 subsequent quarters.

1684 1. The request must be made with the authorization or
1685 consent of the employee or any employer who paid wages to the
1686 employee after the date of the accident.

1687 2. The employer or carrier shall make the request on a form
1688 prescribed by rule for such purpose by the department ~~agency~~.
1689 Such form shall contain a certification by the requesting party
1690 that it is a party entitled to the information requested.

1691 3. The department shall provide the most current
1692 information readily available within 15 days after receiving the
1693 request.

1694 Section 24. Subsections (1), (4), (5), (6), and (7) and
1695 paragraph (c) of subsection (2) of section 443.17161, Florida
1696 Statutes, are amended to read:

1697 443.17161 Authorized electronic access to employer
1698 information.—

1699 (1) Notwithstanding any other provision of this chapter,
1700 the Department of Economic Opportunity Agency for Workforce
1701 ~~Innovation~~ shall contract with one or more consumer reporting
1702 agencies to provide users with secured electronic access to
1703 employer-provided information relating to the quarterly wages
1704 report submitted in accordance with the state's reemployment
1705 assistance ~~unemployment compensation~~ law. The access is limited
1706 to the wage reports for the appropriate amount of time for the
1707 purpose the information is requested.

1708 (2) Users must obtain consent in writing or by electronic
1709 signature from an applicant for credit, employment, or other
1710 permitted purposes. Any written or electronic signature consent
1711 from an applicant must be signed and must include the following:

577-02440A-12

20121416c1

1712 (c) Notice that the files of the Department of Economic
1713 Opportunity Agency for Workforce Innovation or its tax
1714 collection service provider containing information concerning
1715 wage and employment history which is submitted by the applicant
1716 or his or her employers may be accessed; and

1717 (4) If a consumer reporting agency or user violates this
1718 section, the Department of Economic Opportunity Agency for
1719 Workforce Innovation shall, upon 30 days' written notice to the
1720 consumer reporting agency, terminate the contract established
1721 between the department Agency for Workforce Innovation and the
1722 consumer reporting agency or require the consumer reporting
1723 agency to terminate the contract established between the
1724 consumer reporting agency and the user under this section.

1725 (5) The Department of Economic Opportunity Agency for
1726 Workforce Innovation shall establish minimum audit, security,
1727 net worth, and liability insurance standards, technical
1728 requirements, and any other terms and conditions considered
1729 necessary in the discretion of the state agency to safeguard the
1730 confidentiality of the information released under this section
1731 and to otherwise serve the public interest. The department
1732 Agency for Workforce Innovation shall also include, in
1733 coordination with any necessary state agencies, necessary audit
1734 procedures to ensure that these rules are followed.

1735 (6) In contracting with one or more consumer reporting
1736 agencies under this section, any revenues generated by the
1737 contract must be used to pay the entire cost of providing access
1738 to the information. Further, in accordance with federal
1739 regulations, any additional revenues generated by the Department
1740 of Economic Opportunity Agency for Workforce Innovation or the

577-02440A-12

20121416c1

1741 state under this section must be paid into the Administrative
1742 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
1743 the administration of the unemployment compensation system or be
1744 used as program income.

1745 (7) The Department of Economic Opportunity ~~Agency for~~
1746 ~~Workforce Innovation~~ may not provide wage and employment history
1747 information to any consumer reporting agency before the consumer
1748 reporting agency or agencies under contract with the department
1749 ~~Agency for Workforce Innovation~~ pay all development and other
1750 startup costs incurred by the state in connection with the
1751 design, installation, and administration of technological
1752 systems and procedures for the electronic access program.

1753 Section 25. Subsection (2) of section 443.181, Florida
1754 Statutes, is amended to read:

1755 443.181 Public employment service.—

1756 (2) All funds received by this state under 29 U.S.C. ss.
1757 49-491-1 must be paid into the Employment Security
1758 Administration Trust Fund, and these funds are available to the
1759 Department of Economic Opportunity for expenditure as provided
1760 by this chapter or by federal law. For the purpose of
1761 establishing and maintaining one-stop career centers, the
1762 department may enter into agreements with the Railroad
1763 Retirement Board or any other agency of the United States
1764 charged with the administration of a reemployment assistance or
1765 ~~an~~ unemployment compensation law, with any political subdivision
1766 of this state, or with any private, nonprofit organization. As a
1767 part of any such agreement, the department may accept moneys,
1768 services, or quarters as a contribution to the Employment
1769 Security Administration Trust Fund.

577-02440A-12

20121416c1

1770 Section 26. Subsection (6) of section 443.191, Florida
1771 Statutes, is amended to read:

1772 443.191 Unemployment Compensation Trust Fund; establishment
1773 and control.—

1774 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
1775 Compensation Trust Fund is the sole and exclusive source for
1776 paying reemployment assistance ~~unemployment~~ benefits, and these
1777 benefits are due and payable only to the extent that
1778 contributions or reimbursements, with increments thereon,
1779 actually collected and credited to the fund and not otherwise
1780 appropriated or allocated, are available for payment. The state
1781 shall administer the fund without any liability on the part of
1782 the state beyond the amount of moneys received from the United
1783 States Department of Labor or other federal agency.

1784 Section 27. Paragraphs (b), (c), and (d) of subsection (1)
1785 and subsections (3) and (4) of section 443.221, Florida
1786 Statutes, are amended to read:

1787 443.221 Reciprocal arrangements.—

1788 (1)

1789 (b) For services to be considered as performed within a
1790 state under a reciprocal agreement, the employing unit must have
1791 an election in effect for those services, which is approved by
1792 the agency charged with the administration of such state's
1793 reemployment assistance or unemployment compensation law, under
1794 which all the services performed by the individual for the
1795 employing unit are deemed to be performed entirely within that
1796 state.

1797 (c) The department shall participate in any arrangements
1798 for the payment of compensation on the basis of combining an

577-02440A-12

20121416c1

1799 individual's wages and employment covered under this chapter
1800 with her or his wages and employment covered under the
1801 reemployment assistance or unemployment compensation laws of
1802 other states, which are approved by the United States Secretary
1803 of Labor, in consultation with the state reemployment assistance
1804 or unemployment compensation agencies, as reasonably calculated
1805 to assure the prompt and full payment of compensation in those
1806 situations and which include provisions for:

1807 1. Applying the base period of a single state law to a
1808 claim involving the combining of an individual's wages and
1809 employment covered under two or more state reemployment
1810 assistance or unemployment compensation laws; and

1811 2. Avoiding the duplicate use of wages and employment
1812 because of the combination.

1813 (d) Contributions or reimbursements due under this chapter
1814 with respect to wages for insured work are, for the purposes of
1815 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1816 to the fund as of the date payment was made as contributions or
1817 reimbursements therefor under another state or federal
1818 reemployment assistance or unemployment compensation law, but an
1819 arrangement may not be entered into unless it contains
1820 provisions for reimbursement to the fund of the contributions or
1821 reimbursements and the actual earnings thereon as the department
1822 or its tax collection service provider finds are fair and
1823 reasonable as to all affected interests.

1824 (3) The Department of Economic Opportunity or its tax
1825 collection service provider may enter into reciprocal
1826 arrangements with other states or the Federal Government, or
1827 both, for exchanging services, determining and enforcing payment

577-02440A-12

20121416c1

1828 obligations, and making available facilities and information.
1829 The department or its tax collection service provider may
1830 conduct investigations, secure and transmit information, make
1831 available services and facilities, and exercise other powers
1832 provided under this chapter to facilitate the administration of
1833 any reemployment assistance or unemployment compensation or
1834 public employment service law and, in a similar manner, accept
1835 and use information, services, and facilities made available to
1836 this state by the agency charged with the administration of any
1837 other unemployment compensation or public employment service
1838 law.

1839 (4) To the extent permissible under federal law, the
1840 Department of Economic Opportunity may enter into or cooperate
1841 in arrangements whereby facilities and services provided under
1842 this chapter and facilities and services provided under the
1843 reemployment assistance or unemployment compensation law of any
1844 foreign government may be used for the taking of claims and the
1845 payment of benefits under the employment security law of the
1846 state or under a similar law of that government.

1847 Section 28. Paragraph (c) of subsection (5) and subsection
1848 (8) of section 20.60, Florida Statutes, are amended to read:

1849 20.60 Department of Economic Opportunity; creation; powers
1850 and duties.—

1851 (5) The divisions within the department have specific
1852 responsibilities to achieve the duties, responsibilities, and
1853 goals of the department. Specifically:

1854 (c) The Division of Workforce Services shall:

1855 1. Prepare and submit a unified budget request for
1856 workforce in accordance with chapter 216 for, and in conjunction

577-02440A-12

20121416c1

1857 with, Workforce Florida, Inc., and its board.

1858 2. Ensure that the state appropriately administers federal
1859 and state workforce funding by administering plans and policies
1860 of Workforce Florida, Inc., under contract with Workforce
1861 Florida, Inc. The operating budget and midyear amendments
1862 thereto must be part of such contract.

1863 a. All program and fiscal instructions to regional
1864 workforce boards shall emanate from the Department of Economic
1865 Opportunity pursuant to plans and policies of Workforce Florida,
1866 Inc., which shall be responsible for all policy directions to
1867 the regional workforce boards.

1868 b. Unless otherwise provided by agreement with Workforce
1869 Florida, Inc., administrative and personnel policies of the
1870 Department of Economic Opportunity shall apply.

1871 3. Implement the state's reemployment assistance
1872 ~~unemployment compensation~~ program. The Department of Economic
1873 Opportunity shall ensure that the state appropriately
1874 administers the reemployment assistance ~~unemployment~~
1875 ~~compensation~~ program pursuant to state and federal law.

1876 4. Assist in developing the 5-year statewide strategic plan
1877 required by this section.

1878 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
1879 Commission, authorized by s. 443.012, is not subject to control,
1880 supervision, or direction by the department in the performance
1881 of its powers and duties but shall receive any and all support
1882 and assistance from the department which is required for the
1883 performance of its duties.

1884 Section 29. Paragraph (a) of subsection (1) of section
1885 27.52, Florida Statutes, is amended to read:

577-02440A-12

20121416c1

1886 27.52 Determination of indigent status.—

1887 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1888 of a public defender under s. 27.51 based upon an inability to
1889 pay must apply to the clerk of the court for a determination of
1890 indigent status using an application form developed by the
1891 Florida Clerks of Court Operations Corporation with final
1892 approval by the Supreme Court.

1893 (a) The application must include, at a minimum, the
1894 following financial information:

1895 1. Net income, consisting of total salary and wages, minus
1896 deductions required by law, including court-ordered support
1897 payments.

1898 2. Other income, including, but not limited to, social
1899 security benefits, union funds, veterans' benefits, workers'
1900 compensation, other regular support from absent family members,
1901 public or private employee pensions, reemployment assistance or
1902 unemployment compensation, dividends, interest, rent, trusts,
1903 and gifts.

1904 3. Assets, including, but not limited to, cash, savings
1905 accounts, bank accounts, stocks, bonds, certificates of deposit,
1906 equity in real estate, and equity in a boat or a motor vehicle
1907 or in other tangible property.

1908 4. All liabilities and debts.

1909 5. If applicable, the amount of any bail paid for the
1910 applicant's release from incarceration and the source of the
1911 funds.

1912

1913 The application must include a signature by the applicant which
1914 attests to the truthfulness of the information provided. The

577-02440A-12

20121416c1

1915 application form developed by the corporation must include
1916 notice that the applicant may seek court review of a clerk's
1917 determination that the applicant is not indigent, as provided in
1918 this section.

