

By the Committees on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Commerce and Tourism; and Senator Bogdanoff

606-04268-12

20121416c2

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

606-04268-12

20121416c2

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 this act; amending s. 443.1217,
36 F.S.; reducing the amount of an employee's wages that
37 are exempt from the employer's contribution to the
38 Unemployment Compensation Trust Fund for a certain
39 period of time; amending s. 443.131, F.S.; revising
40 the rate and recoupment period for computing the
41 employer contribution to the trust fund until January
42 1, 2018; providing for retroactive application;
43 prohibiting benefits from being charged to the
44 employment record of an employer that is forced to lay
45 off workers as a result of a manmade disaster of
46 national significance; revising references to conform
47 to changes made by the act; amending s. 443.151, F.S.;
48 revising the statute of limitations related to the
49 collection of unemployment compensation benefits
50 overpayments; revising references to conform to
51 changes made by the act; amending s. 443.171, F.S.;
52 deleting an exemption from public records requirements
53 for unemployment compensation records and reports;
54 revising references to conform to changes made by the
55 act; amending s. 443.1715, F.S.; revising an exemption
56 from public records requirements for unemployment
57 compensation records and reports; revising references
58 to conform to changes made by the act; amending ss.

606-04268-12

20121416c2

59 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046,
60 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,
61 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,
62 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,
63 288.075, 288.1045, 288.106, 288.1081, 288.1089,
64 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,
65 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,
66 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,
67 443.1315, 443.1316, 443.1317, 443.141, 443.163,
68 443.17161, 443.181, 443.191, 443.221, 445.009,
69 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
70 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
71 921.0022, 946.513, 946.523, 985.618, 1003.496,
72 1008.39, and 1008.41, F.S.; revising references to
73 conform to changes made by the act; reviving,
74 readopting, and amending s. 443.1117, F.S., relating
75 to temporary extended benefits; providing for
76 retroactive application; providing for applicability
77 relating to extended benefits for certain weeks and
78 for periods of high unemployment; providing for
79 applicability; creating a work group to study
80 Florida's reemployment assistance contribution
81 calculation and provide recommendations; providing for
82 membership; providing for reimbursement; providing for
83 future expiration; providing for severability;
84 providing that the act fulfills an important state
85 interest; providing appropriations for purposes of
86 implementation; providing effective dates.

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606-04268-12

20121416c2

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

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90 Section 1. Section 443.011, Florida Statutes, is amended to
91 read:

92 443.011 Short title.—This chapter may be cited as the
93 "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."

94 Section 2. Subsections (1), (3), (10), and (12) of section
95 443.012, Florida Statutes, are amended to read:

96 443.012 Reemployment Assistance ~~Unemployment~~ Appeals
97 Commission.—

98 (1) There is created within the Division of Workforce
99 Services of the Department of Economic Opportunity a
100 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
101 commission is composed of a chair and two other members
102 appointed by the Governor, subject to confirmation by the
103 Senate. Only one appointee may be a representative of employers,
104 as demonstrated by his or her previous vocation, employment, or
105 affiliation; and only one appointee may be a representative of
106 employees, as demonstrated by his or her previous vocation,
107 employment, or affiliation.

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

111 (b) The chair has authority to appoint a general counsel
112 and other personnel to carry out the duties and responsibilities
113 of the commission.

114 (c) The chair must have the qualifications required by law
115 for a judge of the circuit court and may not engage in any other
116 business vocation or employment. Notwithstanding any other law,

606-04268-12

20121416c2

117 the chair shall be paid a salary equal to that paid under state
118 law to a judge of the circuit court.

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

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

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

129 (10) The commission shall have a seal for authenticating
130 its orders, awards, and proceedings, upon which shall be
131 inscribed the words "State of Florida-Reemployment Assistance
132 ~~Unemployment~~ Appeals Commission-Seal," and it shall be
133 judicially noticed.

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

138 Section 3. Subsections (12), (14), and (26) of section
139 443.036, Florida Statutes, are amended, present subsections (38)
140 through (46) are renumbered as subsections (39) through (47),
141 respectively, present subsections (38) and (42) are amended, and
142 a new subsection (38) is added to that section, to read:

143 443.036 Definitions.—As used in this chapter, the term:

144 (12) "Commission" means the Reemployment Assistance
145 ~~Unemployment~~ Appeals Commission.

606-04268-12

20121416c2

146 (14) "Contribution" means a payment of payroll tax to the
147 Unemployment Compensation Trust Fund which is required under
148 this chapter to finance reemployment assistance ~~unemployment~~
149 benefits.

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

155 (38) "Reemployment assistance" means cash benefits payable
156 to individuals with respect to their unemployment pursuant to
157 the provisions of this chapter. Where the context requires,
158 reemployment assistance also means cash benefits payable to
159 individuals with respect to their unemployment pursuant to 5
160 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
161 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
162 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
163 U.S.C. s. 503. Any reference to reemployment assistance shall
164 mean compensation payable from an unemployment fund as defined
165 in 26 U.S.C. s. 3306(f).

166 (39)~~(38)~~ "Reimbursement" means a payment of money to the
167 Unemployment Compensation Trust Fund in lieu of a contribution
168 which is required under this chapter to finance reemployment
169 assistance ~~unemployment~~ benefits.

170 (43)~~(42)~~ "Tax collection service provider" or "service
171 provider" means the state agency providing reemployment
172 assistance ~~unemployment~~ tax collection services under contract
173 with the Department of Economic Opportunity through an
174 interagency agreement pursuant to s. 443.1316.

606-04268-12

20121416c2

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

178 443.051 Benefits not alienable; exception, child support
179 intercept.—

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

181 (a) “Reemployment assistance” or “unemployment
182 compensation” means any compensation payable under state law,
183 including amounts payable pursuant to an agreement under any
184 federal law providing for compensation, assistance, or
185 allowances for unemployment.

186 (3) EXCEPTION, SUPPORT INTERCEPT.—

187 (b) For support obligations established on or after July 1,
188 2006, and for support obligations established before July 1,
189 2006, when the support order does not address the withholding of
190 reemployment assistance or unemployment compensation, the
191 department shall deduct and withhold 40 percent of the
192 reemployment assistance or unemployment compensation otherwise
193 payable to an individual disclosed under paragraph (a). If
194 delinquencies, arrearages, or retroactive support are owed and
195 repayment has not been ordered, the unpaid amounts are included
196 in the support obligation and are subject to withholding. If the
197 amount deducted exceeds the support obligation, the Department
198 of Revenue shall promptly refund the amount of the excess
199 deduction to the obligor. For support obligations in effect
200 before July 1, 2006, if the support order addresses the
201 withholding of reemployment assistance or unemployment
202 compensation, the department shall deduct and withhold the
203 amount ordered by the court or administrative agency that issued

606-04268-12

20121416c2

204 the support order as disclosed by the Department of Revenue.

205 (d) Any amount deducted and withheld under this subsection
206 shall for all purposes be treated as if it were paid to the
207 individual as reemployment assistance or unemployment
208 compensation and paid by the individual to the Department of
209 Revenue for support obligations.

210 Section 5. Subsections (6), (7), and (8) of section
211 443.071, Florida Statutes, are amended to read:

212 443.071 Penalties.—

213 (6) The entry into evidence of an application for
214 reemployment assistance ~~unemployment~~ benefits initiated by the
215 use of the Internet claims program or the interactive voice
216 response system telephone claims program of the Department of
217 Economic Opportunity constitutes prima facie evidence of the
218 establishment of a personal benefit account by or for an
219 individual if the following information is provided: the
220 applicant's name, residence address, date of birth, social
221 security number, and present or former place of work.

222 (7) The entry into evidence of a transaction history
223 generated by a personal identification number, password, or
224 other identifying code used by the department in establishing
225 that a certification or claim for one or more weeks of benefits
226 was made against the benefit account of the individual, together
227 with documentation that payment was paid by a state warrant made
228 to the order of the person, ~~or by~~ direct deposit via electronic
229 means, or department-issued debit card, constitutes prima facie
230 evidence that the person claimed and received reemployment
231 assistance ~~unemployment~~ benefits from the state.

232 (8) All records relating to investigations of reemployment

606-04268-12

20121416c2

233 assistance ~~unemployment compensation~~ fraud in the custody of the
234 Department of Economic Opportunity or its tax collection service
235 provider are available for examination by the Department of Law
236 Enforcement, the state attorneys, or the Office of the Statewide
237 Prosecutor in the prosecution of offenses under s. 817.568 or in
238 proceedings brought under this chapter.

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

242 443.091 Benefit eligibility conditions.—

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

246 (c) To make continued claims for benefits, she or he is
247 reporting to the department in accordance with this paragraph
248 and department ~~agency~~ rules, and participating in an initial
249 skills review, as directed by the department ~~agency~~. Department
250 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which
251 requires that each claimant continue to report regardless of any
252 pending appeal relating to her or his eligibility or
253 disqualification for benefits.

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

258 2. The administrator or operator of the initial skills
259 review shall notify the department ~~agency~~ when the individual
260 completes the initial skills review and report the results of
261 the review to the regional workforce board or the one-stop

606-04268-12

20121416c2

262 career center as directed by the workforce board. The department
263 shall prescribe a numeric score on the initial skills review
264 that demonstrates a minimal proficiency in workforce skills. The
265 department, workforce board, or one-stop career center shall use
266 the initial skills review to develop a plan for referring
267 individuals to training and employment opportunities. The
268 failure of the individual to comply with this requirement will
269 result in the individual being determined ineligible for
270 benefits for the week in which the noncompliance occurred and
271 for any subsequent week of unemployment until the requirement is
272 satisfied. However, this requirement does not apply if the
273 individual is able to affirmatively attest to being unable to
274 complete such review due to illiteracy or a language impediment
275 or is exempt from the work registration requirement as set forth
276 in paragraph (b).

277 3. Any individual that falls below the minimal proficiency
278 score prescribed by the department in subparagraph 2. on the
279 initial skills review shall be offered training opportunities
280 and encouraged to participate in such training at no cost to the
281 individual in order to improve his or her workforce skills to
282 the minimal proficiency level.

283 4. The department shall coordinate with Workforce Florida,
284 Inc., the workforce boards, and the one-stop career centers to
285 identify, develop, and utilize best practices for improving the
286 skills of individuals who choose to participate in training
287 opportunities and who have a minimal proficiency score below the
288 score prescribed in subparagraph 2.

289 5. The department, in coordination with Workforce Florida,
290 Inc., the workforce boards, and the one-stop career centers,

606-04268-12

20121416c2

291 shall evaluate the use, effectiveness, and costs associated with
292 the training prescribed in subparagraph 3. and report its
293 findings and recommendations for training and the use of best
294 practices to the Governor, the President of the Senate, and the
295 Speaker of the House of Representatives by January 1, 2013.

296 (d) She or he is able to work and is available for work. In
297 order to assess eligibility for a claimed week of unemployment,
298 the department shall develop criteria to determine a claimant's
299 ability to work and availability for work. A claimant must be
300 actively seeking work in order to be considered available for
301 work. This means engaging in systematic and sustained efforts to
302 find work, including contacting at least five prospective
303 employers for each week of unemployment claimed. The department
304 ~~agency~~ may require the claimant to provide proof of such efforts
305 to the one-stop career center as part of reemployment services.
306 The department ~~agency~~ shall conduct random reviews of work
307 search information provided by claimants. As an alternative to
308 contacting at least five prospective employers for any week of
309 unemployment claimed, a claimant may, for that same week, report
310 in person to a one-stop career center to meet with a
311 representative of the center and access reemployment services of
312 the center. The center shall keep a record of the services or
313 information provided to the claimant and shall provide the
314 records to the department ~~agency~~ upon request by the department
315 ~~agency~~. However:

316 1. Notwithstanding any other provision of this paragraph or
317 paragraphs (b) and (e), an otherwise eligible individual may not
318 be denied benefits for any week because she or he is in training
319 with the approval of the department, or by reason of s.

606-04268-12

20121416c2

320 443.101(2) relating to failure to apply for, or refusal to
321 accept, suitable work. Training may be approved by the
322 department in accordance with criteria prescribed by rule. A
323 claimant's eligibility during approved training is contingent
324 upon satisfying eligibility conditions prescribed by rule.

325 2. Notwithstanding any other provision of this chapter, an
326 otherwise eligible individual who is in training approved under
327 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
328 determined ineligible or disqualified for benefits due to
329 enrollment in such training or because of leaving work that is
330 not suitable employment to enter such training. As used in this
331 subparagraph, the term "suitable employment" means work of a
332 substantially equal or higher skill level than the worker's past
333 adversely affected employment, as defined for purposes of the
334 Trade Act of 1974, as amended, the wages for which are at least
335 80 percent of the worker's average weekly wage as determined for
336 purposes of the Trade Act of 1974, as amended.

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

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

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

348 6. In small counties as defined in s. 120.52(19), a

606-04268-12

20121416c2

349 claimant engaging in systematic and sustained efforts to find
350 work must contact at least three prospective employers for each
351 week of unemployment claimed.

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

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

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

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

361 (3) Benefits based on service in employment described in s.
362 443.1216(2) and (3) are payable in the same amount, on the same
363 terms, and subject to the same conditions as benefits payable
364 based on other service subject to this chapter, except that:

365 (a) Benefits are not payable for services in an
366 instructional, research, or principal administrative capacity
367 for an educational institution or an institution of higher
368 education for any week of unemployment commencing during the
369 period between 2 successive academic years; during a similar
370 period between two regular terms, whether or not successive; or
371 during a period of paid sabbatical leave provided for in the
372 individual's contract, to any individual, if the individual
373 performs those services in the first of those academic years or
374 terms and there is a contract or a reasonable assurance that the
375 individual will perform services in any such capacity for any
376 educational institution or institution of higher education in
377 the second of those academic years or terms.

606-04268-12

20121416c2

378 (b) Benefits may not be based on services in any other
379 capacity for an educational institution or an institution of
380 higher education to any individual for any week that commences
381 during a period between 2 successive academic years or terms if
382 the individual performs those services in the first of the
383 academic years or terms and there is a reasonable assurance that
384 the individual will perform those services in the second of the
385 academic years or terms. However, if compensation is denied to
386 any individual under this paragraph and the individual was not
387 offered an opportunity to perform those services for the
388 educational institution for the second of those academic years
389 or terms, that individual is entitled to a retroactive payment
390 of compensation for each week for which the individual filed a
391 timely claim for compensation and for which compensation was
392 denied solely by reason of this paragraph.

393 (c) Benefits are not payable based on services provided to
394 an educational institution or institution of higher learning to
395 any individual for any week that commences during an established
396 and customary vacation period or holiday recess if the
397 individual performs any services described in paragraph (a) or
398 paragraph (b) in the period immediately before the vacation
399 period or holiday recess and there is a reasonable assurance
400 that the individual will perform any service in the period
401 immediately after the vacation period or holiday recess.

402 (d) Benefits are not payable for services in any capacity
403 specified in paragraphs (a), (b), and (c) to any individual who
404 performed those services in an educational institution while in
405 the employ of a governmental agency or governmental entity that
406 is established and operated exclusively for the purpose of

606-04268-12

20121416c2

407 providing those services to one or more educational
408 institutions.

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

413 (f) Effective July 1, 2013, paragraphs (a), (b), and (c)
414 shall apply to services provided by an individual for an
415 educational institution while in the employ of a private
416 employer holding a contractual relationship with such
417 educational institution, but only if the base period wages
418 attributable to such services are identified as such in the
419 quarterly reports filed pursuant to s. 443.131(1).

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

421 1. "Fixed contract" means a written agreement of employment
422 for a specified period of time.

423 2. "Continuing contract" means a written agreement that is
424 automatically renewed until terminated by one of the parties to
425 the contract.

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

429 443.101 Disqualification for benefits.—An individual shall
430 be disqualified for benefits:

431 (5) For any week with respect to which or a part of which
432 he or she has received or is seeking reemployment assistance or
433 unemployment benefits under a reemployment assistance or an
434 unemployment compensation law of another state or of the United
435 States. For the purposes of this subsection, a reemployment

606-04268-12

20121416c2

436 assistance or ~~an~~ unemployment compensation law of the United
437 States is any law of the United States which provides for
438 payment of any type and in any amounts for periods of
439 unemployment due to lack of work. However, if the appropriate
440 agency of the other state or of the United States finally
441 determines that he or she is not entitled to reemployment
442 assistance or unemployment benefits, this disqualification does
443 not apply.

444 (6) ~~For a period not to exceed 1 year from the date of the~~
445 ~~discovery by the Department of Economic Opportunity of the~~
446 ~~making of any false or fraudulent representation for the purpose~~
447 ~~of obtaining benefits contrary to this chapter, constituting a~~
448 ~~violation under s. 443.071. The disqualification imposed under~~
449 ~~this subsection shall begin with the week in which the false or~~
450 ~~fraudulent representation is made and shall continue for a~~
451 ~~period not to exceed 1 year after the date the Department of~~
452 ~~Economic Opportunity discovers the false or fraudulent~~
453 ~~representation and until any overpayment of benefits resulting~~
454 ~~from such representation has been repaid in full.~~ This
455 disqualification may be appealed in the same manner as any other
456 disqualification imposed under this section. A conviction by any
457 court of competent jurisdiction in this state of the offense
458 prohibited or punished by s. 443.071 is conclusive upon the
459 appeals referee and the commission of the making of the false or
460 fraudulent representation for which disqualification is imposed
461 under this section.

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

464 (a) If the Department of Economic Opportunity or the

606-04268-12

20121416c2

465 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
466 that the individual was terminated from work for violation of
467 any criminal law, under any jurisdiction, which was in
468 connection with his or her work, and the individual was
469 convicted, or entered a plea of guilty or nolo contendere, the
470 individual is not entitled to reemployment assistance
471 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
472 adopted by the department, and until he or she has earned income
473 of at least 17 times his or her weekly benefit amount. If,
474 before an adjudication of guilt, an admission of guilt, or a
475 plea of nolo contendere, the employer proves by competent
476 substantial evidence to the department that the arrest was due
477 to a crime against the employer or the employer's business,
478 customers, or invitees, the individual is not entitled to
479 reemployment assistance ~~unemployment~~ benefits.