1919 Section 30. Subsection (6) of section 40.24, Florida
1920 Statutes, is amended to read:

1921 40.24 Compensation and reimbursement policy.—

1922 (6) A juror who receives reemployment assistance
1923 ~~unemployment~~ benefits does not lose such benefits because he or
1924 she receives compensation for juror service.

1925 Section 31. Paragraph (a) of subsection (7) of section
1926 45.031, Florida Statutes, is amended to read:

1927 45.031 Judicial sales procedure.—In any sale of real or
1928 personal property under an order or judgment, the procedures
1929 provided in this section and ss. 45.0315-45.035 may be followed
1930 as an alternative to any other sale procedure if so ordered by
1931 the court.

1932 (7) DISBURSEMENTS OF PROCEEDS.—

1933 (a) On filing a certificate of title, the clerk shall
1934 disburse the proceeds of the sale in accordance with the order
1935 or final judgment and shall file a report of such disbursements
1936 and serve a copy of it on each party, and on the Department of
1937 Revenue if the department was named as a defendant in the action
1938 or if the Department of Economic Opportunity or the former
1939 Agency for Workforce Innovation was named as a defendant while
1940 the Department of Revenue was providing reemployment assistance
1941 ~~unemployment~~ tax collection services under contract with the
1942 Department of Economic Opportunity or the former Agency for
1943 Workforce Innovation through an interagency agreement pursuant

577-02440A-12

20121416c1

1944 to s. 443.1316.

1945 Section 32. Subsection (2) of section 55.204, Florida
1946 Statutes, is amended to read:

1947 55.204 Duration and continuation of judgment lien;
1948 destruction of records.—

1949 (2) Liens securing the payment of child support or tax
1950 obligations under s. 95.091(1)(b) lapse 20 years after the date
1951 of the original filing of the warrant or other document required
1952 by law to establish a lien. Liens securing the payment of
1953 reemployment assistance ~~unemployment~~ tax obligations lapse 10
1954 years after the date of the original filing of the notice of
1955 lien. A second lien based on the original filing may not be
1956 obtained.

1957 Section 33. Paragraph (a) of subsection (1) of section
1958 57.082, Florida Statutes, is amended to read:

1959 57.082 Determination of civil indigent status.—

1960 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1961 of an attorney in a civil case eligible for court-appointed
1962 counsel, or seeking relief from payment of filing fees and
1963 prepayment of costs under s. 57.081, based upon an inability to
1964 pay must apply to the clerk of the court for a determination of
1965 civil indigent status using an application form developed by the
1966 Florida Clerks of Court Operations Corporation with final
1967 approval by the Supreme Court.

1968 (a) The application must include, at a minimum, the
1969 following financial information:

1970 1. Net income, consisting of total salary and wages, minus
1971 deductions required by law, including court-ordered support
1972 payments.

577-02440A-12

20121416c1

1973 2. Other income, including, but not limited to, social
1974 security benefits, union funds, veterans' benefits, workers'
1975 compensation, other regular support from absent family members,
1976 public or private employee pensions, reemployment assistance or
1977 unemployment compensation, dividends, interest, rent, trusts,
1978 and gifts.

1979 3. Assets, including, but not limited to, cash, savings
1980 accounts, bank accounts, stocks, bonds, certificates of deposit,
1981 equity in real estate, and equity in a boat or a motor vehicle
1982 or in other tangible property.

1983 4. All liabilities and debts.

1984
1985 The application must include a signature by the applicant which
1986 attests to the truthfulness of the information provided. The
1987 application form developed by the corporation must include
1988 notice that the applicant may seek court review of a clerk's
1989 determination that the applicant is not indigent, as provided in
1990 this section.

1991 Section 34. Subsection (8) of section 61.046, Florida
1992 Statutes, is amended to read:

1993 61.046 Definitions.—As used in this chapter, the term:

1994 (8) "Income" means any form of payment to an individual,
1995 regardless of source, including, but not limited to: wages,
1996 salary, commissions and bonuses, compensation as an independent
1997 contractor, worker's compensation, disability benefits, annuity
1998 and retirement benefits, pensions, dividends, interest,
1999 royalties, trusts, and any other payments, made by any person,
2000 private entity, federal or state government, or any unit of
2001 local government. United States Department of Veterans Affairs

577-02440A-12

20121416c1

2002 disability benefits and reemployment assistance or unemployment
2003 compensation, as defined in chapter 443, are excluded from this
2004 definition of income except for purposes of establishing an
2005 amount of support.

2006 Section 35. Paragraph (a) of subsection (3) of section
2007 61.1824, Florida Statutes, is amended to read:

2008 61.1824 State Disbursement Unit.—

2009 (3) The State Disbursement Unit shall perform the following
2010 functions:

2011 (a) Disburse all receipts from intercepts, including, but
2012 not limited to, United States Internal Revenue Service,
2013 reemployment assistance or unemployment compensation, lottery,
2014 and administrative offset intercepts.

2015 Section 36. Paragraph (a) of subsection (2) of section
2016 61.30, Florida Statutes, is amended to read:

2017 61.30 Child support guidelines; retroactive child support.—

2018 (2) Income shall be determined on a monthly basis for each
2019 parent as follows:

2020 (a) Gross income shall include, but is not limited to, the
2021 following:

2022 1. Salary or wages.

2023 2. Bonuses, commissions, allowances, overtime, tips, and
2024 other similar payments.

2025 3. Business income from sources such as self-employment,
2026 partnership, close corporations, and independent contracts.

2027 "Business income" means gross receipts minus ordinary and
2028 necessary expenses required to produce income.

2029 4. Disability benefits.

2030 5. All workers' compensation benefits and settlements.

577-02440A-12

20121416c1

- 2031 6. Reemployment assistance or unemployment compensation.
- 2032 7. Pension, retirement, or annuity payments.
- 2033 8. Social security benefits.
- 2034 9. Spousal support received from a previous marriage or
- 2035 court ordered in the marriage before the court.
- 2036 10. Interest and dividends.
- 2037 11. Rental income, which is gross receipts minus ordinary
- 2038 and necessary expenses required to produce the income.
- 2039 12. Income from royalties, trusts, or estates.
- 2040 13. Reimbursed expenses or in kind payments to the extent
- 2041 that they reduce living expenses.
- 2042 14. Gains derived from dealings in property, unless the
- 2043 gain is nonrecurring.
- 2044 Section 37. Paragraph (a) of subsection (4) of section
- 2045 69.041, Florida Statutes, is amended to read:
- 2046 69.041 State named party; lien foreclosure, suit to quiet
- 2047 title.—
- 2048 (4) (a) The Department of Revenue has the right to
- 2049 participate in the disbursement of funds remaining in the
- 2050 registry of the court after distribution pursuant to s.
- 2051 45.031(7). The department shall participate in accordance with
- 2052 applicable procedures in any mortgage foreclosure action in
- 2053 which the department has a duly filed tax warrant, or interests
- 2054 under a lien arising from a judgment, order, or decree for
- 2055 support, as defined in s. 409.2554, or interest in an
- 2056 reemployment assistance ~~unemployment compensation~~ tax lien under
- 2057 contract with the Department of Economic Opportunity through an
- 2058 interagency agreement pursuant to s. 443.1316, against the
- 2059 subject property and with the same priority, regardless of

577-02440A-12

20121416c1

2060 whether a default against the department, the Department of
2061 Economic Opportunity, or the former Agency for Workforce
2062 Innovation has been entered for failure to file an answer or
2063 other responsive pleading.

2064 Section 38. Subsection (1) of section 77.041, Florida
2065 Statutes, is amended to read:

2066 77.041 Notice to individual defendant for claim of
2067 exemption from garnishment; procedure for hearing.—

2068 (1) Upon application for a writ of garnishment by a
2069 plaintiff, if the defendant is an individual, the clerk of the
2070 court shall attach to the writ the following "Notice to
2071 Defendant":

2072

2073 NOTICE TO DEFENDANT OF RIGHT AGAINST
2074 GARNISHMENT OF WAGES, MONEY,
2075 AND OTHER PROPERTY

2076

2077 The Writ of Garnishment delivered to you with this Notice
2078 means that wages, money, and other property belonging to you
2079 have been garnished to pay a court judgment against you.
2080 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
2081 OR PROPERTY. READ THIS NOTICE CAREFULLY.

2082 State and federal laws provide that certain wages, money,
2083 and property, even if deposited in a bank, savings and loan, or
2084 credit union, may not be taken to pay certain types of court
2085 judgments. Such wages, money, and property are exempt from
2086 garnishment. The major exemptions are listed below on the form
2087 for Claim of Exemption and Request for Hearing. This list does
2088 not include all possible exemptions. You should consult a lawyer

577-02440A-12

20121416c1

2089 for specific advice.

2090 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM
2091 BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY
2092 TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION
2093 AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE
2094 THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE
2095 CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU
2096 RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.
2097 YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO
2098 THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES
2099 LISTED ON THE WRIT OF GARNISHMENT.

2100 If you request a hearing, it will be held as soon as
2101 possible after your request is received by the court. The
2102 plaintiff must file any objection within 3 business days if you
2103 hand delivered to the plaintiff a copy of the form for Claim of
2104 Exemption and Request for Hearing or, alternatively, 8 business
2105 days if you mailed a copy of the form for claim and request to
2106 the plaintiff. If the plaintiff files an objection to your Claim
2107 of Exemption and Request for Hearing, the clerk will notify you
2108 and the other parties of the time and date of the hearing. You
2109 may attend the hearing with or without an attorney. If the
2110 plaintiff fails to file an objection, no hearing is required,
2111 the writ of garnishment will be dissolved and your wages, money,
2112 or property will be released.

2113 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
2114 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY
2115 FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK
2116 CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL
2117 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT

577-02440A-12

20121416c1

2118 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE
2119 AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK
2120 THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN
2121 YOUR AREA.

2122
2123 CLAIM OF EXEMPTION AND
2124 REQUEST FOR HEARING
2125

2126 I claim exemptions from garnishment under the following
2127 categories as checked:

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

2128
.... 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.

2129
.... 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.

2130
.... 2. Social Security benefits.

2131
.... 3. Supplemental Security Income benefits.

2132
.... 4. Public assistance (welfare).

2133
.... 5. Workers' Compensation.
2134

577-02440A-12

20121416c1

2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154

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

.... 7. Veterans' benefits.

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

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

.... 10. Disability income benefits.

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

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

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.....

577-02440A-12

20121416c1

2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183

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
paragraphs of this subsection, each department head may
designate a maximum of 20 policymaking or managerial positions,
as defined by the department and approved by the Administration
Commission, as being exempt from the Career Service System.
Career service employees who occupy a position designated as a
position in the Selected Exempt Service under this paragraph
shall have the right to remain in the Career Service System by
opting to serve in a position not exempted by the employing
agency. Unless otherwise fixed by law, the department shall set
the salary and benefits of these positions in accordance with
the rules of the Selected Exempt Service; provided, however,
that if the agency head determines that the general counsel,
chief Cabinet aide, public information administrator or

577-02440A-12

20121416c1

2184 comparable position for a Cabinet officer, inspector general, or
2185 legislative affairs director has both policymaking and
2186 managerial responsibilities and if the department determines
2187 that any such position has both policymaking and managerial
2188 responsibilities, the salary and benefits for each such position
2189 shall be established by the department in accordance with the
2190 rules of the Senior Management Service.

2191 b. In addition, each department may designate one
2192 additional position in the Senior Management Service if that
2193 position reports directly to the agency head or to a position in
2194 the Senior Management Service and if any additional costs are
2195 absorbed from the existing budget of that department.

2196 2. If otherwise exempt, employees of the Public Employees
2197 Relations Commission, the Commission on Human Relations, and the
2198 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
2199 the certification of their respective commission heads, may be
2200 provided for under this paragraph as members of the Senior
2201 Management Service, if otherwise qualified. However, the deputy
2202 general counsel of the Public Employees Relations Commission
2203 shall be compensated as members of the Selected Exempt Service.

2204 Section 40. Subsection (4) of section 110.502, Florida
2205 Statutes, is amended to read:

2206 110.502 Scope of act; status of volunteers.—

2207 (4) Persons working with state agencies pursuant to this
2208 part shall be considered as unpaid independent volunteers and
2209 shall not be entitled to reemployment assistance ~~unemployment~~
2210 ~~compensation~~.

2211 Section 41. Subsection (10) of section 120.80, Florida
2212 Statutes, is amended to read:

577-02440A-12

20121416c1

2213 120.80 Exceptions and special requirements; agencies.—

2214 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2215 (a) Notwithstanding s. 120.54, the rulemaking provisions of
2216 this chapter do not apply to reemployment assistance
2217 ~~unemployment~~ appeals referees.

2218 (b) Notwithstanding s. 120.54(5), the uniform rules of
2219 procedure do not apply to appeal proceedings conducted under
2220 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
2221 Commission, special deputies, or reemployment assistance
2222 ~~unemployment~~ appeals referees.

2223 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
2224 443 may not be conducted by an administrative law judge assigned
2225 by the division, but instead shall be conducted by the
2226 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
2227 reemployment assistance ~~unemployment compensation~~ appeals,
2228 reemployment assistance ~~unemployment~~ appeals referees, and the
2229 Department of Economic Opportunity or its special deputies under
2230 s. 443.141.

2231 Section 42. Subsection (4) of section 125.9502, Florida
2232 Statutes, is amended to read:

2233 125.9502 Scope of ss. 125.9501-125.9506; status of
2234 volunteers.—

2235 (4) Persons working with a unit of county government or a
2236 constitutional county officer pursuant to ss. 125.9501-125.9506
2237 are considered unpaid independent volunteers and are not
2238 entitled to reemployment assistance ~~unemployment compensation~~.

2239 Section 43. Paragraph (d) of subsection (1) and paragraph
2240 (b) of subsection (2) of section 212.096, Florida Statutes, are
2241 amended to read:

577-02440A-12

20121416c1

2242 212.096 Sales, rental, storage, use tax; enterprise zone
 2243 jobs credit against sales tax.—

2244 (1) For the purposes of the credit provided in this
 2245 section:

2246 (d) "Job" means a full-time position, as consistent with
 2247 terms used by the Department of Economic Opportunity ~~Agency for~~
 2248 ~~Workforce Innovation~~ and the United States Department of Labor
 2249 for purposes of reemployment assistance ~~unemployment~~
 2250 ~~compensation~~ tax administration and employment estimation
 2251 resulting directly from a business operation in this state. This
 2252 term may not include a temporary construction job involved with
 2253 the construction of facilities or any job that has previously
 2254 been included in any application for tax credits under s.
 2255 220.181(1). The term also includes employment of an employee
 2256 leased from an employee leasing company licensed under chapter
 2257 468 if such employee has been continuously leased to the
 2258 employer for an average of at least 36 hours per week for more
 2259 than 6 months.

2260
 2261 A person shall be deemed to be employed if the person performs
 2262 duties in connection with the operations of the business on a
 2263 regular, full-time basis, provided the person is performing such
 2264 duties for an average of at least 36 hours per week each month.
 2265 The person must be performing such duties at a business site
 2266 located in the enterprise zone.

2267 (2)

2268 (b) The credit shall be computed as 20 percent of the
 2269 actual monthly wages paid in this state to each new employee
 2270 hired when a new job has been created, unless the business is

577-02440A-12

20121416c1

2271 located within a rural enterprise zone pursuant to s. 290.004,
2272 in which case the credit shall be 30 percent of the actual
2273 monthly wages paid. If no less than 20 percent of the employees
2274 of the business are residents of an enterprise zone, excluding
2275 temporary and part-time employees, the credit shall be computed
2276 as 30 percent of the actual monthly wages paid in this state to
2277 each new employee hired when a new job has been created, unless
2278 the business is located within a rural enterprise zone, in which
2279 case the credit shall be 45 percent of the actual monthly wages
2280 paid. If the new employee hired when a new job is created is a
2281 participant in the welfare transition program, the following
2282 credit shall be a percent of the actual monthly wages paid: 40
2283 percent for \$4 above the hourly federal minimum wage rate; 41
2284 percent for \$5 above the hourly federal minimum wage rate; 42
2285 percent for \$6 above the hourly federal minimum wage rate; 43
2286 percent for \$7 above the hourly federal minimum wage rate; and
2287 44 percent for \$8 above the hourly federal minimum wage rate.
2288 For purposes of this paragraph, monthly wages shall be computed
2289 as one-twelfth of the expected annual wages paid to such
2290 employee. The amount paid as wages to a new employee is the
2291 compensation paid to such employee that is subject to
2292 reemployment assistance ~~unemployment~~ tax. The credit shall be
2293 allowed for up to 24 consecutive months, beginning with the
2294 first tax return due pursuant to s. 212.11 after approval by the
2295 department.

2296 Section 44. Subsection (4) of section 213.053, Florida
2297 Statutes, is amended to read:

2298 213.053 Confidentiality and information sharing.—

2299 (4) The department, while providing reemployment assistance

577-02440A-12

20121416c1

2300 ~~unemployment~~ tax collection services under contract with the
2301 Department of Economic Opportunity through an interagency
2302 agreement pursuant to s. 443.1316, may release reemployment
2303 assistance ~~unemployment~~ tax rate information to the agent of an
2304 employer who provides payroll services for more than 100
2305 employers, pursuant to the terms of a memorandum of
2306 understanding. The memorandum of understanding must state that
2307 the agent affirms, subject to the criminal penalties contained
2308 in ss. 443.171 and 443.1715, that the agent will retain the
2309 confidentiality of the information, that the agent has in effect
2310 a power of attorney from the employer which permits the agent to
2311 obtain reemployment assistance ~~unemployment~~ tax rate
2312 information, and that the agent shall provide the department
2313 with a copy of the employer's power of attorney upon request.

2314 Section 45. Paragraph (a) of subsection (6) of section
2315 216.292, Florida Statutes, is amended to read:

2316 216.292 Appropriations nontransferable; exceptions.—

2317 (6) The Chief Financial Officer shall transfer from any
2318 available funds of an agency or the judicial branch the
2319 following amounts and shall report all such transfers and the
2320 reasons therefor to the legislative appropriations committees
2321 and the Executive Office of the Governor:

2322 (a) The amount due to the Unemployment Compensation Trust
2323 Fund which is more than 90 days delinquent on reimbursements due
2324 to the Unemployment Compensation Trust Fund. The amount
2325 transferred shall be that certified by the state agency
2326 providing reemployment assistance ~~unemployment~~ tax collection
2327 services under contract with the Department of Economic
2328 Opportunity through an interagency agreement pursuant to s.

577-02440A-12

20121416c1

2329 443.1316.

2330 Section 46. Paragraph (ff) of subsection (1) of section
2331 220.03, Florida Statutes, is amended to read:

2332 220.03 Definitions.—

2333 (1) SPECIFIC TERMS.—When used in this code, and when not
2334 otherwise distinctly expressed or manifestly incompatible with
2335 the intent thereof, the following terms shall have the following
2336 meanings:

2337 (ff) "Job" means a full-time position, as consistent with
2338 terms used by the Department of Economic Opportunity and the
2339 United States Department of Labor for purposes of reemployment
2340 assistance ~~unemployment compensation~~ tax administration and
2341 employment estimation resulting directly from business
2342 operations in this state. The term may not include a temporary
2343 construction job involved with the construction of facilities or
2344 any job that has previously been included in any application for
2345 tax credits under s. 212.096. The term also includes employment
2346 of an employee leased from an employee leasing company licensed
2347 under chapter 468 if the employee has been continuously leased
2348 to the employer for an average of at least 36 hours per week for
2349 more than 6 months.

2350 Section 47. Paragraph (b) of subsection (1) of section
2351 220.181, Florida Statutes, is amended to read:

2352 220.181 Enterprise zone jobs credit.—

2353 (1)

2354 (b) This credit applies only with respect to wages subject
2355 to reemployment assistance ~~unemployment~~ tax. The credit provided
2356 in this section does not apply:

2357 1. For any employee who is an owner, partner, or majority

577-02440A-12

20121416c1

2358 stockholder of an eligible business.

2359 2. For any new employee who is employed for any period less
2360 than 3 months.

2361 Section 48. Paragraph (e) of subsection (1) of section
2362 220.191, Florida Statutes, is amended to read:

2363 220.191 Capital investment tax credit.—

2364 (1) DEFINITIONS.—For purposes of this section:

2365 (e) "Jobs" means full-time equivalent positions, as that
2366 term is consistent with terms used by the Department of Economic
2367 Opportunity and the United States Department of Labor for
2368 purposes of reemployment assistance ~~unemployment~~ tax
2369 administration and employment estimation, resulting directly
2370 from a project in this state. The term does not include
2371 temporary construction jobs involved in the construction of the
2372 project facility.

2373 Section 49. Paragraph (d) of subsection (3) of section
2374 220.194, Florida Statutes, is amended to read:

2375 220.194 Corporate income tax credits for spaceflight
2376 projects.—

2377 (3) DEFINITIONS.—As used in this section, the term:

2378 (d) "New job" means the full-time employment of an employee
2379 in a manner that is consistent with terms used by the Department
2380 of Economic Opportunity ~~Agency for Workforce Innovation~~ and the
2381 United States Department of Labor for purposes of reemployment
2382 assistance ~~unemployment compensation~~ tax administration and
2383 employment estimation. In order to meet the requirement for
2384 certification specified in paragraph (5) (b), a new job must:

2385 1. Pay new employees at least 115 percent of the statewide
2386 or countywide average annual private sector wage for the 3

577-02440A-12

20121416c1

2387 taxable years immediately preceding filing an application for
2388 certification;

2389 2. Require a new employee to perform duties on a regular
2390 full-time basis in this state for an average of at least 36
2391 hours per week each month for the 3 taxable years immediately
2392 preceding filing an application for certification; and

2393 3. Not be held by a person who has previously been included
2394 as a new employee on an application for any credit authorized
2395 under this section.

2396 Section 50. Section 222.15, Florida Statutes, is amended to
2397 read:

2398 222.15 Wages or reemployment assistance or unemployment
2399 compensation payments due deceased employee may be paid spouse
2400 or certain relatives.—

2401 (1) It is lawful for any employer, in case of the death of
2402 an employee, to pay to the wife or husband, and in case there is
2403 no wife or husband, then to the child or children, provided the
2404 child or children are over the age of 18 years, and in case
2405 there is no child or children, then to the father or mother, any
2406 wages or travel expenses that may be due such employee at the
2407 time of his or her death.

2408 (2) It is also lawful for the Department of Economic
2409 Opportunity, in case of death of any unemployed individual, to
2410 pay to those persons referred to in subsection (1) any
2411 reemployment assistance or unemployment compensation payments
2412 that may be due to the individual at the time of his or her
2413 death.

2414 Section 51. Section 222.16, Florida Statutes, is amended to
2415 read:

577-02440A-12

20121416c1

2416 222.16 Wages or reemployment assistance or unemployment
2417 compensation payments so paid not subject to administration.—Any
2418 wages, travel expenses, or reemployment assistance or
2419 unemployment compensation payments so paid under the authority
2420 of s. 222.15 shall not be considered as assets of the estate and
2421 subject to administration; provided, however, that the travel
2422 expenses so exempted from administration shall not exceed the
2423 sum of \$300.