480 (b) If the department or the Reemployment Assistance
481 ~~Unemployment~~ Appeals Commission finds that the individual was
482 terminated from work for any dishonest act in connection with
483 his or her work, the individual is not entitled to reemployment
484 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
485 rules adopted by the department, and until he or she has earned
486 income of at least 17 times his or her weekly benefit amount. If
487 the employer terminates an individual as a result of a dishonest
488 act in connection with his or her work and the department finds
489 misconduct in connection with his or her work, the individual is
490 not entitled to reemployment assistance ~~unemployment~~ benefits.

491
492 If an individual is disqualified for benefits, the account of
493 the terminating employer, if the employer is in the base period,

606-04268-12

20121416c2

494 is noncharged at the time the disqualification is imposed.

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

499 (b) A temporary or leased employee is deemed to have
500 voluntarily quit employment and is disqualified for benefits
501 under subparagraph (1)(a)1. if, upon conclusion of his or her
502 latest assignment, the temporary or leased employee, without
503 good cause, failed to contact the temporary help or employee-
504 leasing firm for reassignment, if the employer advised the
505 temporary or leased employee at the time of hire and that the
506 leased employee is notified also at the time of separation that
507 he or she must report for reassignment upon conclusion of each
508 assignment, regardless of the duration of the assignment, and
509 that reemployment assistance ~~unemployment~~ benefits may be denied
510 for failure to report. For purposes of this section, the time of
511 hire for a day laborer is upon his or her acceptance of the
512 first assignment following completion of an employment
513 application with the labor pool. The labor pool as defined in s.
514 448.22(1) must provide notice to the temporary employee upon
515 conclusion of the latest assignment that work is available the
516 next business day and that the temporary employee must report
517 for reassignment the next business day. The notice must be given
518 by means of a notice printed on the paycheck, written notice
519 included in the pay envelope, or other written notification at
520 the conclusion of the current assignment.

521 (11) If an individual is discharged from employment for
522 drug use as evidenced by a positive, confirmed drug test as

606-04268-12

20121416c2

523 provided in paragraph (1) (d), or is rejected for offered
524 employment because of a positive, confirmed drug test as
525 provided in paragraph (2) (c), test results and chain of custody
526 documentation provided to the employer by a licensed and
527 approved drug-testing laboratory is self-authenticating and
528 admissible in reemployment assistance ~~unemployment compensation~~
529 hearings, and such evidence creates a rebuttable presumption
530 that the individual used, or was using, controlled substances,
531 subject to the following conditions:

532 (a) To qualify for the presumption described in this
533 subsection, an employer must have implemented a drug-free
534 workplace program under ss. 440.101 and 440.102, and must submit
535 proof that the employer has qualified for the insurance
536 discounts provided under s. 627.0915, as certified by the
537 insurance carrier or self-insurance unit. In lieu of these
538 requirements, an employer who does not fit the definition of
539 "employer" in s. 440.102 may qualify for the presumption if the
540 employer is in compliance with equivalent or more stringent
541 drug-testing standards established by federal law or regulation.

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

546 (c) Disclosure of drug test results and other information
547 pertaining to drug testing of individuals who claim or receive
548 compensation under this chapter shall be governed by s.
549 443.1715.

550 Section 8. Paragraph (b) of subsection (1), subsection (2),
551 and paragraph (a) of subsection (5) of section 443.111, Florida

606-04268-12

20121416c2

552 Statutes, are amended to read:

553 443.111 Payment of benefits.—

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

557 (b) As required under s. 443.091(1), each claimant must
558 report at least biweekly to receive reemployment assistance
559 ~~unemployment~~ benefits and to attest to the fact that she or he
560 is able and available for work, has not refused suitable work,
561 is seeking work and has met the requirements of s. 443.091(d).
562 ~~contacted at least five prospective employers or reported in~~
563 ~~person to a one-stop career center for reemployment services for~~
564 ~~each week of unemployment claimed,~~ and, if she or he has worked,
565 to report earnings from that work. Each claimant must continue
566 to report regardless of any appeal or pending appeal relating to
567 her or his eligibility or disqualification for benefits.

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

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

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

576 (5) DURATION OF BENEFITS.—

577 (a) As used in this section, the term "Florida average
578 unemployment rate" means the average of the 3 months for the
579 most recent third calendar year quarter of the seasonally
580 adjusted statewide unemployment rates as published by the

606-04268-12

20121416c2

581 Department of Economic Opportunity ~~Agency for Workforce~~
582 ~~Innovation.~~

583 Section 9. Section 443.1113, Florida Statutes, is amended
584 to read:

585 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
586 Claims and Benefits Information System.—

587 (1) To the extent that funds are appropriated for each
588 phase of the Reemployment Assistance ~~Unemployment Compensation~~
589 Claims and Benefits Information System by the Legislature, the
590 Department of Economic Opportunity shall replace and enhance the
591 functionality provided in the following systems with an
592 integrated Internet-based system that is known as the
593 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and
594 Benefits Information System":

- 595 (a) Claims and benefit mainframe system.
596 (b) Florida unemployment Internet direct.
597 (c) Florida continued claim Internet directory.
598 (d) Call center interactive voice response system.
599 (e) Benefit overpayment screening system.
600 (f) Internet and Intranet appeals system.

601 (2) The Reemployment Assistance ~~Unemployment Compensation~~
602 Claims and Benefits System shall accomplish the following main
603 business objectives:

604 (a) Wherever cost-effective and operationally feasible,
605 eliminate or automate existing paper processes and enhance any
606 existing automated workflows in order to expedite customer
607 transactions and eliminate redundancy.

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

606-04268-12

20121416c2

610 (c) Integrate benefit payment control with the adjudication
611 program and collection system in order to improve the detection
612 of fraud.

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

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

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

621 (a) Collection of reemployment assistance ~~unemployment~~
622 ~~compensation~~ taxes.

623 (b) General ledger, financial management, or budgeting
624 capabilities.

625 (c) Human resource planning or management capabilities.

626 (4) The project to implement the Reemployment Assistance
627 ~~Unemployment Compensation~~ Claims and Benefits Information System
628 shall be comprised of the following phases and corresponding
629 implementation timeframes:

630 (a) No later than the end of fiscal year 2009-2010
631 completion of the business re-engineering analysis and
632 documentation of both the detailed system requirements and the
633 overall system architecture.

634 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
635 Benefits Internet portal that replaces the Florida Unemployment
636 Internet Direct and the Florida Continued Claims Internet
637 Directory systems, the Call Center Interactive Voice Response
638 System, the Benefit Overpayment Screening System, the Internet

606-04268-12

20121416c2

639 and Intranet Appeals System, and the Claims and Benefits
640 Mainframe System shall be deployed to full operational status no
641 later than the end of fiscal year 2012-2013.

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

645 (a) The project sponsor for the Reemployment Assistance
646 ~~Unemployment Compensation~~ Claims and Benefits Information System
647 project is the department.

648 (b) The project shall be governed by an executive steering
649 committee composed of the following voting members or their
650 designees:

- 651 1. The executive director of the department.
- 652 2. The executive director of the Department of Revenue.
- 653 3. The director of the Division of Workforce Services
654 within the department.
- 655 4. The program director of the General Tax Administration
656 Program Office within the Department of Revenue.
- 657 5. The chief information officer of the department.

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

- 661 1. Providing management direction and support to the
662 project management team.
- 663 2. Assessing the project's alignment with the strategic
664 goals of the department for administering the reemployment
665 assistance ~~unemployment compensation~~ program.
- 666 3. Reviewing and approving or disapproving any changes to
667 the project's scope, schedule, and costs.

606-04268-12

20121416c2

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

670 5. Recommending suspension or termination of the project to
671 the Governor, the President of the Senate, and the Speaker of
672 the House of Representatives if it determines that the primary
673 objectives cannot be achieved.

674 (d) The project management team shall work under the
675 direction of the executive steering committee and shall be
676 minimally comprised of senior managers and stakeholders from the
677 department and the Department of Revenue. The project management
678 team is responsible for:

679 1. Providing daily planning, management, and oversight of
680 the project.

681 2. Submitting an operational work plan and providing
682 quarterly updates to that plan to the executive steering
683 committee. The plan must specify project milestones,
684 deliverables, and expenditures.

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

687 a. Planned versus actual project costs;

688 b. An assessment of the status of major milestones and
689 deliverables;

690 c. Identification of any issues requiring resolution, the
691 proposed resolution for these issues, and information regarding
692 the status of the resolution;

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

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

696 All recommendations must be reviewed by project stakeholders

606-04268-12

20121416c2

697 before submission to the executive steering committee in order
698 to ensure that the recommendations meet required acceptance
699 criteria.

700 Section 10. Paragraph (b) of subsection (8) of section
701 443.1116, Florida Statutes, is amended to read:

702 443.1116 Short-time compensation.—

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

705 (b) An individual who receives all of the short-time
706 compensation or combined reemployment assistance or unemployment
707 compensation and short-time compensation available in a benefit
708 year is considered an exhaustee for purposes of the extended
709 benefits program in s. 443.1115 and, if otherwise eligible under
710 those provisions, is eligible to receive extended benefits.

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

713 443.1215 Employers.—

714 (3) An employing unit that fails to keep the records of
715 employment required by this chapter and by the rules of the
716 Department of Economic Opportunity and the state agency
717 providing reemployment assistance ~~unemployment~~ tax collection
718 services is presumed to be an employer liable for the payment of
719 contributions under this chapter, regardless of the number of
720 individuals employed by the employing unit. However, the tax
721 collection service provider shall make written demand that the
722 employing unit keep and maintain required payroll records. The
723 demand must be made at least 6 months before assessing
724 contributions against an employing unit determined to be an
725 employer that is subject to this chapter solely by reason of

606-04268-12

20121416c2

726 this subsection.

727 Section 12. Paragraphs (a) and (d) of subsection (1),
728 subsections (8) and (12), and paragraphs (f), (h), and (p) of
729 subsection (13) of section 443.1216, Florida Statutes, are
730 amended to read:

731 443.1216 Employment.—Employment, as defined in s. 443.036,
732 is subject to this chapter under the following conditions:

733 (1) (a) The employment subject to this chapter includes a
734 service performed, including a service performed in interstate
735 commerce, by:

736 1. An officer of a corporation.

737 2. An individual who, under the usual common-law rules
738 applicable in determining the employer-employee relationship, is
739 an employee. However, whenever a client, as defined in s.
740 443.036(18), which would otherwise be designated as an employing
741 unit has contracted with an employee leasing company to supply
742 it with workers, those workers are considered employees of the
743 employee leasing company. An employee leasing company may lease
744 corporate officers of the client to the client and other workers
745 to the client, except as prohibited by regulations of the
746 Internal Revenue Service. Employees of an employee leasing
747 company must be reported under the employee leasing company's
748 tax identification number and contribution rate for work
749 performed for the employee leasing company.

750 a. However, except for the internal employees of an
751 employee leasing company, each employee leasing company may make
752 a separate one-time election to report and pay contributions
753 under the tax identification number and contribution rate for
754 each client of the employee leasing company. Under the client

606-04268-12

20121416c2

755 method, an employee leasing company choosing this option must
756 assign leased employees to the client company that is leasing
757 the employees. The client method is solely a method to report
758 and pay unemployment contributions and whichever method is
759 chosen, such election may not impact any other aspect of state
760 law. An employee leasing company that elects the client method
761 must pay contributions at the rates assigned to each client
762 company.

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

765 (II) The employee leasing company must notify the
766 Department of Revenue of its election by July 1, 2012, and such
767 election applies to reports and contributions for the first
768 quarter of the following calendar year. The notification must
769 include:

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

774 (B) A list of each client company's current and previous
775 employees and their respective social security numbers for the
776 prior 3 state fiscal years or, if the client company has not
777 been a client for the prior 3 state fiscal years, such portion
778 of the prior 3 state fiscal years that the client company has
779 been a client must be supplied;

780 (C) The wage data and benefit charges associated with each
781 client company for the prior 3 state fiscal years or, if the
782 client company has not been a client for the prior 3 state
783 fiscal years, such portion of the prior 3 state fiscal years

606-04268-12

20121416c2

784 that the client company has been a client must be supplied. If
785 the client company's employment record is chargeable with
786 benefits for less than 8 calendar quarters while being a client
787 of the employee leasing company, the client company must pay
788 contributions at the initial rate of 2.7 percent; and

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

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

794 (IV) The employee leasing company shall file a Florida
795 Department of Revenue Employer's Quarterly Report for each
796 client company by approved electronic means, and pay all
797 contributions by approved electronic means.

798 (V) For the purposes of calculating experience rates when
799 the client method is chosen, each client's own benefit charges
800 and wage data experience while with the employee leasing company
801 determines each client's tax rate where the client has been a
802 client of the employee leasing company for at least 8 calendar
803 quarters before the election. The client company shall continue
804 to report the nonleased employees under its tax rate.

805 (VI) The election is binding on each client of the employee
806 leasing company, for as long as a written agreement is in effect
807 between the client and the employee leasing company pursuant to
808 s. 468.525(3)(a). If the relationship between the employee
809 leasing company and the client terminates, the client retains
810 the wage and benefit history experienced under the employee
811 leasing company.

812 (VII) Notwithstanding which election method the employee

606-04268-12

20121416c2

813 leasing company chooses, the applicable client company is an
814 employing unit for purposes of s. 443.071. The employee leasing
815 company or any of its officers or agents are liable for any
816 violation of s. 443.071 engaged in by such persons or entities.
817 The applicable client company or any of its officers or agents
818 are liable for any violation of s. 443.071 engaged in by such
819 persons or entities. The employee leasing company or its
820 applicable client company are not liable for any violation of s.
821 443.071 engaged in by the other party or by the other party's
822 officers or agents.

823 (VIII) If an employee leasing company fails to select the
824 client method of reporting not later than July 1, 2012, the
825 entity is required to report under the employee leasing
826 company's tax identification number and contribution rate.

827 (IX) After an employee leasing company is licensed pursuant
828 to part XI of chapter 468, each newly licensed entity has 30
829 days after the date the license is granted to notify the tax
830 collection service provider in writing of their selection of the
831 client method. A newly licensed employee leasing company that
832 fails to timely select reporting pursuant to the client method
833 of reporting must report under the employee leasing company's
834 tax identification number and contribution rate.

835 (X) Irrespective of the election, each transfer of trade or
836 business, including workforce, or a portion thereof, between
837 employee leasing companies is subject to the provisions of s.
838 443.131(3)(g) if, at the time of the transfer, there is common
839 ownership, management, or control between the entities.

840 b.a. In addition to any other report required to be filed
841 by law, an employee leasing company shall submit a report to the

606-04268-12

20121416c2

842 Labor Market Statistics Center within the Department of Economic
843 Opportunity which includes each client establishment and each
844 establishment of the ~~employee~~ leasing company, or as otherwise
845 directed by the department. The report must include the
846 following information for each establishment:

- 847 (I) The trade or establishment name;
- 848 (II) The former reemployment assistance ~~unemployment~~
849 ~~compensation~~ account number, if available;
- 850 (III) The former federal employer's identification number
851 ~~(FEIN)~~, if available;
- 852 (IV) The industry code recognized and published by the
853 United States Office of Management and Budget, if available;
- 854 (V) A description of the client's primary business activity
855 in order to verify or assign an industry code;
- 856 (VI) The address of the physical location;
- 857 (VII) The number of full-time and part-time employees who
858 worked during, or received pay that was subject to reemployment
859 assistance ~~unemployment compensation~~ taxes for, the pay period
860 including the 12th of the month for each month of the quarter;
- 861 (VIII) The total wages subject to reemployment assistance
862 ~~unemployment compensation~~ taxes paid during the calendar
863 quarter;
- 864 (IX) An internal identification code to uniquely identify
865 each establishment of each client;
- 866 (X) The month and year that the client entered into the
867 contract for services; and
- 868 (XI) The month and year that the client terminated the
869 contract for services.

870 c.b. The report must ~~shall~~ be submitted electronically or

606-04268-12

20121416c2

871 in a manner otherwise prescribed by the Department of Economic
872 Opportunity in the format specified by the Bureau of Labor
873 Statistics of the United States Department of Labor for its
874 Multiple Worksite Report for Professional Employer
875 Organizations. The report must be provided quarterly to the
876 Labor Market Statistics Center within the department, or as
877 otherwise directed by the department, and must be filed by the
878 last day of the month immediately after ~~following~~ the end of the
879 calendar quarter. The information required in sub-sub-
880 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided
881 only in the quarter in which the contract to which it relates
882 was entered into or terminated. The sum of the employment data
883 and the sum of the wage data in this report must match the
884 employment and wages reported in the reemployment assistance
885 ~~unemployment compensation~~ quarterly tax and wage report. A
886 report is not required for any calendar quarter preceding the
887 third calendar quarter of 2010.

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

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

895 3. An individual other than an individual who is an
896 employee under subparagraph 1. or subparagraph 2., who performs
897 services for remuneration for any person:

898 a. As an agent-driver or commission-driver engaged in
899 distributing meat products, vegetable products, fruit products,

606-04268-12

20121416c2

900 bakery products, beverages other than milk, or laundry or
901 drycleaning services for his or her principal.

902 b. As a traveling or city salesperson engaged on a full-
903 time basis in the solicitation on behalf of, and the
904 transmission to, his or her principal of orders from
905 wholesalers, retailers, contractors, or operators of hotels,
906 restaurants, or other similar establishments for merchandise for
907 resale or supplies for use in the ~~their~~ business operations.
908 This sub-subparagraph does not apply to an agent-driver or a
909 commission-driver and does not apply to sideline sales
910 activities performed on behalf of a person other than the
911 salesperson's principal.