2424 Section 52. Paragraph (m) of subsection (1) of section
2425 255.20, Florida Statutes, is amended to read:

2426 255.20 Local bids and contracts for public construction
2427 works; specification of state-produced lumber.—

2428 (1) A county, municipality, special district as defined in
2429 chapter 189, or other political subdivision of the state seeking
2430 to construct or improve a public building, structure, or other
2431 public construction works must competitively award to an
2432 appropriately licensed contractor each project that is estimated
2433 in accordance with generally accepted cost-accounting principles
2434 to cost more than \$300,000. For electrical work, the local
2435 government must competitively award to an appropriately licensed
2436 contractor each project that is estimated in accordance with
2437 generally accepted cost-accounting principles to cost more than
2438 \$75,000. As used in this section, the term "competitively award"
2439 means to award contracts based on the submission of sealed bids,
2440 proposals submitted in response to a request for proposal,
2441 proposals submitted in response to a request for qualifications,
2442 or proposals submitted for competitive negotiation. This
2443 subsection expressly allows contracts for construction
2444 management services, design/build contracts, continuation

577-02440A-12

20121416c1

2445 contracts based on unit prices, and any other contract
2446 arrangement with a private sector contractor permitted by any
2447 applicable municipal or county ordinance, by district
2448 resolution, or by state law. For purposes of this section, cost
2449 includes the cost of all labor, except inmate labor, and the
2450 cost of equipment and materials to be used in the construction
2451 of the project. Subject to the provisions of subsection (3), the
2452 county, municipality, special district, or other political
2453 subdivision may establish, by municipal or county ordinance or
2454 special district resolution, procedures for conducting the
2455 bidding process.

2456 (m) Any contractor may be considered ineligible to bid by
2457 the governmental entity if the contractor has been found guilty
2458 by a court of any violation of federal labor or employment tax
2459 laws regarding subjects such as safety, tax withholding,
2460 workers' compensation, reemployment assistance or unemployment
2461 tax, social security and Medicare tax, wage or hour, or
2462 prevailing rate laws within the past 5 years.

2463 Section 53. Subsection (5) of section 288.075, Florida
2464 Statutes, is amended to read:

2465 288.075 Confidentiality of records.—

2466 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
2467 federal employer identification number, reemployment assistance
2468 ~~unemployment compensation~~ account number, or Florida sales tax
2469 registration number held by an economic development agency is
2470 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2471 of the State Constitution.

2472 Section 54. Paragraph (c) of subsection (1) of section
2473 288.1045, Florida Statutes, is amended to read:

577-02440A-12

20121416c1

2474 288.1045 Qualified defense contractor and space flight
2475 business tax refund program.—

2476 (1) DEFINITIONS.—As used in this section:

2477 (c) "Business unit" means an employing unit, as defined in
2478 s. 443.036, that is registered with the department for
2479 reemployment assistance ~~unemployment compensation~~ purposes or
2480 means a subcategory or division of an employing unit that is
2481 accepted by the department as a reporting unit.

2482 Section 55. Paragraph (d) of subsection (2) of section
2483 288.106, Florida Statutes, is amended to read:

2484 288.106 Tax refund program for qualified target industry
2485 businesses.—

2486 (2) DEFINITIONS.—As used in this section:

2487 (d) "Business" means an employing unit, as defined in s.
2488 443.036, that is registered for reemployment assistance
2489 ~~unemployment compensation~~ purposes with the state agency
2490 providing reemployment assistance ~~unemployment~~ tax collection
2491 services under an interagency agreement pursuant to s. 443.1316,
2492 or a subcategory or division of an employing unit that is
2493 accepted by the state agency providing reemployment assistance
2494 ~~unemployment~~ tax collection services as a reporting unit.

2495 Section 56. Paragraph (b) of subsection (3) of section
2496 288.1081, Florida Statutes, is amended to read:

2497 288.1081 Economic Gardening Business Loan Pilot Program.—

2498 (3)

2499 (b) A loan applicant must submit a written application to
2500 the loan administrator in the format prescribed by the loan
2501 administrator. The application must include:

2502 1. The applicant's federal employer identification number,

577-02440A-12

20121416c1

2503 reemployment assistance ~~unemployment~~ account number, and sales
2504 or other tax registration number.

2505 2. The street address of the applicant's principal place of
2506 business in this state.

2507 3. A description of the type of economic activity, product,
2508 or research and development undertaken by the applicant,
2509 including the six-digit North American Industry Classification
2510 System code for each type of economic activity conducted by the
2511 applicant.

2512 4. The applicant's annual revenue, number of employees,
2513 number of full-time equivalent employees, and other information
2514 necessary to verify the applicant's eligibility for the pilot
2515 program under s. 288.1082(4)(a).

2516 5. The projected investment in the business, if any, which
2517 the applicant proposes in conjunction with the loan.

2518 6. The total investment in the business from all sources,
2519 if any, which the applicant proposes in conjunction with the
2520 loan.

2521 7. The number of net new full-time equivalent jobs that, as
2522 a result of the loan, the applicant proposes to create in this
2523 state as of December 31 of each year and the average annual wage
2524 of the proposed jobs.

2525 8. The total number of full-time equivalent employees the
2526 applicant currently employs in this state.

2527 9. The date that the applicant anticipates it needs the
2528 loan.

2529 10. A detailed explanation of why the loan is needed to
2530 assist the applicant in expanding jobs in the state.

2531 11. A statement that all of the applicant's available

577-02440A-12

20121416c1

2532 corporate assets are pledged as collateral for the amount of the
2533 loan.

2534 12. A statement that the applicant, upon receiving the
2535 loan, agrees not to seek additional long-term debt without prior
2536 approval of the loan administrator.

2537 13. A statement that the loan is a joint obligation of the
2538 business and of each person who owns at least 20 percent of the
2539 business.

2540 14. Any additional information requested by the department
2541 or the loan administrator.

2542 Section 57. Paragraph (a) of subsection (3) of section
2543 288.1089, Florida Statutes, is amended to read:

2544 288.1089 Innovation Incentive Program.—

2545 (3) To be eligible for consideration for an innovation
2546 incentive award, an innovation business, a research and
2547 development entity, or an alternative and renewable energy
2548 company must submit a written application to the department
2549 before making a decision to locate new operations in this state
2550 or expand an existing operation in this state. The application
2551 must include, but not be limited to:

2552 (a) The applicant's federal employer identification number,
2553 reemployment assistance ~~unemployment~~ account number, and state
2554 sales tax registration number. If such numbers are not available
2555 at the time of application, they must be submitted to the
2556 department in writing before the disbursement of any payments
2557 under this section.

2558 Section 58. Subsection (1) of section 334.30, Florida
2559 Statutes, is amended to read:

2560 334.30 Public-private transportation facilities.—The

577-02440A-12

20121416c1

2561 Legislature finds and declares that there is a public need for
2562 the rapid construction of safe and efficient transportation
2563 facilities for the purpose of traveling within the state, and
2564 that it is in the public's interest to provide for the
2565 construction of additional safe, convenient, and economical
2566 transportation facilities.

2567 (1) The department may receive or solicit proposals and,
2568 with legislative approval as evidenced by approval of the
2569 project in the department's work program, enter into agreements
2570 with private entities, or consortia thereof, for the building,
2571 operation, ownership, or financing of transportation facilities.
2572 The department may advance projects programmed in the adopted 5-
2573 year work program or projects increasing transportation capacity
2574 and greater than \$500 million in the 10-year Strategic
2575 Intermodal Plan using funds provided by public-private
2576 partnerships or private entities to be reimbursed from
2577 department funds for the project as programmed in the adopted
2578 work program. The department shall by rule establish an
2579 application fee for the submission of unsolicited proposals
2580 under this section. The fee must be sufficient to pay the costs
2581 of evaluating the proposals. The department may engage the
2582 services of private consultants to assist in the evaluation.
2583 Before approval, the department must determine that the proposed
2584 project:

2585 (a) Is in the public's best interest;

2586 (b) Would not require state funds to be used unless the
2587 project is on the State Highway System;

2588 (c) Would have adequate safeguards in place to ensure that
2589 no additional costs or service disruptions would be realized by

577-02440A-12

20121416c1

2590 the traveling public and residents of the state in the event of
2591 default or cancellation of the agreement by the department;

2592 (d) Would have adequate safeguards in place to ensure that
2593 the department or the private entity has the opportunity to add
2594 capacity to the proposed project and other transportation
2595 facilities serving similar origins and destinations; and

2596 (e) Would be owned by the department upon completion or
2597 termination of the agreement.

2598

2599 The department shall ensure that all reasonable costs to the
2600 state, related to transportation facilities that are not part of
2601 the State Highway System, are borne by the private entity. The
2602 department shall also ensure that all reasonable costs to the
2603 state and substantially affected local governments and
2604 utilities, related to the private transportation facility, are
2605 borne by the private entity for transportation facilities that
2606 are owned by private entities. For projects on the State Highway
2607 System, the department may use state resources to participate in
2608 funding and financing the project as provided for under the
2609 department's enabling legislation. Because the Legislature
2610 recognizes that private entities or consortia thereof would
2611 perform a governmental or public purpose or function when they
2612 enter into agreements with the department to design, build,
2613 operate, own, or finance transportation facilities, the
2614 transportation facilities, including leasehold interests
2615 thereof, are exempt from ad valorem taxes as provided in chapter
2616 196 to the extent property is owned by the state or other
2617 government entity, and from intangible taxes as provided in
2618 chapter 199 and special assessments of the state, any city,

577-02440A-12

20121416c1

2619 town, county, special district, political subdivision of the
2620 state, or any other governmental entity. The private entities or
2621 consortia thereof are exempt from tax imposed by chapter 201 on
2622 all documents or obligations to pay money which arise out of the
2623 agreements to design, build, operate, own, lease, or finance
2624 transportation facilities. Any private entities or consortia
2625 thereof must pay any applicable corporate taxes as provided in
2626 chapter 220, and reemployment assistance ~~unemployment~~
2627 ~~compensation~~ taxes as provided in chapter 443, and sales and use
2628 tax as provided in chapter 212 shall be applicable. The private
2629 entities or consortia thereof must also register and collect the
2630 tax imposed by chapter 212 on all their direct sales and leases
2631 that are subject to tax under chapter 212. The agreement between
2632 the private entity or consortia thereof and the department
2633 establishing a transportation facility under this chapter
2634 constitutes documentation sufficient to claim any exemption
2635 under this section.

2636 Section 59. Subsection (8) of section 408.809, Florida
2637 Statutes, is amended to read:

2638 408.809 Background screening; prohibited offenses.—

2639 (8) There is no reemployment assistance ~~unemployment~~
2640 ~~compensation~~ or other monetary liability on the part of, and no
2641 cause of action for damages arising against, an employer that,
2642 upon notice of a disqualifying offense listed under chapter 435
2643 or this section, terminates the person against whom the report
2644 was issued, whether or not that person has filed for an
2645 exemption with the Department of Health or the agency.

2646 Section 60. Paragraph (e) of subsection (7) of section
2647 409.2563, Florida Statutes, is amended to read:

577-02440A-12

20121416c1

2648 409.2563 Administrative establishment of child support
2649 obligations.—

2650 (7) ADMINISTRATIVE SUPPORT ORDER.—

2651 (e) An administrative support order must comply with ss.
2652 61.13(1) and 61.30. The department shall develop a standard form
2653 or forms for administrative support orders. An administrative
2654 support order must provide and state findings, if applicable,
2655 concerning:

2656 1. The full name and date of birth of the child or
2657 children;

2658 2. The name of the parent from whom support is being sought
2659 and the other parent or caregiver;

2660 3. The parent's duty and ability to provide support;

2661 4. The amount of the parent's monthly support obligation;

2662 5. Any obligation to pay retroactive support;

2663 6. The parent's obligation to provide for the health care
2664 needs of each child, whether through health insurance,
2665 contribution toward the cost of health insurance, payment or
2666 reimbursement of health care expenses for the child, or any
2667 combination thereof;

2668 7. The beginning date of any required monthly payments and
2669 health insurance;

2670 8. That all support payments ordered must be paid to the
2671 Florida State Disbursement Unit as provided by s. 61.1824;

2672 9. That the parents, or caregiver if applicable, must file
2673 with the department when the administrative support order is
2674 rendered, if they have not already done so, and update as
2675 appropriate the information required pursuant to paragraph
2676 (13) (b);

577-02440A-12

20121416c1

2677 10. That both parents, or parent and caregiver if
2678 applicable, are required to promptly notify the department of
2679 any change in their mailing addresses pursuant to paragraph
2680 (13) (c); and

2681 11. That if the parent ordered to pay support receives
2682 reemployment assistance or unemployment compensation benefits,
2683 the payor shall withhold, and transmit to the department, 40
2684 percent of the benefits for payment of support, not to exceed
2685 the amount owed.

2686
2687 An income deduction order as provided by s. 61.1301 must be
2688 incorporated into the administrative support order or, if not
2689 incorporated into the administrative support order, the
2690 department or the Division of Administrative Hearings shall
2691 render a separate income deduction order.

2692 Section 61. Paragraph (a) of subsection (3), subsection
2693 (8), and paragraph (a) of subsection (9) of section 409.2576,
2694 Florida Statutes, are amended to read:

2695 409.2576 State Directory of New Hires.—

2696 (3) EMPLOYERS TO FURNISH REPORTS.—

2697 (a) Each employer subject to the reporting requirements of
2698 chapter 443 with 250 or more employees, shall provide to the
2699 State Directory of New Hires, a report listing the employer's
2700 legal name, address, and reemployment assistance ~~unemployment~~
2701 ~~compensation~~ identification number. The report must also provide
2702 the name and social security number of each new employee or
2703 rehired employee at the end of the first pay period following
2704 employment or reemployment.

2705 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State

577-02440A-12

20121416c1

2706 Directory of New Hires must furnish information regarding newly
2707 hired or rehired employees to the National Directory of New
2708 Hires for matching with the records of other state case
2709 registries within 3 business days of entering such information
2710 from the employer into the State Directory of New Hires. The
2711 State Directory of New Hires shall enter into an agreement with
2712 the Department of Economic Opportunity or its tax collection
2713 service provider for the quarterly reporting to the National
2714 Directory of New Hires information on wages and reemployment
2715 assistance ~~unemployment compensation~~ taken from the quarterly
2716 report to the Secretary of Labor, now required by Title III of
2717 the Social Security Act, except that no report shall be filed
2718 with respect to an employee of a state or local agency
2719 performing intelligence or counterintelligence functions, if the
2720 head of such agency has determined that filing such a report
2721 could endanger the safety of the employee or compromise an
2722 ongoing investigation or intelligence mission.

2723 (9) DISCLOSURE OF INFORMATION.—

2724 (a) New hire information shall be disclosed to the state
2725 agency administering the following programs for the purposes of
2726 determining eligibility under those programs:

2727 1. Any state program funded under part A of Title IV of the
2728 Social Security Act;

2729 2. The Medicaid program under Title XIX of the Social
2730 Security Act;

2731 3. The reemployment assistance or unemployment compensation
2732 program under s. 3304 of the Internal Revenue Code of 1954;

2733 4. The food assistance program under the Food and Nutrition
2734 Act of 2008; and

577-02440A-12

20121416c1

2735 5. Any state program under a plan approved under Title I
2736 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2737 Title XIV (Aid to the Permanently and Totally Disabled), or
2738 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2739 Security Income for the Aged, Blind, and Disabled) of the Social
2740 Security Act.

2741 Section 62. Paragraph (f) of subsection (1) of section
2742 414.295, Florida Statutes, is amended to read:

2743 414.295 Temporary cash assistance programs; public records
2744 exemption.—

2745 (1) Personal identifying information of a temporary cash
2746 assistance program participant, a participant's family, or a
2747 participant's family or household member, except for information
2748 identifying a parent who does not live in the same home as the
2749 child, held by the department, the Office of Early Learning,
2750 Workforce Florida, Inc., the Department of Health, the
2751 Department of Revenue, the Department of Education, or a
2752 regional workforce board or local committee created pursuant to
2753 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2754 24(a), Art. I of the State Constitution. Such confidential and
2755 exempt information may be released for purposes directly
2756 connected with:

2757 (f) The administration of the reemployment assistance
2758 ~~unemployment compensation~~ program.

2759 Section 63. Subsection (4) of section 435.06, Florida
2760 Statutes, is amended to read:

2761 435.06 Exclusion from employment.—

2762 (4) There is no reemployment assistance ~~unemployment~~
2763 ~~compensation~~ or other monetary liability on the part of, and no

577-02440A-12

20121416c1

2764 cause of action for damages against, an employer that, upon
2765 notice of a conviction or arrest for a disqualifying offense
2766 listed under this chapter, terminates the person against whom
2767 the report was issued or who was arrested, regardless of whether
2768 or not that person has filed for an exemption pursuant to this
2769 chapter.

2770 Section 64. Subsection (2) of section 440.12, Florida
2771 Statutes, is amended to read:

2772 440.12 Time for commencement and limits on weekly rate of
2773 compensation.—

2774 (2) Compensation for disability resulting from injuries
2775 which occur after December 31, 1974, shall not be less than \$20
2776 per week. However, if the employee's wages at the time of injury
2777 are less than \$20 per week, he or she shall receive his or her
2778 full weekly wages. If the employee's wages at the time of the
2779 injury exceed \$20 per week, compensation shall not exceed an
2780 amount per week which is:

2781 (a) Equal to 100 percent of the statewide average weekly
2782 wage, determined as hereinafter provided for the year in which
2783 the injury occurred; however, the increase to 100 percent from
2784 66 2/3 percent of the statewide average weekly wage shall apply
2785 only to injuries occurring on or after August 1, 1979; and

2786 (b) Adjusted to the nearest dollar.

2787
2788 For the purpose of this subsection, the "statewide average
2789 weekly wage" means the average weekly wage paid by employers
2790 subject to the Florida Reemployment Assistance Program
2791 ~~Unemployment Compensation~~ Law as reported to the Department of
2792 Economic Opportunity for the four calendar quarters ending each

577-02440A-12

20121416c1

2793 June 30, which average weekly wage shall be determined by the
2794 Department of Economic Opportunity on or before November 30 of
2795 each year and shall be used in determining the maximum weekly
2796 compensation rate with respect to injuries occurring in the
2797 calendar year immediately following. The statewide average
2798 weekly wage determined by the Department of Economic Opportunity
2799 shall be reported annually to the Legislature.

2800 Section 65. Paragraph (c) of subsection (9) and subsection
2801 (10) of section 440.15, Florida Statutes, are amended to read:

2802 440.15 Compensation for disability.—Compensation for
2803 disability shall be paid to the employee, subject to the limits
2804 provided in s. 440.12(2), as follows:

2805 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
2806 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2807 (c) Disability compensation benefits payable for any week,
2808 including those benefits provided by paragraph (1)(f), may not
2809 be reduced pursuant to this subsection until the Social Security
2810 Administration determines the amount otherwise payable to the
2811 employee under 42 U.S.C. ss. 402 and 423 and the employee has
2812 begun receiving such social security benefit payments. The
2813 employee shall, upon demand by the department, the employer, or
2814 the carrier, authorize the Social Security Administration to
2815 release disability information relating to her or him and
2816 authorize the Department of Economic Opportunity to release
2817 reemployment assistance ~~unemployment compensation~~ information
2818 relating to her or him, in accordance with rules to be adopted
2819 by the department prescribing the procedure and manner for
2820 requesting the authorization and for compliance by the employee.
2821 The department or the employer or carrier may not make any

577-02440A-12

20121416c1

2822 payment of benefits for total disability or those additional
2823 benefits provided by paragraph (1) (f) for any period during
2824 which the employee willfully fails or refuses to authorize the
2825 release of information in the manner and within the time
2826 prescribed by such rules. The authority for release of
2827 disability information granted by an employee under this
2828 paragraph is effective for a period not to exceed 12 months and
2829 such authority may be renewed, as the department prescribes by
2830 rule.

2831 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
2832 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
2833 ~~UNEMPLOYMENT COMPENSATION.~~—

2834 (a) No compensation benefits shall be payable for temporary
2835 total disability or permanent total disability under this
2836 chapter for any week in which the injured employee has received,
2837 or is receiving, reemployment assistance or unemployment
2838 compensation benefits.

2839 (b) If an employee is entitled to temporary partial
2840 benefits pursuant to subsection (4) and reemployment assistance
2841 or unemployment compensation benefits, such reemployment
2842 assistance or unemployment compensation benefits shall be
2843 primary and the temporary partial benefits shall be supplemental
2844 only, the sum of the two benefits not to exceed the amount of
2845 temporary partial benefits which would otherwise be payable.

2846 Section 66. Subsections (4) and (7) of section 440.381,
2847 Florida Statutes, are amended to read:

2848 440.381 Application for coverage; reporting payroll;
2849 payroll audit procedures; penalties.—

2850 (4) Each employer must submit a copy of the quarterly

577-02440A-12

20121416c1

2851 earnings report required by chapter 443 at the end of each
2852 quarter to the carrier and submit self-audits supported by the
2853 quarterly earnings reports required by chapter 443 and the rules
2854 adopted by the Department of Economic Opportunity or by the
2855 state agency providing reemployment assistance ~~unemployment~~ tax
2856 collection services under contract with the Department of
2857 Economic Opportunity through an interagency agreement pursuant
2858 to s. 443.1316. The reports must include a sworn statement by an
2859 officer or principal of the employer attesting to the accuracy
2860 of the information contained in the report.

2861 (7) If an employee suffering a compensable injury was not
2862 reported as earning wages on the last quarterly earnings report
2863 filed with the Department of Economic Opportunity or the state
2864 agency providing reemployment assistance ~~unemployment~~ tax
2865 collection services under contract with the Department of
2866 Economic Opportunity through an interagency agreement pursuant
2867 to s. 443.1316 before the accident, the employer shall indemnify
2868 the carrier for all workers' compensation benefits paid to or on
2869 behalf of the employee unless the employer establishes that the
2870 employee was hired after the filing of the quarterly report, in
2871 which case the employer and employee shall attest to the fact
2872 that the employee was employed by the employer at the time of
2873 the injury. Failure of the employer to indemnify the insurer
2874 within 21 days after demand by the insurer is grounds for the
2875 insurer to immediately cancel coverage. Any action for
2876 indemnification brought by the carrier is cognizable in the
2877 circuit court having jurisdiction where the employer or carrier
2878 resides or transacts business. The insurer is entitled to a
2879 reasonable attorney's fee if it recovers any portion of the

577-02440A-12

20121416c1

2880 benefits paid in the action.