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

914 a. The contract of service contemplates that substantially
915 all of the services are to be performed personally by the
916 individual;

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

920 c. The services are not in the nature of a single
921 transaction that is not part of a continuing relationship with
922 the person for whom the services are performed.

923 (d) If two or more related corporations concurrently employ
924 the same individual and compensate the individual through a
925 common paymaster, each related corporation is considered to have
926 paid wages to the individual only in the amounts actually
927 disbursed by that corporation to the individual and is not
928 considered to have paid the wages actually disbursed to the

606-04268-12

20121416c2

929 individual by another of the related corporations. The
930 department and the state agency providing reemployment
931 assistance ~~unemployment~~ tax collection services may adopt rules
932 necessary to administer this paragraph.

933 1. As used in this paragraph, the term "common paymaster"
934 means a member of a group of related corporations that disburses
935 wages to concurrent employees on behalf of the related
936 corporations and that is responsible for keeping payroll records
937 for those concurrent employees. A common paymaster is not
938 required to disburse wages to all the employees of the related
939 corporations; however, this subparagraph does not apply to wages
940 of concurrent employees which are not disbursed through a common
941 paymaster. A common paymaster must pay concurrently employed
942 individuals under this subparagraph by one combined paycheck.

943 2. As used in this paragraph, the term "concurrent
944 employment" means the existence of simultaneous employment
945 relationships between an individual and related corporations.
946 Those relationships require the performance of services by the
947 employee for the benefit of the related corporations, including
948 the common paymaster, in exchange for wages that, if deductible
949 for the purposes of federal income tax, are deductible by the
950 related corporations.

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

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

606-04268-12

20121416c2

958 b. In the case of a corporation that does not issue stock,
959 at least 50 percent of the members of the board of directors or
960 other governing body of one corporation are members of the board
961 of directors or other governing body of the other corporation or
962 the holders of at least 50 percent of the voting power to select
963 those members are concurrently the holders of at least 50
964 percent of the voting power to select those members of the other
965 corporation.

966 c. At least 50 percent of the officers of one corporation
967 are concurrently officers of the other corporation.

968 d. At least 30 percent of the employees of one corporation
969 are concurrently employees of the other corporation.

970 4. The common paymaster must report to the tax collection
971 service provider, as part of the reemployment assistance
972 ~~unemployment compensation~~ quarterly tax and wage report, the
973 state reemployment assistance ~~unemployment compensation~~ account
974 number and name of each related corporation for which concurrent
975 employees are being reported. Failure to timely report this
976 information shall result in the related corporations being
977 denied common paymaster status for that calendar quarter.

978 5. The common paymaster shall remit ~~also has the primary~~
979 ~~responsibility for remitting~~ contributions due under this
980 chapter for the wages it disburses as the common paymaster. The
981 common paymaster must compute these contributions as though it
982 were the sole employer of the concurrently employed individuals.
983 If a common paymaster fails to timely remit these contributions
984 or reports, in whole or in part, the common paymaster is ~~remains~~
985 liable for the full amount of the unpaid portion of these
986 contributions. In addition, each of the other related

606-04268-12

20121416c2

987 corporations using the common paymaster is jointly and severally
988 liable for its appropriate share of these contributions. Each
989 related corporation's share equals the greater of:

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

992 b. The liability under this chapter which, notwithstanding
993 this section, would have existed for the wages from the other
994 related corporations, reduced by an allocable portion of any
995 contributions previously paid by the common paymaster for those
996 wages.

997 (8) Services not covered under paragraph (7)(b) which are
998 performed entirely outside of this state, and for which
999 contributions are not required or paid under a reemployment
1000 assistance or ~~an~~ unemployment compensation law of any other
1001 state or of the Federal Government, are deemed to be employment
1002 subject to this chapter if the individual performing the
1003 services is a resident of this state and the tax collection
1004 service provider approves the election of the employing unit for
1005 whom the services are performed, electing that the entire
1006 service of the individual is deemed to be employment subject to
1007 this chapter.

1008 (12) The employment subject to this chapter includes
1009 services covered by a reciprocal arrangement under s. 443.221
1010 between the Department of Economic Opportunity or its tax
1011 collection service provider and the agency charged with the
1012 administration of another state reemployment assistance or
1013 unemployment compensation law or a federal reemployment
1014 assistance or unemployment compensation law, under which all
1015 services performed by an individual for an employing unit are

606-04268-12

20121416c2

1016 deemed to be performed entirely within this state, if the
1017 department or its tax collection service provider approved an
1018 election of the employing unit in which all of the services
1019 performed by the individual during the period covered by the
1020 election are deemed to be insured work.

1021 (13) The following are exempt from coverage under this
1022 chapter:

1023 (f) Service performed in the employ of a public employer as
1024 defined in s. 443.036, except as provided in subsection (2), and
1025 service performed in the employ of an instrumentality of a
1026 public employer as described in s. 443.036(36)(b) or (c)
1027 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
1028 immune under the United States Constitution from the tax imposed
1029 by s. 3301 of the Internal Revenue Code for that service.

1030 (h) Service for which reemployment assistance ~~unemployment~~
1031 ~~compensation~~ is payable under a reemployment assistance or an
1032 unemployment compensation system established by the United
1033 States Congress, of which this chapter is not a part.

1034 (p) Service covered by an arrangement between the
1035 Department of Economic Opportunity, or its tax collection
1036 service provider, and the agency charged with the administration
1037 of another state or federal reemployment assistance or
1038 unemployment compensation law under which all services performed
1039 by an individual for an employing unit during the period covered
1040 by the employing unit's duly approved election is deemed to be
1041 performed entirely within the other agency's state or under the
1042 federal law.

1043 Section 13. Effective upon this act becoming a law and
1044 operating retroactively to June 29, 2011, paragraph (a) of

606-04268-12

20121416c2

1045 subsection (2) of section 443.1217, Florida Statutes, is amended
1046 to read:

1047 443.1217 Wages.—

1048 (2) For the purpose of determining an employer's
1049 contributions, the following wages are exempt from this chapter:

1050 (a)~~1. Beginning January 1, 2010, that part of remuneration~~
1051 ~~paid to an individual by an employer for employment during a~~
1052 ~~calendar year in excess of the first \$7,000 of remuneration paid~~
1053 ~~to the individual by an employer or his or her predecessor~~
1054 ~~during that calendar year, unless that part of the remuneration~~
1055 ~~is subject to a tax, under a federal law imposing the tax,~~
1056 ~~against which credit may be taken for contributions required to~~
1057 ~~be paid into a state unemployment fund.~~

1058 1.2. Beginning January 1, 2012, that part of remuneration
1059 paid to an individual by an employer for employment during a
1060 calendar year in excess of the first \$8,000 ~~\$8,500~~ of
1061 remuneration paid to the individual by the employer or his or
1062 her predecessor during that calendar year, unless that part of
1063 the remuneration is subject to a tax, under a federal law
1064 imposing the tax, against which credit may be taken for
1065 contributions required to be paid into a state unemployment
1066 fund.

1067 2.3. Beginning January 1, 2015, the part of remuneration
1068 paid to an individual by an employer for employment during a
1069 calendar year in excess of the first \$7,000 of remuneration paid
1070 to the individual by an employer or his or her predecessor
1071 during that calendar year, unless that part of the remuneration
1072 is subject to a tax, under a federal law imposing the tax,
1073 against which credit may be taken for contributions required to

606-04268-12

20121416c2

1074 be paid into a state unemployment fund. The wage base exemption
1075 adjustment authorized by this subparagraph shall be suspended in
1076 any calendar year in which repayment of the principal amount of
1077 an advance received from the Unemployment Compensation Trust
1078 Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

1079 Section 14. Effective upon this act becoming a law and
1080 operating retroactively to June 29, 2011, paragraph (e) of
1081 subsection (3) of section 443.131, Florida Statutes, is amended
1082 to read:

1083 443.131 Contributions.—

1084 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1085 EXPERIENCE.—

1086 (e) *Assignment of variations from the standard rate.*—

1087 1. As used in this paragraph, the terms "total benefit
1088 payments," "benefits paid to an individual," and "benefits
1089 charged to the employment record of an employer" mean the amount
1090 of benefits paid to individuals multiplied by:

1091 a. For benefits paid prior to July 1, 2007, 1.

1092 b. For benefits paid during the period beginning on July 1,
1093 2007, and ending March 31, 2011, 0.90.

1094 c. For benefits paid after March 31, 2011, 1.

1095 2. For the calculation of contribution rates effective
1096 January 1, 2012 ~~2010~~, and thereafter:

1097 a. The tax collection service provider shall assign a
1098 variation from the standard rate of contributions for each
1099 calendar year to each eligible employer. In determining the
1100 contribution rate, varying from the standard rate to be assigned
1101 each employer, adjustment factors computed under sub-sub-
1102 subparagraphs (I)-(IV) are added to the benefit ratio. This

606-04268-12

20121416c2

1103 addition shall be accomplished in two steps by adding a variable
1104 adjustment factor and a final adjustment factor. The sum of
1105 these adjustment factors computed under sub-sub-subparagraphs
1106 (I)-(IV) shall first be algebraically summed. The sum of these
1107 adjustment factors shall next be divided by a gross benefit
1108 ratio determined as follows: Total benefit payments for the 3-
1109 year period described in subparagraph (b)3. are charged to
1110 employers eligible for a variation from the standard rate, minus
1111 excess payments for the same period, divided by taxable payroll
1112 entering into the computation of individual benefit ratios for
1113 the calendar year for which the contribution rate is being
1114 computed. The ratio of the sum of the adjustment factors
1115 computed under sub-sub-subparagraphs (I)-(IV) to the gross
1116 benefit ratio is multiplied by each individual benefit ratio
1117 that is less than the maximum contribution rate to obtain
1118 variable adjustment factors; except that if the sum of an
1119 employer's individual benefit ratio and variable adjustment
1120 factor exceeds the maximum contribution rate, the variable
1121 adjustment factor is reduced in order for the sum to equal the
1122 maximum contribution rate. The variable adjustment factor for
1123 each of these employers is multiplied by his or her taxable
1124 payroll entering into the computation of his or her benefit
1125 ratio. The sum of these products is divided by the taxable
1126 payroll of the employers who entered into the computation of
1127 their benefit ratios. The resulting ratio is subtracted from the
1128 sum of the adjustment factors computed under sub-sub-
1129 subparagraphs (I)-(IV) to obtain the final adjustment factor.
1130 The variable adjustment factors and the final adjustment factor
1131 must be computed to five decimal places and rounded to the

606-04268-12

20121416c2

1132 fourth decimal place. This final adjustment factor is added to
1133 the variable adjustment factor and benefit ratio of each
1134 employer to obtain each employer's contribution rate. An
1135 employer's contribution rate may not, however, be rounded to
1136 less than 0.1 percent.

1137 (I) An adjustment factor for noncharge benefits is computed
1138 to the fifth decimal place and rounded to the fourth decimal
1139 place by dividing the amount of noncharge benefits during the 3-
1140 year period described in subparagraph (b)3. by the taxable
1141 payroll of employers eligible for a variation from the standard
1142 rate who have a benefit ratio for the current year which is less
1143 than the maximum contribution rate. For purposes of computing
1144 this adjustment factor, the taxable payroll of these employers
1145 is the taxable payrolls for the 3 years ending June 30 of the
1146 current calendar year as reported to the tax collection service
1147 provider by September 30 of the same calendar year. As used in
1148 this sub-sub-subparagraph, the term "noncharge benefits" means
1149 benefits paid to an individual from the Unemployment
1150 Compensation Trust Fund, but which were not charged to the
1151 employment record of any employer.

1152 (II) An adjustment factor for excess payments is computed
1153 to the fifth decimal place, and rounded to the fourth decimal
1154 place by dividing the total excess payments during the 3-year
1155 period described in subparagraph (b)3. by the taxable payroll of
1156 employers eligible for a variation from the standard rate who
1157 have a benefit ratio for the current year which is less than the
1158 maximum contribution rate. For purposes of computing this
1159 adjustment factor, the taxable payroll of these employers is the
1160 same figure used to compute the adjustment factor for noncharge

606-04268-12

20121416c2

1161 benefits under sub-sub-subparagraph (I). As used in this sub-
1162 subparagraph, the term "excess payments" means the amount of
1163 benefits charged to the employment record of an employer during
1164 the 3-year period described in subparagraph (b)3., less the
1165 product of the maximum contribution rate and the employer's
1166 taxable payroll for the 3 years ending June 30 of the current
1167 calendar year as reported to the tax collection service provider
1168 by September 30 of the same calendar year. As used in this sub-
1169 sub-subparagraph, the term "total excess payments" means the sum
1170 of the individual employer excess payments for those employers
1171 that were eligible for assignment of a contribution rate
1172 different from the standard rate.

1173 (III) With respect to computing a positive adjustment
1174 factor:

1175 (A) Beginning January 1, 2012, if the balance of the
1176 Unemployment Compensation Trust Fund on September 30 of the
1177 calendar year immediately preceding the calendar year for which
1178 the contribution rate is being computed is less than 4 percent
1179 of the taxable payrolls for the year ending June 30 as reported
1180 to the tax collection service provider by September 30 of that
1181 calendar year, a positive adjustment factor shall be computed.
1182 The positive adjustment factor is computed annually to the fifth
1183 decimal place and rounded to the fourth decimal place by
1184 dividing the sum of the total taxable payrolls for the year
1185 ending June 30 of the current calendar year as reported to the
1186 tax collection service provider by September 30 of that calendar
1187 year into a sum equal to one-fifth ~~one-third~~ of the difference
1188 between the balance of the fund as of September 30 of that
1189 calendar year and the sum of 5 percent of the total taxable

606-04268-12

20121416c2

1190 payrolls for that year. The positive adjustment factor remains
1191 in effect for subsequent years until the balance of the
1192 Unemployment Compensation Trust Fund as of September 30 of the
1193 year immediately preceding the effective date of the
1194 contribution rate equals or exceeds 4 ~~5~~ percent of the taxable
1195 payrolls for the year ending June 30 of the current calendar
1196 year as reported to the tax collection service provider by
1197 September 30 of that calendar year.

1198 (B) Beginning January 1, 2018 ~~2015~~, and for each year
1199 thereafter, the positive adjustment shall be computed by
1200 dividing the sum of the total taxable payrolls for the year
1201 ending June 30 of the current calendar year as reported to the
1202 tax collection service provider by September 30 of that calendar
1203 year into a sum equal to one-fourth of the difference between
1204 the balance of the fund as of September 30 of that calendar year
1205 and the sum of 5 percent of the total taxable payrolls for that
1206 year. The positive adjustment factor remains in effect for
1207 subsequent years until the balance of the Unemployment
1208 Compensation Trust Fund as of September 30 of the year
1209 immediately preceding the effective date of the contribution
1210 rate equals or exceeds 4 percent of the taxable payrolls for the
1211 year ending June 30 of the current calendar year as reported to
1212 the tax collection service provider by September 30 of that
1213 calendar year.

1214 (IV) If, beginning January 1, 2015, and each year
1215 thereafter, the balance of the Unemployment Compensation Trust
1216 Fund as of September 30 of the year immediately preceding the
1217 calendar year for which the contribution rate is being computed
1218 exceeds 5 percent of the taxable payrolls for the year ending

606-04268-12

20121416c2

1219 June 30 of the current calendar year as reported to the tax
1220 collection service provider by September 30 of that calendar
1221 year, a negative adjustment factor must be computed. The
1222 negative adjustment factor shall be computed annually beginning
1223 on January 1, 2015, and each year thereafter, to the fifth
1224 decimal place and rounded to the fourth decimal place by
1225 dividing the sum of the total taxable payrolls for the year
1226 ending June 30 of the current calendar year as reported to the
1227 tax collection service provider by September 30 of the calendar
1228 year into a sum equal to one-fourth of the difference between
1229 the balance of the fund as of September 30 of the current
1230 calendar year and 5 percent of the total taxable payrolls of
1231 that year. The negative adjustment factor remains in effect for
1232 subsequent years until the balance of the Unemployment
1233 Compensation Trust Fund as of September 30 of the year
1234 immediately preceding the effective date of the contribution
1235 rate is less than 5 percent, but more than 4 percent of the
1236 taxable payrolls for the year ending June 30 of the current
1237 calendar year as reported to the tax collection service provider
1238 by September 30 of that calendar year. The negative adjustment
1239 authorized by this section is suspended in any calendar year in
1240 which repayment of the principal amount of an advance received
1241 from the federal Unemployment Compensation Trust Fund under 42
1242 U.S.C. s. 1321 is due to the Federal Government.

1243 (V) The maximum contribution rate that may be assigned to
1244 an employer is 5.4 percent, except employers participating in an
1245 approved short-time compensation plan may be assigned a maximum
1246 contribution rate that is 1 percent greater than the maximum
1247 contribution rate for other employers in any calendar year in

606-04268-12

20121416c2

1248 which short-time compensation benefits are charged to the
1249 employer's employment record.

1250 (VI) As used in this subsection, "taxable payroll" shall be
1251 determined by excluding any part of the remuneration paid to an
1252 individual by an employer for employment during a calendar year
1253 in excess of the first \$7,000. Beginning January 1, 2012,
1254 "taxable payroll" shall be determined by excluding any part of
1255 the remuneration paid to an individual by an employer for
1256 employment during a calendar year as described in s.

1257 443.1217(2). For the purposes of the employer rate calculation
1258 that will take effect in January 1, 2012, and in January 1,
1259 2013, the tax collection service provider shall use the data
1260 available for taxable payroll from 2009 based on excluding any
1261 part of the remuneration paid to an individual by an employer
1262 for employment during a calendar year in excess of the first
1263 \$7,000, and from 2010 and 2011, the data available for taxable
1264 payroll based on excluding any part of the remuneration paid to
1265 an individual by an employer for employment during a calendar
1266 year in excess of the first \$8,500.