2881 Section 67. Subsection (2) of section 440.42, Florida
2882 Statutes, is amended to read:

2883 440.42 Insurance policies; liability.—

2884 (2) A workers' compensation insurance policy may require
2885 the employer to release certain employment and wage information
2886 maintained by the state pursuant to federal and state
2887 reemployment assistance ~~unemployment compensation~~ laws except to
2888 the extent prohibited or limited under federal law. By entering
2889 into a workers' compensation insurance policy with such a
2890 provision, the employer consents to the release of the
2891 information. The insurance carrier requiring such consent shall
2892 safeguard the information and maintain its confidentiality. The
2893 carrier shall limit use of the information to verifying
2894 compliance with the terms of the workers' compensation insurance
2895 policy. The department may charge a fee to cover the cost of
2896 disclosing the information.

2897 Section 68. Paragraph (i) of subsection (1) and paragraph
2898 (b) of subsection (9) of section 445.009, Florida Statutes, are
2899 amended to read:

2900 445.009 One-stop delivery system.—

2901 (1) The one-stop delivery system is the state's primary
2902 customer-service strategy for offering every Floridian access,
2903 through service sites or telephone or computer networks, to the
2904 following services:

2905 (i) Claim filing for reemployment assistance ~~unemployment~~
2906 ~~compensation~~ services.

2907 (9)

2908 (b) The network shall assure that a uniform method is used

577-02440A-12

20121416c1

2909 to determine eligibility for and management of services provided
2910 by agencies that conduct workforce development activities. The
2911 Department of Management Services shall develop strategies to
2912 allow access to the databases and information management systems
2913 of the following systems in order to link information in those
2914 databases with the one-stop delivery system:

- 2915 1. The Reemployment Assistance ~~Unemployment Compensation~~
2916 Program under chapter 443.
- 2917 2. The public employment service described in s. 443.181.
- 2918 3. The FLORIDA System and the components related to
2919 temporary cash assistance, food assistance, and Medicaid
2920 eligibility.
- 2921 4. The Student Financial Assistance System of the
2922 Department of Education.
- 2923 5. Enrollment in the public postsecondary education system.
- 2924 6. Other information systems determined appropriate by
2925 Workforce Florida, Inc.

2926 Section 69. Subsection (6) of section 445.016, Florida
2927 Statutes, is amended to read:

2928 445.016 Untried Worker Placement and Employment Incentive
2929 Act.—

2930 (6) During an untried worker's probationary placement, the
2931 for-profit or not-for-profit agent shall be the employer of
2932 record of that untried worker, and shall provide workers'
2933 compensation and reemployment assistance ~~unemployment~~
2934 ~~compensation~~ coverage as provided by law. The business employing
2935 the untried worker through the agent may be eligible to apply
2936 for any tax credits, wage supplementation, wage subsidy, or
2937 employer payment for that employee that are authorized in law or

577-02440A-12

20121416c1

2938 by agreement with the employer. After satisfactory completion of
2939 such a probationary period, an untried worker shall not be
2940 considered an untried worker.

2941 Section 70. Paragraph (c) of subsection (2) and paragraph
2942 (a) of subsection (3) of section 446.50, Florida Statutes, are
2943 amended to read:

2944 446.50 Displaced homemakers; multiservice programs; report
2945 to the Legislature; Displaced Homemaker Trust Fund created.—

2946 (2) DEFINITION.—For the purposes of this section, the term
2947 “displaced homemaker” means an individual who:

2948 (c) Is not adequately employed, as defined by rule of the
2949 Department of Economic Opportunity ~~agency~~;

2950 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2951 OPPORTUNITY.—

2952 (a) The Department of Economic Opportunity, under plans
2953 established by Workforce Florida, Inc., shall establish, or
2954 contract for the establishment of, programs for displaced
2955 homemakers which shall include:

2956 1. Job counseling, by professionals and peers, specifically
2957 designed for a person entering the job market after a number of
2958 years as a homemaker.

2959 2. Job training and placement services, including:

2960 a. Training programs for available jobs in the public and
2961 private sectors, taking into account the skills and job
2962 experiences of a homemaker and developed by working with public
2963 and private employers.

2964 b. Assistance in locating available employment for
2965 displaced homemakers, some of whom could be employed in existing
2966 job training and placement programs.

577-02440A-12

20121416c1

2967 c. Utilization of the services of the state employment
2968 service in locating employment opportunities.

2969 3. Financial management services providing information and
2970 assistance with respect to insurance, including, but not limited
2971 to, life, health, home, and automobile insurance, and taxes,
2972 estate and probate problems, mortgages, loans, and other related
2973 financial matters.

2974 4. Educational services, including high school equivalency
2975 degree and such other courses as the department determines would
2976 be of interest and benefit to displaced homemakers.

2977 5. Outreach and information services with respect to
2978 federal and state employment, education, health, and
2979 reemployment ~~unemployment~~ assistance programs that the
2980 department determines would be of interest and benefit to
2981 displaced homemakers.

2982 Section 71. Paragraph (b) of subsection (4) of section
2983 448.110, Florida Statutes, is amended to read:

2984 448.110 State minimum wage; annual wage adjustment;
2985 enforcement.—

2986 (4)

2987 (b) The Department of Revenue and the Department of
2988 Economic Opportunity shall annually publish the amount of the
2989 adjusted state minimum wage and the effective date. Publication
2990 shall occur by posting the adjusted state minimum wage rate and
2991 the effective date on the Internet home pages of the Department
2992 of Economic Opportunity and the Department of Revenue by October
2993 15 of each year. In addition, to the extent funded in the
2994 General Appropriations Act, the Department of Economic
2995 Opportunity shall provide written notice of the adjusted rate

577-02440A-12

20121416c1

2996 and the effective date of the adjusted state minimum wage to all
 2997 employers registered in the most current reemployment assistance
 2998 ~~unemployment compensation~~ database. Such notice shall be mailed
 2999 by November 15 of each year using the addresses included in the
 3000 database. Employers are responsible for maintaining current
 3001 address information in the reemployment assistance ~~unemployment~~
 3002 ~~compensation~~ database. The Department of Economic Opportunity is
 3003 not responsible for failure to provide notice due to incorrect
 3004 or incomplete address information in the database. The
 3005 Department of Economic Opportunity shall provide the Department
 3006 of Revenue with the adjusted state minimum wage rate information
 3007 and effective date in a timely manner.

3008 Section 72. Paragraph (e) of subsection (2) of section
 3009 450.31, Florida Statutes, is amended to read:

3010 450.31 Issuance, revocation, and suspension of, and refusal
 3011 to issue or renew, certificate of registration.—

3012 (2) The department may revoke, suspend, or refuse to issue
 3013 or renew any certificate of registration when it is shown that
 3014 the farm labor contractor has:

3015 (e) Failed to pay reemployment assistance ~~unemployment~~
 3016 ~~compensation~~ taxes as determined by the Department of Economic
 3017 Opportunity; or

3018 Section 73. Subsection (9) of section 450.33, Florida
 3019 Statutes, is amended to read:

3020 450.33 Duties of farm labor contractor.—Every farm labor
 3021 contractor must:

3022 (9) Comply with all applicable statutes, rules, and
 3023 regulations of the United States and of the State of Florida for
 3024 the protection or benefit of labor, including, but not limited

577-02440A-12

20121416c1

3025 to, those providing for wages, hours, fair labor standards,
3026 social security, workers' compensation, reemployment assistance
3027 or unemployment compensation, child labor, and transportation.

3028 Section 74. Subsections (1) and (3) of section 468.529,
3029 Florida Statutes, are amended to read:

3030 468.529 Licensee's insurance; employment tax; benefit
3031 plans.—

3032 (1) A licensed employee leasing company is the employer of
3033 the leased employees, except that this provision is not intended
3034 to affect the determination of any issue arising under Pub. L.
3035 No. 93-406, the Employee Retirement Income Security Act, as
3036 amended from time to time. An employee leasing company shall be
3037 responsible for timely payment of reemployment assistance
3038 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
3039 responsible for providing workers' compensation coverage
3040 pursuant to chapter 440. However, no licensed employee leasing
3041 company shall sponsor a plan of self-insurance for health
3042 benefits, except as may be permitted by the provisions of the
3043 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
3044 the Employee Retirement Income Security Act, as amended from
3045 time to time. For purposes of this section, a "plan of self-
3046 insurance" shall exclude any arrangement where an admitted
3047 insurance carrier has issued a policy of insurance primarily
3048 responsible for the obligations of the health plan.

3049 (3) A licensed employee leasing company shall within 30
3050 days after initiation or termination notify its workers'
3051 compensation insurance carrier, the Division of Workers'
3052 Compensation of the Department of Financial Services, and the
3053 state agency providing reemployment assistance ~~unemployment~~ tax

577-02440A-12

20121416c1

3054 collection services under contract with the Department of
3055 Economic Opportunity through an interagency agreement pursuant
3056 to s. 443.1316 of both the initiation or the termination of the
3057 company's relationship with any client company.

3058 Section 75. Subsection (8) of section 553.791, Florida
3059 Statutes, is amended to read:

3060 553.791 Alternative plans review and inspection.—

3061 (8) A private provider performing required inspections
3062 under this section shall inspect each phase of construction as
3063 required by the applicable codes. The private provider shall be
3064 permitted to send a duly authorized representative to the
3065 building site to perform the required inspections, provided all
3066 required reports are prepared by and bear the signature of the
3067 private provider or the private provider's duly authorized
3068 representative. The duly authorized representative must be an
3069 employee of the private provider entitled to receive
3070 reemployment assistance ~~unemployment compensation~~ benefits under
3071 chapter 443. The contractor's contractual or legal obligations
3072 are not relieved by any action of the private provider.

3073 Section 76. Paragraph (b) of subsection (5) of section
3074 624.509, Florida Statutes, is amended to read:

3075 624.509 Premium tax; rate and computation.—

3076 (5)

3077 (b) For purposes of this subsection:

3078 1. The term "salaries" does not include amounts paid as
3079 commissions.

3080 2. The term "employees" does not include independent
3081 contractors or any person whose duties require that the person
3082 hold a valid license under the Florida Insurance Code, except

577-02440A-12

20121416c1

3083 adjusters, managing general agents, and service representatives,
3084 as defined in s. 626.015.

3085 3. The term "net tax" means the tax imposed by this section
3086 after applying the calculations and credits set forth in
3087 subsection (4).

3088 4. An affiliated group of corporations that created a
3089 service company within its affiliated group on July 30, 2002,
3090 shall allocate the salary of each service company employee
3091 covered by contracts with affiliated group members to the
3092 companies for which the employees perform services. The salary
3093 allocation is based on the amount of time during the tax year
3094 that the individual employee spends performing services or
3095 otherwise working for each company over the total amount of time
3096 the employee spends performing services or otherwise working for
3097 all companies. The total amount of salary allocated to an
3098 insurance company within the affiliated group shall be included
3099 as that insurer's employee salaries for purposes of this
3100 section.

3101 a. Except as provided in subparagraph (a)2., the term
3102 "affiliated group of corporations" means two or more
3103 corporations that are entirely owned by a single corporation and
3104 that constitute an affiliated group of corporations as defined
3105 in s. 1504(a) of the Internal Revenue Code.

3106 b. The term "service company" means a separate corporation
3107 within the affiliated group of corporations whose employees
3108 provide services to affiliated group members and which are
3109 treated as service company employees for reemployment assistance
3110 or unemployment compensation and common law purposes. The
3111 holding company of an affiliated group may not qualify as a

577-02440A-12

20121416c1

3112 service company. An insurance company may not qualify as a
3113 service company.

3114 c. If an insurance company fails to substantiate, whether
3115 by means of adequate records or otherwise, its eligibility to
3116 claim the service company exception under this section, or its
3117 salary allocation under this section, no credit shall be
3118 allowed.

3119 5. A service company that is a subsidiary of a mutual
3120 insurance holding company, which mutual insurance holding
3121 company was in existence on or before January 1, 2000, shall
3122 allocate the salary of each service company employee covered by
3123 contracts with members of the mutual insurance holding company
3124 system to the companies for which the employees perform
3125 services. The salary allocation is based on the ratio of the
3126 amount of time during the tax year which the individual employee
3127 spends performing services or otherwise working for each company
3128 to the total amount of time the employee spends performing
3129 services or otherwise working for all companies. The total
3130 amount of salary allocated to an insurance company within the
3131 mutual insurance holding company system shall be included as
3132 that insurer's employee salaries for purposes of this section.
3133 However, this subparagraph does not apply for any tax year
3134 unless funds sufficient to offset the anticipated salary credits
3135 have been appropriated to the General Revenue Fund prior to the
3136 due date of the final return for that year.

3137 a. The term "mutual insurance holding company system" means
3138 two or more corporations that are subsidiaries of a mutual
3139 insurance holding company and in compliance with part IV of
3140 chapter 628.

577-02440A-12

20121416c1

3141 b. The term "service company" means a separate corporation
3142 within the mutual insurance holding company system whose
3143 employees provide services to other members of the mutual
3144 insurance holding company system and are treated as service
3145 company employees for reemployment assistance or unemployment
3146 compensation and common-law purposes. The mutual insurance
3147 holding company may not qualify as a service company.

3148 c. If an insurance company fails to substantiate, whether
3149 by means of adequate records or otherwise, its eligibility to
3150 claim the service company exception under this section, or its
3151 salary allocation under this section, no credit shall be
3152 allowed.

3153 Section 77. Paragraph (c) of subsection (8) of section
3154 679.4061, Florida Statutes, is amended to read:

3155 679.4061 Discharge of account debtor; notification of
3156 assignment; identification and proof of assignment; restrictions
3157 on assignment of accounts, chattel paper, payment intangibles,
3158 and promissory notes ineffective.—

3159 (8) This section is subject to law other than this chapter
3160 which establishes a different rule for an account debtor who is
3161 an individual and who incurred the obligation primarily for
3162 personal, family, or household purposes. Subsections (4) and (6)
3163 do not apply to the creation, attachment, perfection, or
3164 enforcement of a security interest in:

3165 (c) The interest of a debtor who is a natural person in
3166 reemployment assistance or unemployment, alimony, disability,
3167 pension, or retirement benefits or victim compensation funds.

3168 Section 78. Paragraph (c) of subsection (6) of section
3169 679.4081, Florida Statutes, is amended to read:

577-02440A-12

20121416c1

3170 679.4081 Restrictions on assignment of promissory notes,
3171 health-care-insurance receivables, and certain general
3172 intangibles ineffective.—

3173 (6) Subsections (1) and (3) do not apply to the creation,
3174 attachment, perfection, or enforcement of a security interest
3175 in:

3176 (c) The interest of a debtor who is a natural person in
3177 reemployment assistance or unemployment, alimony, disability,
3178 pension, or retirement benefits or victim compensation funds.

3179 Section 79. Paragraph (a) of subsection (1) of section
3180 895.02, Florida Statutes, is amended to read:

3181 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

3182 (1) "Racketeering activity" means to commit, to attempt to
3183 commit, to conspire to commit, or to solicit, coerce, or
3184 intimidate another person to commit:

3185 (a) Any crime that is chargeable by petition, indictment,
3186 or information under the following provisions of the Florida
3187 Statutes:

3188 1. Section 210.18, relating to evasion of payment of
3189 cigarette taxes.

3190 2. Section 316.1935, relating to fleeing or attempting to
3191 elude a law enforcement officer and aggravated fleeing or
3192 eluding.

3193 3. Section 403.727(3)(b), relating to environmental
3194 control.

3195 4. Section 409.920 or s. 409.9201, relating to Medicaid
3196 fraud.

3197 5. Section 414.39, relating to public assistance fraud.

3198 6. Section 440.105 or s. 440.106, relating to workers'

577-02440A-12

20121416c1

- 3199 compensation.
- 3200 7. Section 443.071(4), relating to creation of a fictitious
- 3201 employer scheme to commit reemployment assistance ~~unemployment~~
- 3202 ~~compensation~~ fraud.
- 3203 8. Section 465.0161, relating to distribution of medicinal
- 3204 drugs without a permit as an Internet pharmacy.
- 3205 9. Section 499.0051, relating to crimes involving
- 3206 contraband and adulterated drugs.
- 3207 10. Part IV of chapter 501, relating to telemarketing.
- 3208 11. Chapter 517, relating to sale of securities and
- 3209 investor protection.
- 3210 12. Section 550.235 or s. 550.3551, relating to dogracing
- 3211 and horseracing.
- 3212 13. Chapter 550, relating to jai alai frontons.
- 3213 14. Section 551.109, relating to slot machine gaming.
- 3214 15. Chapter 552, relating to the manufacture, distribution,
- 3215 and use of explosives.
- 3216 16. Chapter 560, relating to money transmitters, if the
- 3217 violation is punishable as a felony.
- 3218 17. Chapter 562, relating to beverage law enforcement.
- 3219 18. Section 624.401, relating to transacting insurance
- 3220 without a certificate of authority, s. 624.437(4)(c)1., relating
- 3221 to operating an unauthorized multiple-employer welfare
- 3222 arrangement, or s. 626.902(1)(b), relating to representing or
- 3223 aiding an unauthorized insurer.
- 3224 19. Section 655.50, relating to reports of currency
- 3225 transactions, when such violation is punishable as a felony.
- 3226 20. Chapter 687, relating to interest and usurious
- 3227 practices.

577-02440A-12

20121416c1

3228 21. Section 721.08, s. 721.09, or s. 721.13, relating to
3229 real estate timeshare plans.

3230 22. Section 775.13(5)(b), relating to registration of
3231 persons found to have committed any offense for the purpose of
3232 benefiting, promoting, or furthering the interests of a criminal
3233 gang.

3234 23. Section 777.03, relating to commission of crimes by
3235 accessories after the fact.

3236 24. Chapter 782, relating to homicide.

3237 25. Chapter 784, relating to assault and battery.

3238 26. Chapter 787, relating to kidnapping or human
3239 trafficking.

3240 27. Chapter 790, relating to weapons and firearms.

3241 28. Chapter 794, relating to sexual battery, but only if
3242 such crime was committed with the intent to benefit, promote, or
3243 further the interests of a criminal gang, or for the purpose of
3244 increasing a criminal gang member's own standing or position
3245 within a criminal gang.

3246 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
3247 796.05, or s. 796.07, relating to prostitution and sex
3248 trafficking.

3249 30. Chapter 806, relating to arson and criminal mischief.

3250 31. Chapter 810, relating to burglary and trespass.

3251 32. Chapter 812, relating to theft, robbery, and related
3252 crimes.

3253 33. Chapter 815, relating to computer-related crimes.

3254 34. Chapter 817, relating to fraudulent practices, false
3255 pretenses, fraud generally, and credit card crimes.

3256 35. Chapter 825, relating to abuse, neglect, or

577-02440A-12

20121416c1

3257 exploitation of an elderly person or disabled adult.
3258 36. Section 827.071, relating to commercial sexual
3259 exploitation of children.
3260 37. Chapter 831, relating to forgery and counterfeiting.
3261 38. Chapter 832, relating to issuance of worthless checks
3262 and drafts.
3263 39. Section 836.05, relating to extortion.
3264 40. Chapter 837, relating to perjury.
3265 41. Chapter 838, relating to bribery and misuse of public
3266 office.
3267 42. Chapter 843, relating to obstruction of justice.
3268 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3269 s. 847.07, relating to obscene literature and profanity.
3270 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3271 849.25, relating to gambling.
3272 45. Chapter 874, relating to criminal gangs.
3273 46. Chapter 893, relating to drug abuse prevention and
3274 control.
3275 47. Chapter 896, relating to offenses related to financial
3276 transactions.
3277 48. Sections 914.22 and 914.23, relating to tampering with
3278 or harassing a witness, victim, or informant, and retaliation
3279 against a witness, victim, or informant.
3280 49. Sections 918.12 and 918.13, relating to tampering with
3281 jurors and evidence.
3282 Section 80. Paragraph (g) of subsection (8) of section
3283 896.101, Florida Statutes, is amended to read:
3284 896.101 Florida Money Laundering Act; definitions;
3285 penalties; injunctions; seizure warrants; immunity.-

577-02440A-12

20121416c1

- 3286 (8)
- 3287 (g)1. Upon service of the temporary order served pursuant
3288 to this section, the petitioner shall immediately notify by
3289 certified mail, return receipt requested, or by personal
3290 service, both the person or entity in possession of the monetary
3291 instruments or funds and the owner of the monetary instruments
3292 or funds if known, of the order entered pursuant to this section
3293 and that the lawful owner of the monetary instruments or funds
3294 being enjoined may request a hearing to contest and modify the
3295 order entered pursuant to this section by petitioning the court
3296 that issued the order, so that such notice is received within 72
3297 hours.
- 3298 2. The notice shall advise that the hearing shall be held
3299 within 3 days of the request, and the notice must state that the
3300 hearing will be set and noticed by the person against whom the
3301 order is served.
- 3302 3. The notice shall specifically state that the lawful
3303 owner has the right to produce evidence of legitimate business
3304 expenses, obligations, and liabilities, including but not
3305 limited to, employee payroll expenses verified by current
3306 reemployment assistance ~~unemployment compensation~~ records,
3307 employee workers' compensation insurance, employee health
3308 insurance, state and federal taxes, and regulatory or licensing
3309 fees only as may become due before the expiration of the
3310 temporary order.
- 3311 4. Upon determination by the court that the expenses are
3312 valid, payment of such expenses may be effected by the owner of
3313 the enjoined monetary instruments or funds only to the court-
3314 ordered payees through court-reviewed checks, issued by the

577-02440A-12

20121416c1

3315 owner of, and the person or entity in possession of, the
 3316 enjoined monetary instruments or funds. Upon presentment, the
 3317 person or entity in possession of the enjoined funds or monetary
 3318 instruments shall only honor the payment of the check to the
 3319 court-ordered payee.

3320 Section 81. Paragraph (a) of subsection (3) of section
 3321 921.0022, Florida Statutes, is amended to read:

3322 921.0022 Criminal Punishment Code; offense severity ranking
 3323 chart.—

3324 (3) OFFENSE SEVERITY RANKING CHART

3325 (a) LEVEL 1

3326

Florida	Felony	
Statute	Degree	Description

3327

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

3328

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

3329

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

3330

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

3331

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

577-02440A-12

20121416c1

3332

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

3333

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

3334

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

3335

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

3336

322.212(5)(a) 3rd False application for driver's license or
identification card.

3337

414.39(2) 3rd Unauthorized use, possession, forgery, or
alteration of food assistance program,
Medicaid ID, value greater than \$200.

3338

414.39(3)(a) 3rd Fraudulent misappropriation of public
assistance funds by employee/official,
value more than \$200.

3339

443.071(1) 3rd False statement or representation to
obtain or increase reemployment

577-02440A-12

20121416c1

assistance ~~unemployment compensation~~
benefits.

3340

509.151 (1) 3rd Defraud an innkeeper, food or lodging
value greater than \$300.

3341

517.302 (1) 3rd Violation of the Florida Securities and
Investor Protection Act.

3342

562.27 (1) 3rd Possess still or still apparatus.

3343

713.69 3rd Tenant removes property upon which lien
has accrued, value more than \$50.

3344

812.014 (3) (c) 3rd Petit theft (3rd conviction); theft of
any property not specified in subsection
(2).

3345

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

3346

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

3347

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

3348

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

577-02440A-12

20121416c1

felony.