1267 b. If the transfer of an employer's employment record to an
1268 employing unit under paragraph (f) which, before the transfer,
1269 was an employer, the tax collection service provider shall
1270 recompute a benefit ratio for the successor employer based on
1271 the combined employment records and reassign an appropriate
1272 contribution rate to the successor employer effective on the
1273 first day of the calendar quarter immediately after the
1274 effective date of the transfer.

1275 Section 15. Paragraph (a) and (f) of subsection (3) of
1276 section 443.131, Florida Statutes, are amended to read:

606-04268-12

20121416c2

1277 443.131 Contributions.—

1278 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1279 EXPERIENCE.—

1280 (a) *Employment records.*—The regular and short-time
1281 compensation benefits paid to an eligible individual shall be
1282 charged to the employment record of each employer who paid the
1283 individual wages of at least \$100 during the individual's base
1284 period in proportion to the total wages paid by all employers
1285 who paid the individual wages during the individual's base
1286 period. Benefits may not be charged to the employment record of
1287 an employer who furnishes part-time work to an individual who,
1288 because of loss of employment with one or more other employers,
1289 is eligible for partial benefits while being furnished part-time
1290 work by the employer on substantially the same basis and in
1291 substantially the same amount as the individual's employment
1292 during his or her base period, regardless of whether this part-
1293 time work is simultaneous or successive to the individual's lost
1294 employment. Further, as provided in s. 443.151(3), benefits may
1295 not be charged to the employment record of an employer who
1296 furnishes the Department of Economic Opportunity with notice, as
1297 prescribed in rules of the department, that any of the following
1298 apply:

1299 1. If an individual leaves his or her work without good
1300 cause attributable to the employer or is discharged by the
1301 employer for misconduct connected with his or her work, benefits
1302 subsequently paid to the individual based on wages paid by the
1303 employer before the separation may not be charged to the
1304 employment record of the employer.

1305 2. If an individual is discharged by the employer for

606-04268-12

20121416c2

1306 unsatisfactory performance during an initial employment
1307 probationary period, benefits subsequently paid to the
1308 individual based on wages paid during the probationary period by
1309 the employer before the separation may not be charged to the
1310 employer's employment record. As used in this subparagraph, the
1311 term "initial employment probationary period" means an
1312 established probationary plan that applies to all employees or a
1313 specific group of employees and that does not exceed 90 calendar
1314 days following the first day a new employee begins work. The
1315 employee must be informed of the probationary period within the
1316 first 7 days of work. The employer must demonstrate by
1317 conclusive evidence that the individual was separated because of
1318 unsatisfactory work performance and not because of lack of work
1319 due to temporary, seasonal, casual, or other similar employment
1320 that is not of a regular, permanent, and year-round nature.

1321 3. Benefits subsequently paid to an individual after his or
1322 her refusal without good cause to accept suitable work from an
1323 employer may not be charged to the employment record of the
1324 employer if any part of those benefits are based on wages paid
1325 by the employer before the individual's refusal to accept
1326 suitable work. As used in this subparagraph, the term "good
1327 cause" does not include distance to employment caused by a
1328 change of residence by the individual. The department shall
1329 adopt rules prescribing for the payment of all benefits whether
1330 this subparagraph applies regardless of whether a
1331 disqualification under s. 443.101 applies to the claim.

1332 4. If an individual is separated from work as a direct
1333 result of a natural disaster declared under the Robert T.
1334 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.

606-04268-12

20121416c2

1335 ss. 5121 et seq., benefits subsequently paid to the individual
1336 based on wages paid by the employer before the separation may
1337 not be charged to the employment record of the employer.

1338 5. If an individual is separated from work as a direct
1339 result of an oil spill, terrorist attack, or other similar
1340 disaster of national significance not subject to a declaration
1341 under the Robert T. Stafford Disaster Relief and Emergency
1342 Assistance Act, benefits subsequently paid to the individual
1343 based on wages paid by the employer before the separation may
1344 not be charged to the employment record of the employer.

1345 (f) *Transfer of employment records.*—

1346 1. For the purposes of this subsection, two or more
1347 employers who are parties to a transfer of business or the
1348 subject of a merger, consolidation, or other form of
1349 reorganization, effecting a change in legal identity or form,
1350 are deemed a single employer and are considered to be one
1351 employer with a continuous employment record if the tax
1352 collection service provider finds that the successor employer
1353 continues to carry on the employing enterprises of all of the
1354 predecessor employers and that the successor employer has paid
1355 all contributions required of and due from all of the
1356 predecessor employers and has assumed liability for all
1357 contributions that may become due from all of the predecessor
1358 employers. In addition, an employer may not be considered a
1359 successor under this subparagraph if the employer purchases a
1360 company with a lower rate into which employees with job
1361 functions unrelated to the business endeavors of the predecessor
1362 are transferred for the purpose of acquiring the low rate and
1363 avoiding payment of contributions. As used in this paragraph,

606-04268-12

20121416c2

1364 notwithstanding s. 443.036(14), the term "contributions" means
1365 all indebtedness to the tax collection service provider,
1366 including, but not limited to, interest, penalty, collection
1367 fee, and service fee. A successor employer must accept the
1368 transfer of all of the predecessor employers' employment records
1369 within 30 days after the date of the official notification of
1370 liability by succession. If a predecessor employer has unpaid
1371 contributions or outstanding quarterly reports, the successor
1372 employer must pay the total amount with certified funds within
1373 30 days after the date of the notice listing the total amount
1374 due. After the total indebtedness is paid, the tax collection
1375 service provider shall transfer the employment records of all of
1376 the predecessor employers to the successor employer's employment
1377 record. The tax collection service provider shall determine the
1378 contribution rate of the combined successor and predecessor
1379 employers upon the transfer of the employment records, as
1380 prescribed by rule, in order to calculate any change in the
1381 contribution rate resulting from the transfer of the employment
1382 records.

1383 2. Regardless of whether a predecessor employer's
1384 employment record is transferred to a successor employer under
1385 this paragraph, the tax collection service provider shall treat
1386 the predecessor employer, if he or she subsequently employs
1387 individuals, as an employer without a previous employment record
1388 or, if his or her coverage is terminated under s. 443.121, as a
1389 new employing unit.

1390 3. The state agency providing reemployment assistance
1391 ~~unemployment~~ tax collection services may adopt rules governing
1392 the partial transfer of experience rating when an employer

606-04268-12

20121416c2

1393 transfers an identifiable and segregable portion of his or her
1394 payrolls and business to a successor employing unit. As a
1395 condition of each partial transfer, these rules must require the
1396 following to be filed with the tax collection service provider:
1397 an application by the successor employing unit, an agreement by
1398 the predecessor employer, and the evidence required by the tax
1399 collection service provider to show the benefit experience and
1400 payrolls attributable to the transferred portion through the
1401 date of the transfer. These rules must provide that the
1402 successor employing unit, if not an employer subject to this
1403 chapter, becomes an employer as of the date of the transfer and
1404 that the transferred portion of the predecessor employer's
1405 employment record is removed from the employment record of the
1406 predecessor employer. For each calendar year after the date of
1407 the transfer of the employment record in the records of the tax
1408 collection service provider, the service provider shall compute
1409 the contribution rate payable by the successor employer or
1410 employing unit based on his or her employment record, combined
1411 with the transferred portion of the predecessor employer's
1412 employment record. These rules may also prescribe what
1413 contribution rates are payable by the predecessor and successor
1414 employers for the period between the date of the transfer of the
1415 transferred portion of the predecessor employer's employment
1416 record in the records of the tax collection service provider and
1417 the first day of the next calendar year.

1418 4. This paragraph does not apply to an employee leasing
1419 company and client contractual agreement as defined in s.
1420 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1421 collection service provider shall, if the contractual agreement

606-04268-12

20121416c2

1422 is terminated or the employee leasing company fails to submit
1423 reports or pay contributions as required by the service
1424 provider, treat the client as a new employer without previous
1425 employment record unless the client is otherwise eligible for a
1426 variation from the standard rate.

1427 Section 16. Paragraph (d) of subsection (2) of section
1428 443.1312, Florida Statutes, is amended to read:

1429 443.1312 Reimbursements; nonprofit organizations.—Benefits
1430 paid to employees of nonprofit organizations shall be financed
1431 in accordance with this section.

1432 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
1433 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
1434 subject to this chapter under s. 443.1215(1)(c) or s.
1435 443.121(3)(a) must pay contributions under s. 443.131 unless it
1436 elects, in accordance with this subsection, to reimburse the
1437 Unemployment Compensation Trust Fund for all of the regular
1438 benefits, short-time compensation benefits, and one-half of the
1439 extended benefits paid, which are attributable to service in the
1440 employ of the nonprofit organization, to individuals for weeks
1441 of unemployment which begin during the effective period of the
1442 election.

1443 (d) In accordance with rules adopted by the Department of
1444 Economic Opportunity or the state agency providing reemployment
1445 assistance ~~unemployment~~ tax collection services, the tax
1446 collection service provider shall notify each nonprofit
1447 organization of any determination of the organization's status
1448 as an employer, the effective date of any election the
1449 organization makes, and the effective date of any termination of
1450 the election. Each determination is subject to reconsideration,

606-04268-12

20121416c2

1451 appeal, and review under s. 443.141(2)(c).

1452 Section 17. Subsection (3) and paragraph (a) of subsection
1453 (4) of section 443.1313, Florida Statutes, are amended to read:

1454 443.1313 Public employers; reimbursements; election to pay
1455 contributions.—Benefits paid to employees of a public employer,
1456 as defined in s. 443.036, based on service described in s.
1457 443.1216(2) shall be financed in accordance with this section.

1458 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1459 or contributing employer under this section, a public employer
1460 may not change this election for at least 2 calendar years. This
1461 subsection does not prevent a public employer subject to this
1462 subsection from changing its election after completing 2
1463 calendar years under another financing method if the new
1464 election is timely filed. The state agency providing
1465 reemployment assistance ~~unemployment~~ tax collection services may
1466 adopt rules prescribing procedures for changing methods of
1467 reporting.

1468 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
1469 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1470 (a) There is established within the Unemployment
1471 Compensation Trust Fund a Public Employers Reemployment
1472 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
1473 be maintained as a separate account within the trust fund. All
1474 benefits paid to the employees of a public employer that elects
1475 to become a contributing employer under paragraph (b) must be
1476 charged to the Public Employers Unemployment Compensation
1477 Benefit Account.

1478 Section 18. Subsection (7) of section 443.1315, Florida
1479 Statutes, is amended to read:

606-04268-12

20121416c2

1480 443.1315 Treatment of Indian tribes.—

1481 (7) The Department of Economic Opportunity and the state
1482 agency providing reemployment assistance ~~unemployment~~ tax
1483 collection services shall adopt rules necessary to administer
1484 this section.

1485 Section 19. Section 443.1316, Florida Statutes, is amended
1486 to read:

1487 443.1316 Reemployment assistance ~~Unemployment~~ tax
1488 collection services; interagency agreement.—

1489 (1) The Department of Economic Opportunity shall contract
1490 with the Department of Revenue, through an interagency
1491 agreement, to perform the duties of the tax collection service
1492 provider and provide other reemployment assistance ~~unemployment~~
1493 tax collection services under this chapter. Under the
1494 interagency agreement, the tax collection service provider may
1495 only implement:

1496 (a) The provisions of this chapter conferring duties upon
1497 the tax collection service provider.

1498 (b) The provisions of law conferring duties upon the
1499 department which are specifically delegated to the tax
1500 collection service provider in the interagency agreement.

1501 (2) (a) The Department of Revenue is considered to be
1502 administering a revenue law of this state when the department
1503 implements this chapter, or otherwise provides reemployment
1504 assistance ~~unemployment~~ tax collection services, under contract
1505 with the department through the interagency agreement.

1506 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1507 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
1508 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;

606-04268-12

20121416c2

1509 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
1510 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
1511 213.757 apply to the collection of reemployment assistance
1512 ~~unemployment~~ contributions and reimbursements by the Department
1513 of Revenue unless prohibited by federal law.

1514 Section 20. Paragraph (a) of subsection (1) and subsections
1515 (2) and (3) of section 443.1317, Florida Statutes, are amended
1516 to read:

1517 443.1317 Rulemaking authority; enforcement of rules.—

1518 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1519 (a) Except as otherwise provided in s. 443.012, the
1520 Department of Economic Opportunity has ultimate authority over
1521 the administration of the Reemployment Assistance ~~Unemployment~~
1522 ~~Compensation~~ Program.

1523 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
1524 providing reemployment assistance ~~unemployment~~ tax collection
1525 services under contract with the Department of Economic
1526 Opportunity through an interagency agreement pursuant to s.
1527 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
1528 subject to approval by the department, to administer the
1529 provisions of law described in s. 443.1316(1) (a) and (b) which
1530 are within this chapter. These rules must not conflict with the
1531 rules adopted by the department or with the interagency
1532 agreement.

1533 (3) ENFORCEMENT OF RULES.—The Department of Economic
1534 Opportunity may enforce any rule adopted by the state agency
1535 providing reemployment assistance ~~unemployment~~ tax collection
1536 services to administer this chapter. The tax collection service
1537 provider may enforce any rule adopted by the department to

606-04268-12

20121416c2

1538 administer the provisions of law described in s. 443.1316(1) (a)
1539 and (b).

1540 Section 21. Paragraphs (b) and (g) of subsection (1),
1541 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
1542 subsection (4) of section 443.141, Florida Statutes, are amended
1543 to read:

1544 443.141 Collection of contributions and reimbursements.—

1545 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1546 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1547 (b) *Penalty for delinquent, erroneous, incomplete, or*
1548 *insufficient reports.*—

1549 1. An employing unit that fails to file any report required
1550 by the Department of Economic Opportunity or its tax collection
1551 service provider, in accordance with rules for administering
1552 this chapter, shall pay to the service provider for each
1553 delinquent report the sum of \$25 for each 30 days or fraction
1554 thereof that the employing unit is delinquent, unless the
1555 department ~~agency~~ or its service provider, whichever required
1556 the report, finds that the employing unit has good reason for
1557 failing to file the report. The department or its service
1558 provider may assess penalties only through the date of the
1559 issuance of the final assessment notice. However, additional
1560 penalties accrue if the delinquent report is subsequently filed.

1561 2.a. An employing unit that files an erroneous, incomplete,
1562 or insufficient report with the department or its tax collection
1563 service provider shall pay a penalty. The amount of the penalty
1564 is \$50 or 10 percent of any tax due, whichever is greater, but
1565 no more than \$300 per report. The penalty shall be added to any
1566 tax, penalty, or interest otherwise due.

606-04268-12

20121416c2

1567 b. The department or its tax collection service provider
1568 shall waive the penalty if the employing unit files an accurate,
1569 complete, and sufficient report within 30 days after a penalty
1570 notice is issued to the employing unit. The penalty may not be
1571 waived pursuant to this subparagraph more than one time during a
1572 12-month period.

1573 c. As used in this subsection, the term "erroneous,
1574 incomplete, or insufficient report" means a report so lacking in
1575 information, completeness, or arrangement that the report cannot
1576 be readily understood, verified, or reviewed. Such reports
1577 include, but are not limited to, reports having missing wage or
1578 employee information, missing or incorrect social security
1579 numbers, or illegible entries; reports submitted in a format
1580 that is not approved by the department or its tax collection
1581 service provider; and reports showing gross wages that do not
1582 equal the total of the wages of each employee. However, the term
1583 does not include a report that merely contains inaccurate data
1584 that was supplied to the employer by the employee, if the
1585 employer was unaware of the inaccuracy.

1586 3. Penalties imposed pursuant to this paragraph shall be
1587 deposited in the Special Employment Security Administration
1588 Trust Fund.

1589 4. The penalty and interest for a delinquent, erroneous,
1590 incomplete, or insufficient report may be waived if the penalty
1591 or interest is inequitable. The provisions of s. 213.24(1) apply
1592 to any penalty or interest that is imposed under this section.

1593 (g) *Adoption of rules.*—The department and the state agency
1594 providing reemployment assistance ~~unemployment~~ tax collection
1595 services may adopt rules to administer this subsection.

606-04268-12

20121416c2

1596 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1597 (c) *Appeals.*—The department and the state agency providing
1598 reemployment assistance ~~unemployment~~ tax collection services
1599 shall adopt rules prescribing the procedures for an employing
1600 unit determined to be an employer to file an appeal and be
1601 afforded an opportunity for a hearing on the determination.
1602 Pending a hearing, the employing unit must file reports and pay
1603 contributions in accordance with s. 443.131.

1604 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
1605 CONTRIBUTIONS AND REIMBURSEMENTS.—

1606 (c) Any agent or employee designated by the Department of
1607 Economic Opportunity or its tax collection service provider may
1608 administer an oath to any person for any return or report
1609 required by this chapter or by the rules of the department or
1610 the state agency providing reemployment assistance ~~unemployment~~
1611 tax collection services, and an oath made before the department
1612 or its service provider or any authorized agent or employee has
1613 the same effect as an oath made before any judicial officer or
1614 notary public of the state.

1615 (e) The tax collection service provider may commence an
1616 action in any other state to collect reemployment assistance
1617 ~~unemployment compensation~~ contributions, reimbursements,
1618 penalties, and interest legally due this state. The officials of
1619 other states that extend a like comity to this state may sue for
1620 the collection of contributions, reimbursements, interest, and
1621 penalties in the courts of this state. The courts of this state
1622 shall recognize and enforce liability for contributions,
1623 reimbursements, interest, and penalties imposed by other states
1624 that extend a like comity to this state.

606-04268-12

20121416c2

1625 Section 22. Paragraph (b) of subsection (1), paragraph (b)
1626 of subsection (2), paragraph (c) of subsection (3), and
1627 paragraphs (a) and (b) of subsection (6) of section 443.151,
1628 Florida Statutes, are amended to read:

1629 443.151 Procedure concerning claims.—

1630 (1) POSTING OF INFORMATION.—

1631 (b)1. The department shall advise each individual filing a
1632 new claim for reemployment assistance ~~unemployment compensation~~,
1633 at the time of filing the claim, that:

1634 a. Reemployment assistance ~~unemployment compensation~~ is
1635 subject to federal income tax.

1636 b. Requirements exist pertaining to estimated tax payments.

1637 c. The individual may elect to have federal income tax
1638 deducted and withheld from the individual's payment of
1639 reemployment assistance ~~unemployment compensation~~ at the amount
1640 specified in the federal Internal Revenue Code.

1641 d. The individual is not permitted to change a previously
1642 elected withholding status more than twice per calendar year.

1643 2. Amounts deducted and withheld from reemployment
1644 assistance ~~unemployment compensation~~ must remain in the
1645 Unemployment Compensation Trust Fund until transferred to the
1646 federal taxing authority as payment of income tax.

1647 3. The department shall follow all procedures specified by
1648 the United States Department of Labor and the federal Internal
1649 Revenue Service pertaining to the deducting and withholding of
1650 income tax.

1651 4. If more than one authorized request for deduction and
1652 withholding is made, amounts must be deducted and withheld in
1653 accordance with the following priorities:

606-04268-12

20121416c2

1654 a. Reemployment assistance ~~Unemployment~~ overpayments have
1655 first priority;

1656 b. Child support payments have second priority; and

1657 c. Withholding under this subsection has third priority.

1658 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1659 CLAIMANTS AND EMPLOYERS.—

1660 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
1661 ~~Compensation~~ Claims and Benefits Information System described in
1662 s. 443.1113 is fully operational, the process for filing claims
1663 must incorporate the process for registering for work with the
1664 workforce information systems established pursuant to s.
1665 445.011. A claim for benefits may not be processed until the
1666 work registration requirement is satisfied. The department may
1667 adopt rules as necessary to administer the work registration
1668 requirement set forth in this paragraph.

1669 (3) DETERMINATION OF ELIGIBILITY.—

1670 (c) *Nonmonetary determinations.*—If the department receives
1671 information that may result in a denial of benefits, the
1672 department must complete an investigation of the claim required
1673 by subsection (2) and provide notice of a nonmonetary
1674 determination to the claimant and the employer from whom the
1675 claimant's reason for separation affects his or her entitlement
1676 to benefits. The determination must state the reason for the
1677 determination and whether the reemployment assistance
1678 ~~unemployment~~ tax account of the contributing employer is charged
1679 for benefits paid on the claim. The nonmonetary determination is
1680 final unless within 20 days after the mailing of the notices to
1681 the parties' last known addresses, or in lieu of mailing, within
1682 20 days after the delivery of the notices, an appeal or written

606-04268-12

20121416c2

1683 request for reconsideration is filed by the claimant or other
1684 party entitled to notice. The department may adopt rules as
1685 necessary to implement the processes described in this paragraph
1686 relating to notices of nonmonetary determination and the appeals
1687 or reconsideration requests filed in response to such notices,
1688 and may adopt rules prescribing the manner and procedure by
1689 which employers within the base period of a claimant become
1690 entitled to notice of nonmonetary determination.

1691 (6) RECOVERY AND RECOUPMENT.—

1692 (a) Any person who, by reason of her or his fraud, receives
1693 benefits under this chapter to which she or he is not entitled
1694 is liable for repaying those benefits to the Department of
1695 Economic Opportunity on behalf of the trust fund or, in the
1696 discretion of the department, to have those benefits deducted
1697 from future benefits payable to her or him under this chapter.
1698 To enforce this paragraph, the department must find the
1699 existence of fraud through a redetermination or decision under
1700 this section within 2 years after the fraud was committed. Any
1701 recovery or recoupment of benefits must be commenced ~~effected~~
1702 within 7 ~~5~~ years after the redetermination or decision.

1703 (b) Any person who, by reason other than her or his fraud,
1704 receives benefits under this chapter to which, under a
1705 redetermination or decision pursuant to this section, she or he
1706 is not entitled, is liable for repaying those benefits to the
1707 department on behalf of the trust fund or, in the discretion of
1708 the department, to have those benefits deducted from any future
1709 benefits payable to her or him under this chapter. Any recovery
1710 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
1711 years after the redetermination or decision.

606-04268-12

20121416c2

1712 Section 23. Subsection (1) and paragraph (c) of subsection
1713 (3) of section 443.163, Florida Statutes, are amended to read:

1714 443.163 Electronic reporting and remitting of contributions
1715 and reimbursements.—

1716 (1) An employer may file any report and remit any
1717 contributions or reimbursements required under this chapter by
1718 electronic means. The Department of Economic Opportunity or the
1719 state agency providing reemployment assistance ~~unemployment~~ tax
1720 collection services shall adopt rules prescribing the format and
1721 instructions necessary for electronically filing reports and
1722 remitting contributions and reimbursements to ensure a full
1723 collection of contributions and reimbursements due. The
1724 acceptable method of transfer, the method, form, and content of
1725 the electronic means, and the method, if any, by which the
1726 employer will be provided with an acknowledgment shall be
1727 prescribed by the department or its tax collection service
1728 provider. However, any employer who employed 10 or more
1729 employees in any quarter during the preceding state fiscal year
1730 must file the Employers Quarterly Reports (UCT-6) for the
1731 current calendar year and remit the contributions and
1732 reimbursements due by electronic means approved by the tax
1733 collection service provider. A person who prepared and reported
1734 for 100 or more employers in any quarter during the preceding
1735 state fiscal year must file the Employers Quarterly Reports
1736 (UCT-6) for each calendar quarter in the current calendar year,
1737 beginning with reports due for the second calendar quarter of
1738 2003, by electronic means approved by the tax collection service
1739 provider.

1740 (3) The tax collection service provider may waive the

606-04268-12

20121416c2

1741 requirement to file an Employers Quarterly Report (UCT-6) by
1742 electronic means for employers that are unable to comply despite
1743 good faith efforts or due to circumstances beyond the employer's
1744 reasonable control.

1745 (c) The department or the state agency providing
1746 reemployment assistance ~~unemployment~~ tax collection services may
1747 establish by rule the length of time a waiver is valid and may
1748 determine whether subsequent waivers will be authorized, based
1749 on this subsection.

1750 Section 24. Subsections (2) and (5) and paragraphs (a) and
1751 (c) of subsection (9) of section 443.171, Florida Statutes, are
1752 amended to read:

1753 443.171 Department of Economic Opportunity and commission;
1754 powers and duties; records and reports; proceedings; state-
1755 federal cooperation.—

1756 (2) PUBLICATION OF ACTS AND RULES.—The Department of
1757 Economic Opportunity shall cause to be printed and distributed
1758 to the public, or otherwise distributed to the public through
1759 the Internet or similar electronic means, the text of this
1760 chapter and of the rules for administering this chapter adopted
1761 by the department or the state agency providing reemployment
1762 assistance ~~unemployment~~ tax collection services and any other
1763 matter relevant and suitable. The department shall furnish this
1764 information to any person upon request. However, any pamphlet,
1765 rules, circulars, or reports required by this chapter may not
1766 contain any matter except the actual data necessary to complete
1767 them or the actual language of the rule, together with the
1768 proper notices.

1769 (5) RECORDS AND REPORTS.—Each employing unit shall keep

606-04268-12

20121416c2

1770 true and accurate work records, containing the information
1771 required by the Department of Economic Opportunity or its tax
1772 collection service provider. These records must be open to
1773 inspection and are subject to being copied by the department or
1774 its tax collection service provider at any reasonable time and
1775 as often as necessary. The department or its tax collection
1776 service provider may require from any employing unit any sworn
1777 or unsworn reports, for persons employed by the employing unit,
1778 necessary for the effective administration of this chapter.
1779 However, a state or local governmental agency performing
1780 intelligence or counterintelligence functions need not report an
1781 employee if the head of that agency determines that reporting
1782 the employee could endanger the safety of the employee or
1783 compromise an ongoing investigation or intelligence mission.
1784 ~~Information revealing the employing unit's or individual's~~
1785 ~~identity obtained from the employing unit or from any individual~~
1786 ~~through the administration of this chapter, is, except to the~~
1787 ~~extent necessary for the proper presentation of a claim or upon~~
1788 ~~written authorization of the claimant who has a workers'~~
1789 ~~compensation claim pending, confidential and exempt from s.~~
1790 ~~119.07(1). This confidential information is available only to~~
1791 ~~public employees in the performance of their public duties. Any~~
1792 ~~claimant, or the claimant's legal representative, at a hearing~~
1793 ~~before an appeals referee or the commission must be supplied~~
1794 ~~with information from these records to the extent necessary for~~
1795 ~~the proper presentation of her or his claim. Any employee or~~
1796 ~~member of the commission, any employee of the department or its~~
1797 ~~tax collection service provider, or any other person receiving~~
1798 ~~confidential information who violates this subsection commits a~~

606-04268-12

20121416c2

1799 ~~misdemeanor of the second degree, punishable as provided in s.~~
1800 ~~775.082 or s. 775.083. However, the department or its tax~~
1801 ~~collection service provider may furnish to any employer copies~~
1802 ~~of any report previously submitted by that employer, upon the~~
1803 ~~request of the employer. The department or its tax collection~~
1804 ~~service provider may charge a reasonable fee for copies of~~
1805 ~~reports, which may not exceed the actual reasonable cost of the~~
1806 ~~preparation of the copies as prescribed by rules adopted by the~~
1807 ~~department or the state agency providing tax collection~~
1808 ~~services. Fees received by the department or its tax collection~~
1809 ~~service provider for copies furnished under this subsection must~~
1810 ~~be deposited in the Employment Security Administration Trust~~
1811 ~~Fund.~~

1812 (9) STATE-FEDERAL COOPERATION.—

1813 (a)1. In the administration of this chapter, the Department
1814 of Economic Opportunity and its tax collection service provider
1815 shall cooperate with the United States Department of Labor to
1816 the fullest extent consistent with this chapter and shall take
1817 those actions, through the adoption of appropriate rules,
1818 administrative methods, and standards, necessary to secure for
1819 this state all advantages available under the provisions of
1820 federal law relating to reemployment assistance ~~unemployment~~
1821 ~~compensation.~~

1822 2. In the administration of the provisions in s. 443.1115,
1823 which are enacted to conform with the Federal-State Extended
1824 Unemployment Compensation Act of 1970, the department shall take
1825 those actions necessary to ensure that those provisions are
1826 interpreted and applied to meet the requirements of the federal
1827 act as interpreted by the United States Department of Labor and

606-04268-12

20121416c2

1828 to secure for this state the full reimbursement of the federal
1829 share of extended benefits paid under this chapter which is
1830 reimbursable under the federal act.

1831 3. The department and its tax collection service provider
1832 shall comply with the regulations of the United States
1833 Department of Labor relating to the receipt or expenditure by
1834 this state of funds granted under federal law; shall submit the
1835 reports in the form and containing the information the United
1836 States Department of Labor requires; and shall comply with
1837 directions of the United States Department of Labor necessary to
1838 assure the correctness and verification of these reports.

1839 (c) The department and its tax collection service provider
1840 shall cooperate with the agencies of other states, and shall
1841 make every proper effort within their means, to oppose and
1842 prevent any further action leading to the complete or
1843 substantial federalization of state reemployment assistance
1844 ~~unemployment compensation~~ funds or state employment security
1845 programs. The department and its tax collection service provider
1846 may make, and may cooperate with other appropriate agencies in
1847 making, studies as to the practicability and probable cost of
1848 possible new state-administered social security programs and the
1849 relative desirability of state, rather than federal, action in
1850 that field of study.

1851 Section 25. Subsections (1) and (2) of section 443.1715,
1852 Florida Statutes, are amended to read:

1853 443.1715 Disclosure of information; confidentiality.—

1854 (1) RECORDS AND REPORTS.—Information revealing an employing
1855 unit's or individual's identity obtained from the employing unit
1856 or any individual under the administration of this chapter, and

606-04268-12

20121416c2

1857 any determination revealing that information, ~~except to the~~
1858 ~~extent necessary for the proper presentation of a claim or upon~~
1859 ~~written authorization of the claimant who has a workers'~~
1860 ~~compensation claim pending or is receiving compensation~~
1861 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1862 24(a), Art. I of the State Constitution. This confidential
1863 information may be released in accordance with the provisions in
1864 20 C.F.R. part 603 ~~only to public employees in the performance~~
1865 ~~of their public duties. Except as otherwise provided by law,~~
1866 ~~public employees receiving this confidential information must~~
1867 ~~maintain the confidentiality of the information. Any claimant,~~
1868 ~~or the claimant's legal representative, at a hearing before an~~
1869 ~~appeals referee or the commission is entitled to information~~
1870 ~~from these records to the extent necessary for the proper~~
1871 ~~presentation of her or his claim. A person receiving~~
1872 ~~confidential information who violates this subsection commits a~~
1873 ~~misdemeanor of the second degree, punishable as provided in s.~~
1874 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
1875 its tax collection service provider may, however, furnish to any
1876 employer copies of any report submitted by that employer upon
1877 the request of the employer and may furnish to any claimant
1878 copies of any report submitted by that claimant upon the request
1879 of the claimant. The department or its tax collection service
1880 provider may charge a reasonable fee for copies of these reports
1881 as prescribed by rule, which may not exceed the actual
1882 reasonable cost of the preparation of the copies. Fees received
1883 for copies under this subsection must be deposited in the
1884 Employment Security Administration Trust Fund.

1885 (2) DISCLOSURE OF INFORMATION.—

606-04268-12

20121416c2

1886 (a) Subject to restrictions the Department of Economic
1887 Opportunity or the state agency providing reemployment
1888 assistance ~~unemployment~~ tax collection services adopts by rule,
1889 information declared confidential under this section is
1890 available to any agency of this or any other state, or any
1891 federal agency, charged with the administration of any
1892 reemployment assistance or unemployment compensation law or the
1893 maintenance of the one-stop delivery system, or the Bureau of
1894 Internal Revenue of the United States Department of the
1895 Treasury, or the Florida Department of Revenue. Information
1896 obtained in connection with the administration of the one-stop
1897 delivery system may be made available to persons or agencies for
1898 purposes appropriate to the operation of a public employment
1899 service or a job-preparatory or career education or training
1900 program. The department shall, on a quarterly basis, furnish the
1901 National Directory of New Hires with information concerning the
1902 wages and reemployment assistance ~~unemployment~~ benefits paid to
1903 individuals, by the dates, in the format, and containing the
1904 information specified in the regulations of the United States
1905 Secretary of Health and Human Services. Upon request, the
1906 department shall furnish any agency of the United States charged
1907 with the administration of public works or assistance through
1908 public employment, and may furnish to any state agency similarly
1909 charged, the name, address, ordinary occupation, and employment
1910 status of each recipient of benefits and the recipient's rights
1911 to further benefits under this chapter. Except as otherwise
1912 provided by law, the receiving agency must retain the
1913 confidentiality of this information as provided in this section.
1914 The tax collection service provider may request the Comptroller

606-04268-12

20121416c2

1915 of the Currency of the United States to examine the correctness
1916 of any return or report of any national banking association
1917 rendered under this chapter and may in connection with that
1918 request transmit any report or return for examination to the
1919 Comptroller of the Currency of the United States as provided in
1920 s. 3305(c) of the federal Internal Revenue Code.

1921 (b) The employer or the employer's workers' compensation
1922 carrier against whom a claim for benefits under chapter 440 has
1923 been made, or a representative of either, may request from the
1924 department records of wages of the employee reported to the
1925 department by any employer for the quarter that includes the
1926 date of the accident that is the subject of such claim and for
1927 subsequent quarters.

1928 1. The request must be made with the authorization or
1929 consent of the employee or any employer who paid wages to the
1930 employee after the date of the accident.

1931 2. The employer or carrier shall make the request on a form
1932 prescribed by rule for such purpose by the department ~~agency~~.
1933 Such form shall contain a certification by the requesting party
1934 that it is a party entitled to the information requested.

1935 3. The department shall provide the most current
1936 information readily available within 15 days after receiving the
1937 request.

1938 Section 26. Subsections (1), (4), (5), (6), and (7) and
1939 paragraph (c) of subsection (2) of section 443.17161, Florida
1940 Statutes, are amended to read:

1941 443.17161 Authorized electronic access to employer
1942 information.—

1943 (1) Notwithstanding any other provision of this chapter,

606-04268-12

20121416c2

1944 the Department of Economic Opportunity ~~Agency for Workforce~~
1945 ~~Innovation~~ shall contract with one or more consumer reporting
1946 agencies to provide users with secured electronic access to
1947 employer-provided information relating to the quarterly wages
1948 report submitted in accordance with the state's reemployment
1949 assistance ~~unemployment compensation~~ law. The access is limited
1950 to the wage reports for the appropriate amount of time for the
1951 purpose the information is requested.

1952 (2) Users must obtain consent in writing or by electronic
1953 signature from an applicant for credit, employment, or other
1954 permitted purposes. Any written or electronic signature consent
1955 from an applicant must be signed and must include the following:

1956 (c) Notice that the files of the Department of Economic
1957 Opportunity ~~Agency for Workforce Innovation~~ or its tax
1958 collection service provider containing information concerning
1959 wage and employment history which is submitted by the applicant
1960 or his or her employers may be accessed; and

1961 (4) If a consumer reporting agency or user violates this
1962 section, the Department of Economic Opportunity ~~Agency for~~
1963 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
1964 consumer reporting agency, terminate the contract established
1965 between the department ~~Agency for Workforce Innovation~~ and the
1966 consumer reporting agency or require the consumer reporting
1967 agency to terminate the contract established between the
1968 consumer reporting agency and the user under this section.

1969 (5) The Department of Economic Opportunity ~~Agency for~~
1970 ~~Workforce Innovation~~ shall establish minimum audit, security,
1971 net worth, and liability insurance standards, technical
1972 requirements, and any other terms and conditions considered

606-04268-12

20121416c2

1973 necessary in the discretion of the state agency to safeguard the
 1974 confidentiality of the information released under this section
 1975 and to otherwise serve the public interest. The department
 1976 ~~Agency for Workforce Innovation~~ shall also include, in
 1977 coordination with any necessary state agencies, necessary audit
 1978 procedures to ensure that these rules are followed.