3349

826.01 3rd Bigamy.

3350

828.122 (3) 3rd Fighting or baiting animals.

3351

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

3352

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

3353

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

3354

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.

3355

838.15 (2) 3rd Commercial bribe receiving.

3356

838.16 3rd Commercial bribery.

3357

843.18 3rd Fleeing by boat to elude a law enforcement officer.

3358

847.011 (1) (a) 3rd Sell, distribute, etc., obscene, lewd,

577-02440A-12

20121416c1

etc., material (2nd conviction).

3359

849.01 3rd Keeping gambling house.

3360

849.09(1) (a) - 3rd Lottery; set up, promote, etc., or assist
(d) therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.

3361

849.23 3rd Gambling-related machines; "common offender" as to property rights.

3362

849.25(2) 3rd Engaging in bookmaking.

3363

860.08 3rd Interfere with a railroad signal.

3364

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

3365

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

3366

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

3367

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

3368

3369

Section 82. Subsection (2) of section 946.513, Florida

577-02440A-12

20121416c1

3370 Statutes, is amended to read:

3371 946.513 Private employment of inmates; disposition of
3372 compensation received.—

3373 (2) No inmate is eligible for reemployment assistance
3374 benefits ~~unemployment compensation~~, whether employed by the
3375 corporation or by any other private enterprise operating on the
3376 grounds of a correctional institution or elsewhere, when such
3377 employment is part of a correctional work program or work-
3378 release program of either the corporation or the department.

3379 Section 83. Subsection (2) of section 946.523, Florida
3380 Statutes, is amended to read:

3381 946.523 Prison industry enhancement (PIE) programs.—

3382 (2) Notwithstanding any other law to the contrary,
3383 including s. 440.15(8), private sector employers shall provide
3384 workers' compensation coverage to inmates who participate in
3385 prison industry enhancement (PIE) programs under subsection (1).
3386 However, inmates are not entitled to reemployment assistance
3387 benefits ~~unemployment compensation~~.

3388 Section 84. Paragraph (c) of subsection (5) of section
3389 985.618, Florida Statutes, is amended to read:

3390 985.618 Educational and career-related programs.—

3391 (5)

3392 (c) Notwithstanding any other law to the contrary,
3393 including s. 440.15(8), private sector employers shall provide
3394 juveniles participating in juvenile work programs under
3395 paragraph (b) with workers' compensation coverage, and juveniles
3396 shall be entitled to the benefits of such coverage. Nothing in
3397 this subsection shall be construed to allow juveniles to
3398 participate in reemployment assistance ~~unemployment compensation~~

577-02440A-12

20121416c1

3399 benefits.

3400 Section 85. Subsection (3) of section 1003.496, Florida
3401 Statutes, is amended to read:

3402 1003.496 High School to Business Career Enhancement
3403 Program.—

3404 (3) Employment under this section of a student intern who
3405 meets the criteria of s. 443.1216(13)(q) is not employment for
3406 purposes of reemployment assistance ~~unemployment compensation~~
3407 under chapter 443.

3408 Section 86. Subsection (3) of section 1008.39, Florida
3409 Statutes, is amended to read:

3410 1008.39 Florida Education and Training Placement
3411 Information Program.—

3412 (3) The Florida Education and Training Placement
3413 Information Program must not make public any information that
3414 could identify an individual or the individual's employer. The
3415 Department of Education must ensure that the purpose of
3416 obtaining placement information is to evaluate and improve
3417 public programs or to conduct research for the purpose of
3418 improving services to the individuals whose social security
3419 numbers are used to identify their placement. If an agreement
3420 assures that this purpose will be served and that privacy will
3421 be protected, the Department of Education shall have access to
3422 the reemployment assistance ~~unemployment insurance~~ wage reports
3423 maintained by the Department of Economic Opportunity, the files
3424 of the Department of Children and Family Services that contain
3425 information about the distribution of public assistance, the
3426 files of the Department of Corrections that contain records of
3427 incarcerations, and the files of the Department of Business and

577-02440A-12

20121416c1

3428 Professional Regulation that contain the results of licensure
3429 examination.

3430 Section 87. Paragraph (b) of subsection (1) of section
3431 1008.41, Florida Statutes, is amended to read:

3432 1008.41 Workforce education; management information
3433 system.—

3434 (1) The Commissioner of Education shall coordinate uniform
3435 program structures, common definitions, and uniform management
3436 information systems for workforce education for all divisions
3437 within the department. In performing these functions, the
3438 commissioner shall designate deadlines after which data elements
3439 may not be changed for the coming fiscal or school year. School
3440 districts and Florida College System institutions shall be
3441 notified of data element changes at least 90 days prior to the
3442 start of the subsequent fiscal or school year. Such systems must
3443 provide for:

3444 (b) Compliance with state and federal confidentiality
3445 requirements, except that the department shall have access to
3446 the reemployment assistance ~~unemployment insurance~~ wage reports
3447 to collect and report placement information about former
3448 students. Such placement reports must not disclose the
3449 individual identities of former students.

3450 Section 88. Notwithstanding the expiration date contained
3451 in section 13 of chapter 2011-235, Laws of Florida, operating
3452 retroactive to January 4, 2012, and expiring March 11, 2012,
3453 section 443.1117, Florida Statutes, is revived, readopted, and
3454 amended to read:

3455 443.1117 Temporary extended benefits.—

3456 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if

577-02440A-12

20121416c1

3457 the result is inconsistent with other provisions of this
 3458 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
 3459 claims covered by this section.

3460 (2) DEFINITIONS.—As used in this section, the term:

3461 (a) "Regular benefits" and "extended benefits" have the
 3462 same meaning as in s. 443.1115.

3463 (b) "Eligibility period" means the weeks in an individual's
 3464 benefit year or emergency benefit period which begin in an
 3465 extended benefit period and, if the benefit year or emergency
 3466 benefit period ends within that extended benefit period, any
 3467 subsequent weeks beginning in that period.

3468 (c) "Emergency benefits" means benefits ~~Emergency~~
 3469 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
 3470 and any subsequent federal law that provides for the payment of
 3471 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
 3472 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
 3473 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
 3474 ~~No. 111-312.~~

3475 (d) "Extended benefit period" means a period that:

3476 1. Begins with the third week after a week for which there
 3477 is a state "on" indicator; and

3478 2. Ends with any of the following weeks, whichever occurs
 3479 later:

3480 a. The third week after the first week for which there is a
 3481 state "off" indicator; or

3482 b. The 13th consecutive week of that period.

3483 However, an extended benefit period may not begin by reason
 3484 of a state "on" indicator before the 14th week after the end of
 3485 a prior extended benefit period that was in effect for this

577-02440A-12

20121416c1

3486 state.

3487 (e) "Emergency benefit period" means the period during
3488 which an individual receives emergency benefits.

3489 (f) "Exhaustee" means an individual who, for any week of
3490 unemployment in her or his eligibility period:

3491 1. Has received, before that week, all of the regular
3492 benefits and emergency benefits, if any, available under this
3493 chapter or any other law, including dependents' allowances and
3494 benefits payable to federal civilian employees and ex-
3495 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
3496 benefit year or emergency benefit period that includes that
3497 week. For the purposes of this subparagraph, an individual has
3498 received all of the regular benefits and emergency benefits, if
3499 any, available even if, as a result of a pending appeal for
3500 wages paid for insured work which were not considered in the
3501 original monetary determination in the benefit year, she or he
3502 may subsequently be determined to be entitled to added regular
3503 benefits;

3504 2. Had a benefit year that expired before that week, and
3505 was paid no, or insufficient, wages for insured work on the
3506 basis of which she or he could establish a new benefit year that
3507 includes that week; and

3508 3.a. Has no right to unemployment benefits or allowances
3509 under the Railroad Unemployment Insurance Act or other federal
3510 laws as specified in regulations issued by the United States
3511 Secretary of Labor; and

3512 b. Has not received and is not seeking unemployment
3513 benefits under the unemployment compensation law of Canada; but
3514 if an individual is seeking those benefits and the appropriate

577-02440A-12

20121416c1

3515 agency finally determines that she or he is not entitled to
3516 benefits under that law, she or he is considered an exhaustee.

3517 (g) "State 'on' indicator" means, with respect to weeks of
3518 unemployment ending on or before February 11, 2012 ~~December 10,~~
3519 ~~2011~~, the occurrence of a week in which the average total
3520 unemployment rate, seasonally adjusted, as determined by the
3521 United States Secretary of Labor, for the most recent 3 months
3522 for which data for all states are published by the United States
3523 Department of Labor:

3524 1. Equals or exceeds 110 percent of the average of those
3525 rates for the corresponding 3-month period ending in any or all
3526 of the preceding 3 calendar years; and

3527 2. Equals or exceeds 6.5 percent.

3528 (h) "High unemployment period" means, with respect to weeks
3529 of unemployment ending on or before February 11, 2012 ~~December~~
3530 ~~10, 2011~~, any week in which the average total unemployment rate,
3531 seasonally adjusted, as determined by the United States
3532 Secretary of Labor, for the most recent 3 months for which data
3533 for all states are published by the United States Department of
3534 Labor:

3535 1. Equals or exceeds 110 percent of the average of those
3536 rates for the corresponding 3-month period ending in any or all
3537 of the preceding 3 calendar years; and

3538 2. Equals or exceeds 8 percent.

3539 (i) "State 'off' indicator" means the occurrence of a week
3540 in which there is no state "on" indicator or which does not
3541 constitute a high unemployment period.

3542 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
3543 subsection (4):

577-02440A-12

20121416c1

3544 (a) For any week for which there is an "on" indicator
3545 pursuant to paragraph (2)(g), the total extended benefit amount
3546 payable to an eligible individual for her or his applicable
3547 benefit year is the lesser of:

3548 1. Fifty percent of the total regular benefits payable
3549 under this chapter in the applicable benefit year; or

3550 2. Thirteen times the weekly benefit amount payable under
3551 this chapter for a week of total unemployment in the applicable
3552 benefit year.

3553 (b) For any high unemployment period, the total extended
3554 benefit amount payable to an eligible individual for her or his
3555 applicable benefit year is the lesser of:

3556 1. Eighty percent of the total regular benefits payable
3557 under this chapter in the applicable benefit year; or

3558 2. Twenty times the weekly benefit amount payable under
3559 this chapter for a week of total unemployment in the applicable
3560 benefit year.

3561 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
3562 provision of this chapter, if the benefit year of an individual
3563 ends within an extended benefit period, the number of weeks of
3564 extended benefits the individual is entitled to receive in that
3565 extended benefit period for weeks of unemployment beginning
3566 after the end of the benefit year, except as provided in this
3567 section, is reduced, but not to below zero, by the number of
3568 weeks for which the individual received, within that benefit
3569 year, trade readjustment allowances under the Trade Act of 1974,
3570 as amended.

3571 Section 89. The provisions of s. 443.1117, Florida
3572 Statutes, as revived, readopted, and amended by this act, apply

577-02440A-12

20121416c1

3573 only to claims for weeks of unemployment in which an exhaustee
3574 establishes entitlement to extended benefits pursuant to that
3575 section which are established for the period between January 4,
3576 2012, and March 11, 2012.

3577 Section 90. If any provision of this act or its application
3578 to any person or circumstance is held invalid, the invalidity
3579 does not affect other provisions or applications of the act
3580 which can be given effect without the invalid provision or
3581 application, and to this end the provision of the act are
3582 severable.

3583 Section 91. The Legislature finds that this act fulfills an
3584 important state interest.

3585 Section 92. Except as otherwise expressly provided in this
3586 act, this act shall take effect July 1, 2012.