1979 (6) In contracting with one or more consumer reporting
 1980 agencies under this section, any revenues generated by the
 1981 contract must be used to pay the entire cost of providing access
 1982 to the information. Further, in accordance with federal
 1983 regulations, any additional revenues generated by the Department
 1984 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
 1985 state under this section must be paid into the Administrative
 1986 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
 1987 the administration of the unemployment compensation system or be
 1988 used as program income.

1989 (7) The Department of Economic Opportunity ~~Agency for~~
 1990 ~~Workforce Innovation~~ may not provide wage and employment history
 1991 information to any consumer reporting agency before the consumer
 1992 reporting agency or agencies under contract with the department
 1993 ~~Agency for Workforce Innovation~~ pay all development and other
 1994 startup costs incurred by the state in connection with the
 1995 design, installation, and administration of technological
 1996 systems and procedures for the electronic access program.

1997 Section 27. Subsection (2) of section 443.181, Florida
 1998 Statutes, is amended to read:

1999 443.181 Public employment service.—

2000 (2) All funds received by this state under 29 U.S.C. ss.
 2001 49-491-1 must be paid into the Employment Security

606-04268-12

20121416c2

2002 Administration Trust Fund, and these funds are available to the
2003 Department of Economic Opportunity for expenditure as provided
2004 by this chapter or by federal law. For the purpose of
2005 establishing and maintaining one-stop career centers, the
2006 department may enter into agreements with the Railroad
2007 Retirement Board or any other agency of the United States
2008 charged with the administration of a reemployment assistance or
2009 ~~an~~ unemployment compensation law, with any political subdivision
2010 of this state, or with any private, nonprofit organization. As a
2011 part of any such agreement, the department may accept moneys,
2012 services, or quarters as a contribution to the Employment
2013 Security Administration Trust Fund.

2014 Section 28. Subsection (6) of section 443.191, Florida
2015 Statutes, is amended to read:

2016 443.191 Unemployment Compensation Trust Fund; establishment
2017 and control.—

2018 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
2019 Compensation Trust Fund is the sole and exclusive source for
2020 paying reemployment assistance ~~unemployment~~ benefits, and these
2021 benefits are due and payable only to the extent that
2022 contributions or reimbursements, with increments thereon,
2023 actually collected and credited to the fund and not otherwise
2024 appropriated or allocated, are available for payment. The state
2025 shall administer the fund without any liability on the part of
2026 the state beyond the amount of moneys received from the United
2027 States Department of Labor or other federal agency.

2028 Section 29. Paragraphs (b), (c), and (d) of subsection (1)
2029 and subsections (3) and (4) of section 443.221, Florida
2030 Statutes, are amended to read:

606-04268-12

20121416c2

2031 443.221 Reciprocal arrangements.-

2032 (1)

2033 (b) For services to be considered as performed within a
2034 state under a reciprocal agreement, the employing unit must have
2035 an election in effect for those services, which is approved by
2036 the agency charged with the administration of such state's
2037 reemployment assistance or unemployment compensation law, under
2038 which all the services performed by the individual for the
2039 employing unit are deemed to be performed entirely within that
2040 state.

2041 (c) The department shall participate in any arrangements
2042 for the payment of compensation on the basis of combining an
2043 individual's wages and employment covered under this chapter
2044 with her or his wages and employment covered under the
2045 reemployment assistance or unemployment compensation laws of
2046 other states, which are approved by the United States Secretary
2047 of Labor, in consultation with the state reemployment assistance
2048 or unemployment compensation agencies, as reasonably calculated
2049 to assure the prompt and full payment of compensation in those
2050 situations and which include provisions for:

2051 1. Applying the base period of a single state law to a
2052 claim involving the combining of an individual's wages and
2053 employment covered under two or more state reemployment
2054 assistance or unemployment compensation laws; and

2055 2. Avoiding the duplicate use of wages and employment
2056 because of the combination.

2057 (d) Contributions or reimbursements due under this chapter
2058 with respect to wages for insured work are, for the purposes of
2059 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid

606-04268-12

20121416c2

2060 to the fund as of the date payment was made as contributions or
2061 reimbursements therefor under another state or federal
2062 reemployment assistance or unemployment compensation law, but an
2063 arrangement may not be entered into unless it contains
2064 provisions for reimbursement to the fund of the contributions or
2065 reimbursements and the actual earnings thereon as the department
2066 or its tax collection service provider finds are fair and
2067 reasonable as to all affected interests.

2068 (3) The Department of Economic Opportunity or its tax
2069 collection service provider may enter into reciprocal
2070 arrangements with other states or the Federal Government, or
2071 both, for exchanging services, determining and enforcing payment
2072 obligations, and making available facilities and information.
2073 The department or its tax collection service provider may
2074 conduct investigations, secure and transmit information, make
2075 available services and facilities, and exercise other powers
2076 provided under this chapter to facilitate the administration of
2077 any reemployment assistance or unemployment compensation or
2078 public employment service law and, in a similar manner, accept
2079 and use information, services, and facilities made available to
2080 this state by the agency charged with the administration of any
2081 other unemployment compensation or public employment service
2082 law.

2083 (4) To the extent permissible under federal law, the
2084 Department of Economic Opportunity may enter into or cooperate
2085 in arrangements whereby facilities and services provided under
2086 this chapter and facilities and services provided under the
2087 reemployment assistance or unemployment compensation law of any
2088 foreign government may be used for the taking of claims and the

606-04268-12

20121416c2

2089 payment of benefits under the employment security law of the
2090 state or under a similar law of that government.

2091 Section 30. Paragraph (c) of subsection (5) and subsection
2092 (8) of section 20.60, Florida Statutes, are amended to read:

2093 20.60 Department of Economic Opportunity; creation; powers
2094 and duties.—

2095 (5) The divisions within the department have specific
2096 responsibilities to achieve the duties, responsibilities, and
2097 goals of the department. Specifically:

2098 (c) The Division of Workforce Services shall:

2099 1. Prepare and submit a unified budget request for
2100 workforce in accordance with chapter 216 for, and in conjunction
2101 with, Workforce Florida, Inc., and its board.

2102 2. Ensure that the state appropriately administers federal
2103 and state workforce funding by administering plans and policies
2104 of Workforce Florida, Inc., under contract with Workforce
2105 Florida, Inc. The operating budget and midyear amendments
2106 thereto must be part of such contract.

2107 a. All program and fiscal instructions to regional
2108 workforce boards shall emanate from the Department of Economic
2109 Opportunity pursuant to plans and policies of Workforce Florida,
2110 Inc., which shall be responsible for all policy directions to
2111 the regional workforce boards.

2112 b. Unless otherwise provided by agreement with Workforce
2113 Florida, Inc., administrative and personnel policies of the
2114 Department of Economic Opportunity shall apply.

2115 3. Implement the state's reemployment assistance
2116 ~~unemployment compensation~~ program. The Department of Economic
2117 Opportunity shall ensure that the state appropriately

606-04268-12

20121416c2

2118 administers the reemployment assistance ~~unemployment~~
2119 ~~compensation~~ program pursuant to state and federal law.

2120 4. Assist in developing the 5-year statewide strategic plan
2121 required by this section.

2122 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
2123 Commission, authorized by s. 443.012, is not subject to control,
2124 supervision, or direction by the department in the performance
2125 of its powers and duties but shall receive any and all support
2126 and assistance from the department which is required for the
2127 performance of its duties.

2128 Section 31. Paragraph (a) of subsection (1) of section
2129 27.52, Florida Statutes, is amended to read:

2130 27.52 Determination of indigent status.—

2131 (1) APPLICATION TO THE CLERK.—A person seeking appointment
2132 of a public defender under s. 27.51 based upon an inability to
2133 pay must apply to the clerk of the court for a determination of
2134 indigent status using an application form developed by the
2135 Florida Clerks of Court Operations Corporation with final
2136 approval by the Supreme Court.

2137 (a) The application must include, at a minimum, the
2138 following financial information:

2139 1. Net income, consisting of total salary and wages, minus
2140 deductions required by law, including court-ordered support
2141 payments.

2142 2. Other income, including, but not limited to, social
2143 security benefits, union funds, veterans' benefits, workers'
2144 compensation, other regular support from absent family members,
2145 public or private employee pensions, reemployment assistance or
2146 unemployment compensation, dividends, interest, rent, trusts,

606-04268-12

20121416c2

2147 and gifts.

2148 3. Assets, including, but not limited to, cash, savings
2149 accounts, bank accounts, stocks, bonds, certificates of deposit,
2150 equity in real estate, and equity in a boat or a motor vehicle
2151 or in other tangible property.

2152 4. All liabilities and debts.

2153 5. If applicable, the amount of any bail paid for the
2154 applicant's release from incarceration and the source of the
2155 funds.

2156

2157 The application must include a signature by the applicant which
2158 attests to the truthfulness of the information provided. The
2159 application form developed by the corporation must include
2160 notice that the applicant may seek court review of a clerk's
2161 determination that the applicant is not indigent, as provided in
2162 this section.

2163 Section 32. Subsection (6) of section 40.24, Florida
2164 Statutes, is amended to read:

2165 40.24 Compensation and reimbursement policy.—

2166 (6) A juror who receives reemployment assistance
2167 ~~unemployment~~ benefits does not lose such benefits because he or
2168 she receives compensation for juror service.

2169 Section 33. Paragraph (a) of subsection (7) of section
2170 45.031, Florida Statutes, is amended to read:

2171 45.031 Judicial sales procedure.—In any sale of real or
2172 personal property under an order or judgment, the procedures
2173 provided in this section and ss. 45.0315-45.035 may be followed
2174 as an alternative to any other sale procedure if so ordered by
2175 the court.

606-04268-12

20121416c2

2176 (7) DISBURSEMENTS OF PROCEEDS.—

2177 (a) On filing a certificate of title, the clerk shall
2178 disburse the proceeds of the sale in accordance with the order
2179 or final judgment and shall file a report of such disbursements
2180 and serve a copy of it on each party, and on the Department of
2181 Revenue if the department was named as a defendant in the action
2182 or if the Department of Economic Opportunity or the former
2183 Agency for Workforce Innovation was named as a defendant while
2184 the Department of Revenue was providing reemployment assistance
2185 ~~unemployment~~ tax collection services under contract with the
2186 Department of Economic Opportunity or the former Agency for
2187 Workforce Innovation through an interagency agreement pursuant
2188 to s. 443.1316.

2189 Section 34. Subsection (2) of section 55.204, Florida
2190 Statutes, is amended to read:

2191 55.204 Duration and continuation of judgment lien;
2192 destruction of records.—

2193 (2) Liens securing the payment of child support or tax
2194 obligations under s. 95.091(1)(b) lapse 20 years after the date
2195 of the original filing of the warrant or other document required
2196 by law to establish a lien. Liens securing the payment of
2197 reemployment assistance ~~unemployment~~ tax obligations lapse 10
2198 years after the date of the original filing of the notice of
2199 lien. A second lien based on the original filing may not be
2200 obtained.

2201 Section 35. Paragraph (a) of subsection (1) of section
2202 57.082, Florida Statutes, is amended to read:

2203 57.082 Determination of civil indigent status.—

2204 (1) APPLICATION TO THE CLERK.—A person seeking appointment

606-04268-12

20121416c2

2205 of an attorney in a civil case eligible for court-appointed
2206 counsel, or seeking relief from payment of filing fees and
2207 prepayment of costs under s. 57.081, based upon an inability to
2208 pay must apply to the clerk of the court for a determination of
2209 civil indigent status using an application form developed by the
2210 Florida Clerks of Court Operations Corporation with final
2211 approval by the Supreme Court.

2212 (a) The application must include, at a minimum, the
2213 following financial information:

2214 1. Net income, consisting of total salary and wages, minus
2215 deductions required by law, including court-ordered support
2216 payments.

2217 2. Other income, including, but not limited to, social
2218 security benefits, union funds, veterans' benefits, workers'
2219 compensation, other regular support from absent family members,
2220 public or private employee pensions, reemployment assistance or
2221 unemployment compensation, dividends, interest, rent, trusts,
2222 and gifts.

2223 3. Assets, including, but not limited to, cash, savings
2224 accounts, bank accounts, stocks, bonds, certificates of deposit,
2225 equity in real estate, and equity in a boat or a motor vehicle
2226 or in other tangible property.

2227 4. All liabilities and debts.
2228

2229 The application must include a signature by the applicant which
2230 attests to the truthfulness of the information provided. The
2231 application form developed by the corporation must include
2232 notice that the applicant may seek court review of a clerk's
2233 determination that the applicant is not indigent, as provided in

606-04268-12

20121416c2

2234 this section.

2235 Section 36. Subsection (8) of section 61.046, Florida
2236 Statutes, is amended to read:

2237 61.046 Definitions.—As used in this chapter, the term:

2238 (8) "Income" means any form of payment to an individual,
2239 regardless of source, including, but not limited to: wages,
2240 salary, commissions and bonuses, compensation as an independent
2241 contractor, worker's compensation, disability benefits, annuity
2242 and retirement benefits, pensions, dividends, interest,
2243 royalties, trusts, and any other payments, made by any person,
2244 private entity, federal or state government, or any unit of
2245 local government. United States Department of Veterans Affairs
2246 disability benefits and reemployment assistance or unemployment
2247 compensation, as defined in chapter 443, are excluded from this
2248 definition of income except for purposes of establishing an
2249 amount of support.

2250 Section 37. Paragraph (a) of subsection (3) of section
2251 61.1824, Florida Statutes, is amended to read:

2252 61.1824 State Disbursement Unit.—

2253 (3) The State Disbursement Unit shall perform the following
2254 functions:

2255 (a) Disburse all receipts from intercepts, including, but
2256 not limited to, United States Internal Revenue Service,
2257 reemployment assistance or unemployment compensation, lottery,
2258 and administrative offset intercepts.

2259 Section 38. Paragraph (a) of subsection (2) of section
2260 61.30, Florida Statutes, is amended to read:

2261 61.30 Child support guidelines; retroactive child support.—

2262 (2) Income shall be determined on a monthly basis for each

606-04268-12

20121416c2

2263 parent as follows:

2264 (a) Gross income shall include, but is not limited to, the
2265 following:

2266 1. Salary or wages.

2267 2. Bonuses, commissions, allowances, overtime, tips, and
2268 other similar payments.

2269 3. Business income from sources such as self-employment,
2270 partnership, close corporations, and independent contracts.

2271 "Business income" means gross receipts minus ordinary and
2272 necessary expenses required to produce income.

2273 4. Disability benefits.

2274 5. All workers' compensation benefits and settlements.

2275 6. Reemployment assistance or unemployment compensation.

2276 7. Pension, retirement, or annuity payments.

2277 8. Social security benefits.

2278 9. Spousal support received from a previous marriage or
2279 court ordered in the marriage before the court.

2280 10. Interest and dividends.

2281 11. Rental income, which is gross receipts minus ordinary
2282 and necessary expenses required to produce the income.

2283 12. Income from royalties, trusts, or estates.

2284 13. Reimbursed expenses or in kind payments to the extent
2285 that they reduce living expenses.

2286 14. Gains derived from dealings in property, unless the
2287 gain is nonrecurring.

2288 Section 39. Paragraph (a) of subsection (4) of section
2289 69.041, Florida Statutes, is amended to read:

2290 69.041 State named party; lien foreclosure, suit to quiet
2291 title.-

606-04268-12

20121416c2

2292 (4) (a) The Department of Revenue has the right to
 2293 participate in the disbursement of funds remaining in the
 2294 registry of the court after distribution pursuant to s.
 2295 45.031(7). The department shall participate in accordance with
 2296 applicable procedures in any mortgage foreclosure action in
 2297 which the department has a duly filed tax warrant, or interests
 2298 under a lien arising from a judgment, order, or decree for
 2299 support, as defined in s. 409.2554, or interest in an
 2300 reemployment assistance ~~unemployment compensation~~ tax lien under
 2301 contract with the Department of Economic Opportunity through an
 2302 interagency agreement pursuant to s. 443.1316, against the
 2303 subject property and with the same priority, regardless of
 2304 whether a default against the department, the Department of
 2305 Economic Opportunity, or the former Agency for Workforce
 2306 Innovation has been entered for failure to file an answer or
 2307 other responsive pleading.

2308 Section 40. Subsection (1) of section 77.041, Florida
 2309 Statutes, is amended to read:

2310 77.041 Notice to individual defendant for claim of
 2311 exemption from garnishment; procedure for hearing.—

2312 (1) Upon application for a writ of garnishment by a
 2313 plaintiff, if the defendant is an individual, the clerk of the
 2314 court shall attach to the writ the following "Notice to
 2315 Defendant":

2316

2317 NOTICE TO DEFENDANT OF RIGHT AGAINST

2318 GARNISHMENT OF WAGES, MONEY,

2319 AND OTHER PROPERTY

2320

606-04268-12

20121416c2

2321 The Writ of Garnishment delivered to you with this Notice
2322 means that wages, money, and other property belonging to you
2323 have been garnished to pay a court judgment against you.

2324 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
2325 OR PROPERTY. READ THIS NOTICE CAREFULLY.

2326 State and federal laws provide that certain wages, money,
2327 and property, even if deposited in a bank, savings and loan, or
2328 credit union, may not be taken to pay certain types of court
2329 judgments. Such wages, money, and property are exempt from
2330 garnishment. The major exemptions are listed below on the form
2331 for Claim of Exemption and Request for Hearing. This list does
2332 not include all possible exemptions. You should consult a lawyer
2333 for specific advice.

2334 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM
2335 BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY
2336 TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION
2337 AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE
2338 THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE
2339 CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU
2340 RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.
2341 YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO
2342 THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES
2343 LISTED ON THE WRIT OF GARNISHMENT.

2344 If you request a hearing, it will be held as soon as
2345 possible after your request is received by the court. The
2346 plaintiff must file any objection within 3 business days if you
2347 hand delivered to the plaintiff a copy of the form for Claim of
2348 Exemption and Request for Hearing or, alternatively, 8 business
2349 days if you mailed a copy of the form for claim and request to

606-04268-12

20121416c2

2350 the plaintiff. If the plaintiff files an objection to your Claim
2351 of Exemption and Request for Hearing, the clerk will notify you
2352 and the other parties of the time and date of the hearing. You
2353 may attend the hearing with or without an attorney. If the
2354 plaintiff fails to file an objection, no hearing is required,
2355 the writ of garnishment will be dissolved and your wages, money,
2356 or property will be released.

2357 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION
2358 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY
2359 FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK
2360 CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL
2361 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
2362 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE
2363 AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK
2364 THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN
2365 YOUR AREA.

2366
2367 CLAIM OF EXEMPTION AND
2368 REQUEST FOR HEARING

2369
2370 I claim exemptions from garnishment under the following
2371 categories as checked:

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

2372
.... 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.

2373
.... b. I provide more than one-half of the support for a child

606-04268-12

20121416c2

or other dependent, have net earnings of more than \$750 per week, but have not agreed in writing to have my wages garnished.

2374

.... 2. Social Security benefits.

2375

.... 3. Supplemental Security Income benefits.

2376

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

2377

.... 5. Workers' Compensation.

2378

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

2379

.... 7. Veterans' benefits.

2380

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

2381

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

2382

.... 10. Disability income benefits.

2383

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

2384

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

2385

2386

606-04268-12

20121416c2

2387 I request a hearing to decide the validity of my claim. Notice
2388 of the hearing should be given to me at:

2389
2390 Address:
2391 Telephone number:.....
2392

2393 The statements made in this request are true to the best of my
2394 knowledge and belief.

2395
2396
2397 Defendant's signature
2398 Date.....
2399

2400 STATE OF FLORIDA
2401 COUNTY OF

2402
2403 Sworn and subscribed to before me this day of ... (month
2404 and year)...., by ... (name of person making statement)...

2405 Notary Public/Deputy Clerk
2406 Personally KnownOR Produced Identification....
2407 Type of Identification Produced.....
2408

2409 Section 41. Paragraph (n) of subsection (2) of section
2410 110.205, Florida Statutes, is amended to read:

2411 110.205 Career service; exemptions.—

2412 (2) EXEMPT POSITIONS.—The exempt positions that are not
2413 covered by this part include the following:

2414 (n)1.a. In addition to those positions exempted by other
2415 paragraphs of this subsection, each department head may

606-04268-12

20121416c2

2416 designate a maximum of 20 policymaking or managerial positions,
2417 as defined by the department and approved by the Administration
2418 Commission, as being exempt from the Career Service System.
2419 Career service employees who occupy a position designated as a
2420 position in the Selected Exempt Service under this paragraph
2421 shall have the right to remain in the Career Service System by
2422 opting to serve in a position not exempted by the employing
2423 agency. Unless otherwise fixed by law, the department shall set
2424 the salary and benefits of these positions in accordance with
2425 the rules of the Selected Exempt Service; provided, however,
2426 that if the agency head determines that the general counsel,
2427 chief Cabinet aide, public information administrator or
2428 comparable position for a Cabinet officer, inspector general, or
2429 legislative affairs director has both policymaking and
2430 managerial responsibilities and if the department determines
2431 that any such position has both policymaking and managerial
2432 responsibilities, the salary and benefits for each such position
2433 shall be established by the department in accordance with the
2434 rules of the Senior Management Service.

2435 b. In addition, each department may designate one
2436 additional position in the Senior Management Service if that
2437 position reports directly to the agency head or to a position in
2438 the Senior Management Service and if any additional costs are
2439 absorbed from the existing budget of that department.

2440 2. If otherwise exempt, employees of the Public Employees
2441 Relations Commission, the Commission on Human Relations, and the
2442 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
2443 the certification of their respective commission heads, may be
2444 provided for under this paragraph as members of the Senior

606-04268-12

20121416c2

2445 Management Service, if otherwise qualified. However, the deputy
2446 general counsel of the Public Employees Relations Commission
2447 shall be compensated as members of the Selected Exempt Service.

2448 Section 42. Subsection (4) of section 110.502, Florida
2449 Statutes, is amended to read:

2450 110.502 Scope of act; status of volunteers.—

2451 (4) Persons working with state agencies pursuant to this
2452 part shall be considered as unpaid independent volunteers and
2453 shall not be entitled to reemployment assistance ~~unemployment~~
2454 ~~compensation~~.

2455 Section 43. Subsection (10) of section 120.80, Florida
2456 Statutes, is amended to read:

2457 120.80 Exceptions and special requirements; agencies.—

2458 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2459 (a) Notwithstanding s. 120.54, the rulemaking provisions of
2460 this chapter do not apply to reemployment assistance
2461 ~~unemployment~~ appeals referees.

2462 (b) Notwithstanding s. 120.54(5), the uniform rules of
2463 procedure do not apply to appeal proceedings conducted under
2464 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
2465 Commission, special deputies, or reemployment assistance
2466 ~~unemployment~~ appeals referees.

2467 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
2468 443 may not be conducted by an administrative law judge assigned
2469 by the division, but instead shall be conducted by the
2470 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
2471 reemployment assistance ~~unemployment compensation~~ appeals,
2472 reemployment assistance ~~unemployment~~ appeals referees, and the
2473 Department of Economic Opportunity or its special deputies under

606-04268-12

20121416c2

2474 s. 443.141.

2475 Section 44. Subsection (4) of section 125.9502, Florida
2476 Statutes, is amended to read:2477 125.9502 Scope of ss. 125.9501-125.9506; status of
2478 volunteers.—2479 (4) Persons working with a unit of county government or a
2480 constitutional county officer pursuant to ss. 125.9501-125.9506
2481 are considered unpaid independent volunteers and are not
2482 entitled to reemployment assistance ~~unemployment compensation~~.2483 Section 45. Paragraph (d) of subsection (1) and paragraph
2484 (b) of subsection (2) of section 212.096, Florida Statutes, are
2485 amended to read:2486 212.096 Sales, rental, storage, use tax; enterprise zone
2487 jobs credit against sales tax.—2488 (1) For the purposes of the credit provided in this
2489 section:2490 (d) "Job" means a full-time position, as consistent with
2491 terms used by the Department of Economic Opportunity Agency for
2492 ~~Workforce Innovation~~ and the United States Department of Labor
2493 for purposes of reemployment assistance ~~unemployment~~
2494 ~~compensation~~ tax administration and employment estimation
2495 resulting directly from a business operation in this state. This
2496 term may not include a temporary construction job involved with
2497 the construction of facilities or any job that has previously
2498 been included in any application for tax credits under s.
2499 220.181(1). The term also includes employment of an employee
2500 leased from an employee leasing company licensed under chapter
2501 468 if such employee has been continuously leased to the
2502 employer for an average of at least 36 hours per week for more

606-04268-12

20121416c2

2503 than 6 months.

2504

2505 A person shall be deemed to be employed if the person performs
2506 duties in connection with the operations of the business on a
2507 regular, full-time basis, provided the person is performing such
2508 duties for an average of at least 36 hours per week each month.
2509 The person must be performing such duties at a business site
2510 located in the enterprise zone.

2511 (2)

2512 (b) The credit shall be computed as 20 percent of the
2513 actual monthly wages paid in this state to each new employee
2514 hired when a new job has been created, unless the business is
2515 located within a rural enterprise zone pursuant to s. 290.004,
2516 in which case the credit shall be 30 percent of the actual
2517 monthly wages paid. If no less than 20 percent of the employees
2518 of the business are residents of an enterprise zone, excluding
2519 temporary and part-time employees, the credit shall be computed
2520 as 30 percent of the actual monthly wages paid in this state to
2521 each new employee hired when a new job has been created, unless
2522 the business is located within a rural enterprise zone, in which
2523 case the credit shall be 45 percent of the actual monthly wages
2524 paid. If the new employee hired when a new job is created is a
2525 participant in the welfare transition program, the following
2526 credit shall be a percent of the actual monthly wages paid: 40
2527 percent for \$4 above the hourly federal minimum wage rate; 41
2528 percent for \$5 above the hourly federal minimum wage rate; 42
2529 percent for \$6 above the hourly federal minimum wage rate; 43
2530 percent for \$7 above the hourly federal minimum wage rate; and
2531 44 percent for \$8 above the hourly federal minimum wage rate.

606-04268-12

20121416c2

2532 For purposes of this paragraph, monthly wages shall be computed
2533 as one-twelfth of the expected annual wages paid to such
2534 employee. The amount paid as wages to a new employee is the
2535 compensation paid to such employee that is subject to
2536 reemployment assistance ~~unemployment~~ tax. The credit shall be
2537 allowed for up to 24 consecutive months, beginning with the
2538 first tax return due pursuant to s. 212.11 after approval by the
2539 department.

2540 Section 46. Subsection (4) of section 213.053, Florida
2541 Statutes, is amended to read:

2542 213.053 Confidentiality and information sharing.—

2543 (4) The department, while providing reemployment assistance
2544 ~~unemployment~~ tax collection services under contract with the
2545 Department of Economic Opportunity through an interagency
2546 agreement pursuant to s. 443.1316, may release reemployment
2547 assistance ~~unemployment~~ tax rate information to the agent of an
2548 employer who provides payroll services for more than 100
2549 employers, pursuant to the terms of a memorandum of
2550 understanding. The memorandum of understanding must state that
2551 the agent affirms, subject to the criminal penalties contained
2552 in ss. 443.171 and 443.1715, that the agent will retain the
2553 confidentiality of the information, that the agent has in effect
2554 a power of attorney from the employer which permits the agent to
2555 obtain reemployment assistance ~~unemployment~~ tax rate
2556 information, and that the agent shall provide the department
2557 with a copy of the employer's power of attorney upon request.

2558 Section 47. Paragraph (a) of subsection (6) of section
2559 216.292, Florida Statutes, is amended to read:

2560 216.292 Appropriations nontransferable; exceptions.—

606-04268-12

20121416c2

2561 (6) The Chief Financial Officer shall transfer from any
2562 available funds of an agency or the judicial branch the
2563 following amounts and shall report all such transfers and the
2564 reasons therefor to the legislative appropriations committees
2565 and the Executive Office of the Governor:

2566 (a) The amount due to the Unemployment Compensation Trust
2567 Fund which is more than 90 days delinquent on reimbursements due
2568 to the Unemployment Compensation Trust Fund. The amount
2569 transferred shall be that certified by the state agency
2570 providing reemployment assistance ~~unemployment~~ tax collection
2571 services under contract with the Department of Economic
2572 Opportunity through an interagency agreement pursuant to s.
2573 443.1316.

2574 Section 48. Paragraph (ff) of subsection (1) of section
2575 220.03, Florida Statutes, is amended to read:

2576 220.03 Definitions.—

2577 (1) SPECIFIC TERMS.—When used in this code, and when not
2578 otherwise distinctly expressed or manifestly incompatible with
2579 the intent thereof, the following terms shall have the following
2580 meanings:

2581 (ff) "Job" means a full-time position, as consistent with
2582 terms used by the Department of Economic Opportunity and the
2583 United States Department of Labor for purposes of reemployment
2584 assistance ~~unemployment compensation~~ tax administration and
2585 employment estimation resulting directly from business
2586 operations in this state. The term may not include a temporary
2587 construction job involved with the construction of facilities or
2588 any job that has previously been included in any application for
2589 tax credits under s. 212.096. The term also includes employment

606-04268-12

20121416c2

2590 of an employee leased from an employee leasing company licensed
2591 under chapter 468 if the employee has been continuously leased
2592 to the employer for an average of at least 36 hours per week for
2593 more than 6 months.

2594 Section 49. Paragraph (b) of subsection (1) of section
2595 220.181, Florida Statutes, is amended to read:

2596 220.181 Enterprise zone jobs credit.—

2597 (1)

2598 (b) This credit applies only with respect to wages subject
2599 to reemployment assistance ~~unemployment~~ tax. The credit provided
2600 in this section does not apply:

2601 1. For any employee who is an owner, partner, or majority
2602 stockholder of an eligible business.

2603 2. For any new employee who is employed for any period less
2604 than 3 months.

2605 Section 50. Paragraph (e) of subsection (1) of section
2606 220.191, Florida Statutes, is amended to read:

2607 220.191 Capital investment tax credit.—

2608 (1) DEFINITIONS.—For purposes of this section:

2609 (e) "Jobs" means full-time equivalent positions, as that
2610 term is consistent with terms used by the Department of Economic
2611 Opportunity and the United States Department of Labor for
2612 purposes of reemployment assistance ~~unemployment~~ tax
2613 administration and employment estimation, resulting directly
2614 from a project in this state. The term does not include
2615 temporary construction jobs involved in the construction of the
2616 project facility.

2617 Section 51. Paragraph (d) of subsection (3) of section
2618 220.194, Florida Statutes, is amended to read:

606-04268-12

20121416c2

2619 220.194 Corporate income tax credits for spaceflight
2620 projects.-

2621 (3) DEFINITIONS.-As used in this section, the term:

2622 (d) "New job" means the full-time employment of an employee
2623 in a manner that is consistent with terms used by the Department
2624 of Economic Opportunity Agency for Workforce Innovation and the
2625 United States Department of Labor for purposes of reemployment
2626 assistance ~~unemployment compensation~~ tax administration and
2627 employment estimation. In order to meet the requirement for
2628 certification specified in paragraph (5) (b), a new job must:

2629 1. Pay new employees at least 115 percent of the statewide
2630 or countywide average annual private sector wage for the 3
2631 taxable years immediately preceding filing an application for
2632 certification;

2633 2. Require a new employee to perform duties on a regular
2634 full-time basis in this state for an average of at least 36
2635 hours per week each month for the 3 taxable years immediately
2636 preceding filing an application for certification; and

2637 3. Not be held by a person who has previously been included
2638 as a new employee on an application for any credit authorized
2639 under this section.

2640 Section 52. Section 222.15, Florida Statutes, is amended to
2641 read:

2642 222.15 Wages or reemployment assistance or unemployment
2643 compensation payments due deceased employee may be paid spouse
2644 or certain relatives.-

2645 (1) It is lawful for any employer, in case of the death of
2646 an employee, to pay to the wife or husband, and in case there is
2647 no wife or husband, then to the child or children, provided the

606-04268-12

20121416c2

2648 child or children are over the age of 18 years, and in case
2649 there is no child or children, then to the father or mother, any
2650 wages or travel expenses that may be due such employee at the
2651 time of his or her death.

2652 (2) It is also lawful for the Department of Economic
2653 Opportunity, in case of death of any unemployed individual, to
2654 pay to those persons referred to in subsection (1) any
2655 reemployment assistance or unemployment compensation payments
2656 that may be due to the individual at the time of his or her
2657 death.

2658 Section 53. Section 222.16, Florida Statutes, is amended to
2659 read:

2660 222.16 Wages or reemployment assistance or unemployment
2661 compensation payments so paid not subject to administration.—Any
2662 wages, travel expenses, or reemployment assistance or
2663 unemployment compensation payments so paid under the authority
2664 of s. 222.15 shall not be considered as assets of the estate and
2665 subject to administration; provided, however, that the travel
2666 expenses so exempted from administration shall not exceed the
2667 sum of \$300.

2668 Section 54. Paragraph (m) of subsection (1) of section
2669 255.20, Florida Statutes, is amended to read:

2670 255.20 Local bids and contracts for public construction
2671 works; specification of state-produced lumber.—

2672 (1) A county, municipality, special district as defined in
2673 chapter 189, or other political subdivision of the state seeking
2674 to construct or improve a public building, structure, or other
2675 public construction works must competitively award to an
2676 appropriately licensed contractor each project that is estimated

606-04268-12

20121416c2

2677 in accordance with generally accepted cost-accounting principles
2678 to cost more than \$300,000. For electrical work, the local
2679 government must competitively award to an appropriately licensed
2680 contractor each project that is estimated in accordance with
2681 generally accepted cost-accounting principles to cost more than
2682 \$75,000. As used in this section, the term "competitively award"
2683 means to award contracts based on the submission of sealed bids,
2684 proposals submitted in response to a request for proposal,
2685 proposals submitted in response to a request for qualifications,
2686 or proposals submitted for competitive negotiation. This
2687 subsection expressly allows contracts for construction
2688 management services, design/build contracts, continuation
2689 contracts based on unit prices, and any other contract
2690 arrangement with a private sector contractor permitted by any
2691 applicable municipal or county ordinance, by district
2692 resolution, or by state law. For purposes of this section, cost
2693 includes the cost of all labor, except inmate labor, and the
2694 cost of equipment and materials to be used in the construction
2695 of the project. Subject to the provisions of subsection (3), the
2696 county, municipality, special district, or other political
2697 subdivision may establish, by municipal or county ordinance or
2698 special district resolution, procedures for conducting the
2699 bidding process.

2700 (m) Any contractor may be considered ineligible to bid by
2701 the governmental entity if the contractor has been found guilty
2702 by a court of any violation of federal labor or employment tax
2703 laws regarding subjects such as safety, tax withholding,
2704 workers' compensation, reemployment assistance or unemployment
2705 tax, social security and Medicare tax, wage or hour, or

606-04268-12

20121416c2

2706 prevailing rate laws within the past 5 years.

2707 Section 55. Subsection (5) of section 288.075, Florida
2708 Statutes, is amended to read:

2709 288.075 Confidentiality of records.—

2710 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
2711 federal employer identification number, reemployment assistance
2712 ~~unemployment compensation~~ account number, or Florida sales tax
2713 registration number held by an economic development agency is
2714 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2715 of the State Constitution.

2716 Section 56. Paragraph (c) of subsection (1) of section
2717 288.1045, Florida Statutes, is amended to read:

2718 288.1045 Qualified defense contractor and space flight
2719 business tax refund program.—

2720 (1) DEFINITIONS.—As used in this section:

2721 (c) "Business unit" means an employing unit, as defined in
2722 s. 443.036, that is registered with the department for
2723 reemployment assistance ~~unemployment compensation~~ purposes or
2724 means a subcategory or division of an employing unit that is
2725 accepted by the department as a reporting unit.

2726 Section 57. Paragraph (d) of subsection (2) of section
2727 288.106, Florida Statutes, is amended to read:

2728 288.106 Tax refund program for qualified target industry
2729 businesses.—

2730 (2) DEFINITIONS.—As used in this section:

2731 (d) "Business" means an employing unit, as defined in s.
2732 443.036, that is registered for reemployment assistance
2733 ~~unemployment compensation~~ purposes with the state agency
2734 providing reemployment assistance ~~unemployment~~ tax collection

606-04268-12

20121416c2

2735 services under an interagency agreement pursuant to s. 443.1316,
2736 or a subcategory or division of an employing unit that is
2737 accepted by the state agency providing reemployment assistance
2738 ~~unemployment~~ tax collection services as a reporting unit.

2739 Section 58. Paragraph (b) of subsection (3) of section
2740 288.1081, Florida Statutes, is amended to read:

2741 288.1081 Economic Gardening Business Loan Pilot Program.—

2742 (3)

2743 (b) A loan applicant must submit a written application to
2744 the loan administrator in the format prescribed by the loan
2745 administrator. The application must include:

2746 1. The applicant's federal employer identification number,
2747 reemployment assistance ~~unemployment~~ account number, and sales
2748 or other tax registration number.

2749 2. The street address of the applicant's principal place of
2750 business in this state.

2751 3. A description of the type of economic activity, product,
2752 or research and development undertaken by the applicant,
2753 including the six-digit North American Industry Classification
2754 System code for each type of economic activity conducted by the
2755 applicant.

2756 4. The applicant's annual revenue, number of employees,
2757 number of full-time equivalent employees, and other information
2758 necessary to verify the applicant's eligibility for the pilot
2759 program under s. 288.1082(4)(a).

2760 5. The projected investment in the business, if any, which
2761 the applicant proposes in conjunction with the loan.

2762 6. The total investment in the business from all sources,
2763 if any, which the applicant proposes in conjunction with the

606-04268-12

20121416c2

2764 loan.

2765 7. The number of net new full-time equivalent jobs that, as
2766 a result of the loan, the applicant proposes to create in this
2767 state as of December 31 of each year and the average annual wage
2768 of the proposed jobs.

2769 8. The total number of full-time equivalent employees the
2770 applicant currently employs in this state.

2771 9. The date that the applicant anticipates it needs the
2772 loan.

2773 10. A detailed explanation of why the loan is needed to
2774 assist the applicant in expanding jobs in the state.

2775 11. A statement that all of the applicant's available
2776 corporate assets are pledged as collateral for the amount of the
2777 loan.

2778 12. A statement that the applicant, upon receiving the
2779 loan, agrees not to seek additional long-term debt without prior
2780 approval of the loan administrator.

2781 13. A statement that the loan is a joint obligation of the
2782 business and of each person who owns at least 20 percent of the
2783 business.

2784 14. Any additional information requested by the department
2785 or the loan administrator.

2786 Section 59. Paragraph (a) of subsection (3) of section
2787 288.1089, Florida Statutes, is amended to read:

2788 288.1089 Innovation Incentive Program.—

2789 (3) To be eligible for consideration for an innovation
2790 incentive award, an innovation business, a research and
2791 development entity, or an alternative and renewable energy
2792 company must submit a written application to the department

606-04268-12

20121416c2

2793 before making a decision to locate new operations in this state
2794 or expand an existing operation in this state. The application
2795 must include, but not be limited to:

2796 (a) The applicant's federal employer identification number,
2797 reemployment assistance ~~unemployment~~ account number, and state
2798 sales tax registration number. If such numbers are not available
2799 at the time of application, they must be submitted to the
2800 department in writing before the disbursement of any payments
2801 under this section.

2802 Section 60. Subsection (1) of section 334.30, Florida
2803 Statutes, is amended to read:

2804 334.30 Public-private transportation facilities.—The
2805 Legislature finds and declares that there is a public need for
2806 the rapid construction of safe and efficient transportation
2807 facilities for the purpose of traveling within the state, and
2808 that it is in the public's interest to provide for the
2809 construction of additional safe, convenient, and economical
2810 transportation facilities.

2811 (1) The department may receive or solicit proposals and,
2812 with legislative approval as evidenced by approval of the
2813 project in the department's work program, enter into agreements
2814 with private entities, or consortia thereof, for the building,
2815 operation, ownership, or financing of transportation facilities.
2816 The department may advance projects programmed in the adopted 5-
2817 year work program or projects increasing transportation capacity
2818 and greater than \$500 million in the 10-year Strategic
2819 Intermodal Plan using funds provided by public-private
2820 partnerships or private entities to be reimbursed from
2821 department funds for the project as programmed in the adopted

606-04268-12

20121416c2

2822 work program. The department shall by rule establish an
2823 application fee for the submission of unsolicited proposals
2824 under this section. The fee must be sufficient to pay the costs
2825 of evaluating the proposals. The department may engage the
2826 services of private consultants to assist in the evaluation.
2827 Before approval, the department must determine that the proposed
2828 project:

2829 (a) Is in the public's best interest;

2830 (b) Would not require state funds to be used unless the
2831 project is on the State Highway System;

2832 (c) Would have adequate safeguards in place to ensure that
2833 no additional costs or service disruptions would be realized by
2834 the traveling public and residents of the state in the event of
2835 default or cancellation of the agreement by the department;

2836 (d) Would have adequate safeguards in place to ensure that
2837 the department or the private entity has the opportunity to add
2838 capacity to the proposed project and other transportation
2839 facilities serving similar origins and destinations; and

2840 (e) Would be owned by the department upon completion or
2841 termination of the agreement.

2842
2843 The department shall ensure that all reasonable costs to the
2844 state, related to transportation facilities that are not part of
2845 the State Highway System, are borne by the private entity. The
2846 department shall also ensure that all reasonable costs to the
2847 state and substantially affected local governments and
2848 utilities, related to the private transportation facility, are
2849 borne by the private entity for transportation facilities that
2850 are owned by private entities. For projects on the State Highway

606-04268-12

20121416c2

2851 System, the department may use state resources to participate in
2852 funding and financing the project as provided for under the
2853 department's enabling legislation. Because the Legislature
2854 recognizes that private entities or consortia thereof would
2855 perform a governmental or public purpose or function when they
2856 enter into agreements with the department to design, build,
2857 operate, own, or finance transportation facilities, the
2858 transportation facilities, including leasehold interests
2859 thereof, are exempt from ad valorem taxes as provided in chapter
2860 196 to the extent property is owned by the state or other
2861 government entity, and from intangible taxes as provided in
2862 chapter 199 and special assessments of the state, any city,
2863 town, county, special district, political subdivision of the
2864 state, or any other governmental entity. The private entities or
2865 consortia thereof are exempt from tax imposed by chapter 201 on
2866 all documents or obligations to pay money which arise out of the
2867 agreements to design, build, operate, own, lease, or finance
2868 transportation facilities. Any private entities or consortia
2869 thereof must pay any applicable corporate taxes as provided in
2870 chapter 220, and reemployment assistance ~~unemployment~~
2871 ~~compensation~~ taxes as provided in chapter 443, and sales and use
2872 tax as provided in chapter 212 shall be applicable. The private
2873 entities or consortia thereof must also register and collect the
2874 tax imposed by chapter 212 on all their direct sales and leases
2875 that are subject to tax under chapter 212. The agreement between
2876 the private entity or consortia thereof and the department
2877 establishing a transportation facility under this chapter
2878 constitutes documentation sufficient to claim any exemption
2879 under this section.

606-04268-12

20121416c2

2880 Section 61. Subsection (8) of section 408.809, Florida
2881 Statutes, is amended to read:

2882 408.809 Background screening; prohibited offenses.—

2883 (8) There is no reemployment assistance ~~unemployment~~
2884 ~~compensation~~ or other monetary liability on the part of, and no
2885 cause of action for damages arising against, an employer that,
2886 upon notice of a disqualifying offense listed under chapter 435
2887 or this section, terminates the person against whom the report
2888 was issued, whether or not that person has filed for an
2889 exemption with the Department of Health or the agency.

2890 Section 62. Paragraph (e) of subsection (7) of section
2891 409.2563, Florida Statutes, is amended to read:

2892 409.2563 Administrative establishment of child support
2893 obligations.—

2894 (7) ADMINISTRATIVE SUPPORT ORDER.—

2895 (e) An administrative support order must comply with ss.
2896 61.13(1) and 61.30. The department shall develop a standard form
2897 or forms for administrative support orders. An administrative
2898 support order must provide and state findings, if applicable,
2899 concerning:

2900 1. The full name and date of birth of the child or
2901 children;

2902 2. The name of the parent from whom support is being sought
2903 and the other parent or caregiver;

2904 3. The parent's duty and ability to provide support;

2905 4. The amount of the parent's monthly support obligation;

2906 5. Any obligation to pay retroactive support;

2907 6. The parent's obligation to provide for the health care
2908 needs of each child, whether through health insurance,

606-04268-12

20121416c2

2909 contribution toward the cost of health insurance, payment or
2910 reimbursement of health care expenses for the child, or any
2911 combination thereof;

2912 7. The beginning date of any required monthly payments and
2913 health insurance;

2914 8. That all support payments ordered must be paid to the
2915 Florida State Disbursement Unit as provided by s. 61.1824;

2916 9. That the parents, or caregiver if applicable, must file
2917 with the department when the administrative support order is
2918 rendered, if they have not already done so, and update as
2919 appropriate the information required pursuant to paragraph
2920 (13) (b);

2921 10. That both parents, or parent and caregiver if
2922 applicable, are required to promptly notify the department of
2923 any change in their mailing addresses pursuant to paragraph
2924 (13) (c); and

2925 11. That if the parent ordered to pay support receives
2926 reemployment assistance or unemployment compensation benefits,
2927 the payor shall withhold, and transmit to the department, 40
2928 percent of the benefits for payment of support, not to exceed
2929 the amount owed.

2930

2931 An income deduction order as provided by s. 61.1301 must be
2932 incorporated into the administrative support order or, if not
2933 incorporated into the administrative support order, the
2934 department or the Division of Administrative Hearings shall
2935 render a separate income deduction order.

2936 Section 63. Paragraph (a) of subsection (3), subsection
2937 (8), and paragraph (a) of subsection (9) of section 409.2576,

606-04268-12

20121416c2

2938 Florida Statutes, are amended to read:

2939 409.2576 State Directory of New Hires.—

2940 (3) EMPLOYERS TO FURNISH REPORTS.—

2941 (a) Each employer subject to the reporting requirements of
2942 chapter 443 with 250 or more employees, shall provide to the
2943 State Directory of New Hires, a report listing the employer's
2944 legal name, address, and reemployment assistance ~~unemployment~~
2945 ~~compensation~~ identification number. The report must also provide
2946 the name and social security number of each new employee or
2947 rehired employee at the end of the first pay period following
2948 employment or reemployment.

2949 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
2950 Directory of New Hires must furnish information regarding newly
2951 hired or rehired employees to the National Directory of New
2952 Hires for matching with the records of other state case
2953 registries within 3 business days of entering such information
2954 from the employer into the State Directory of New Hires. The
2955 State Directory of New Hires shall enter into an agreement with
2956 the Department of Economic Opportunity or its tax collection
2957 service provider for the quarterly reporting to the National
2958 Directory of New Hires information on wages and reemployment
2959 assistance ~~unemployment compensation~~ taken from the quarterly
2960 report to the Secretary of Labor, now required by Title III of
2961 the Social Security Act, except that no report shall be filed
2962 with respect to an employee of a state or local agency
2963 performing intelligence or counterintelligence functions, if the
2964 head of such agency has determined that filing such a report
2965 could endanger the safety of the employee or compromise an
2966 ongoing investigation or intelligence mission.

606-04268-12

20121416c2

2967 (9) DISCLOSURE OF INFORMATION.—

2968 (a) New hire information shall be disclosed to the state
2969 agency administering the following programs for the purposes of
2970 determining eligibility under those programs:

2971 1. Any state program funded under part A of Title IV of the
2972 Social Security Act;

2973 2. The Medicaid program under Title XIX of the Social
2974 Security Act;

2975 3. The reemployment assistance or unemployment compensation
2976 program under s. 3304 of the Internal Revenue Code of 1954;

2977 4. The food assistance program under the Food and Nutrition
2978 Act of 2008; and

2979 5. Any state program under a plan approved under Title I
2980 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2981 Title XIV (Aid to the Permanently and Totally Disabled), or
2982 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2983 Security Income for the Aged, Blind, and Disabled) of the Social
2984 Security Act.

2985 Section 64. Paragraph (f) of subsection (1) of section
2986 414.295, Florida Statutes, is amended to read:

2987 414.295 Temporary cash assistance programs; public records
2988 exemption.—

2989 (1) Personal identifying information of a temporary cash
2990 assistance program participant, a participant's family, or a
2991 participant's family or household member, except for information
2992 identifying a parent who does not live in the same home as the
2993 child, held by the department, the Office of Early Learning,
2994 Workforce Florida, Inc., the Department of Health, the
2995 Department of Revenue, the Department of Education, or a

606-04268-12

20121416c2

2996 regional workforce board or local committee created pursuant to
2997 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
2998 24(a), Art. I of the State Constitution. Such confidential and
2999 exempt information may be released for purposes directly
3000 connected with:

3001 (f) The administration of the reemployment assistance
3002 ~~unemployment compensation~~ program.

3003 Section 65. Subsection (4) of section 435.06, Florida
3004 Statutes, is amended to read:

3005 435.06 Exclusion from employment.—

3006 (4) There is no reemployment assistance ~~unemployment~~
3007 ~~compensation~~ or other monetary liability on the part of, and no
3008 cause of action for damages against, an employer that, upon
3009 notice of a conviction or arrest for a disqualifying offense
3010 listed under this chapter, terminates the person against whom
3011 the report was issued or who was arrested, regardless of whether
3012 or not that person has filed for an exemption pursuant to this
3013 chapter.

3014 Section 66. Subsection (2) of section 440.12, Florida
3015 Statutes, is amended to read:

3016 440.12 Time for commencement and limits on weekly rate of
3017 compensation.—

3018 (2) Compensation for disability resulting from injuries
3019 which occur after December 31, 1974, shall not be less than \$20
3020 per week. However, if the employee's wages at the time of injury
3021 are less than \$20 per week, he or she shall receive his or her
3022 full weekly wages. If the employee's wages at the time of the
3023 injury exceed \$20 per week, compensation shall not exceed an
3024 amount per week which is:

606-04268-12

20121416c2

3025 (a) Equal to 100 percent of the statewide average weekly
3026 wage, determined as hereinafter provided for the year in which
3027 the injury occurred; however, the increase to 100 percent from
3028 66 2/3 percent of the statewide average weekly wage shall apply
3029 only to injuries occurring on or after August 1, 1979; and

3030 (b) Adjusted to the nearest dollar.

3031
3032 For the purpose of this subsection, the "statewide average
3033 weekly wage" means the average weekly wage paid by employers
3034 subject to the Florida Reemployment Assistance Program
3035 ~~Unemployment Compensation~~ Law as reported to the Department of
3036 Economic Opportunity for the four calendar quarters ending each
3037 June 30, which average weekly wage shall be determined by the
3038 Department of Economic Opportunity on or before November 30 of
3039 each year and shall be used in determining the maximum weekly
3040 compensation rate with respect to injuries occurring in the
3041 calendar year immediately following. The statewide average
3042 weekly wage determined by the Department of Economic Opportunity
3043 shall be reported annually to the Legislature.

3044 Section 67. Paragraph (c) of subsection (9) and subsection
3045 (10) of section 440.15, Florida Statutes, are amended to read:

3046 440.15 Compensation for disability.—Compensation for
3047 disability shall be paid to the employee, subject to the limits
3048 provided in s. 440.12(2), as follows:

3049 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
3050 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

3051 (c) Disability compensation benefits payable for any week,
3052 including those benefits provided by paragraph (1)(f), may not
3053 be reduced pursuant to this subsection until the Social Security

606-04268-12

20121416c2

3054 Administration determines the amount otherwise payable to the
3055 employee under 42 U.S.C. ss. 402 and 423 and the employee has
3056 begun receiving such social security benefit payments. The
3057 employee shall, upon demand by the department, the employer, or
3058 the carrier, authorize the Social Security Administration to
3059 release disability information relating to her or him and
3060 authorize the Department of Economic Opportunity to release
3061 reemployment assistance ~~unemployment compensation~~ information
3062 relating to her or him, in accordance with rules to be adopted
3063 by the department prescribing the procedure and manner for
3064 requesting the authorization and for compliance by the employee.
3065 The department or the employer or carrier may not make any
3066 payment of benefits for total disability or those additional
3067 benefits provided by paragraph (1)(f) for any period during
3068 which the employee willfully fails or refuses to authorize the
3069 release of information in the manner and within the time
3070 prescribed by such rules. The authority for release of
3071 disability information granted by an employee under this
3072 paragraph is effective for a period not to exceed 12 months and
3073 such authority may be renewed, as the department prescribes by
3074 rule.

3075 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
3076 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
3077 ~~UNEMPLOYMENT COMPENSATION~~.—

3078 (a) No compensation benefits shall be payable for temporary
3079 total disability or permanent total disability under this
3080 chapter for any week in which the injured employee has received,
3081 or is receiving, reemployment assistance or unemployment
3082 compensation benefits.

606-04268-12

20121416c2

3083 (b) If an employee is entitled to temporary partial
3084 benefits pursuant to subsection (4) and reemployment assistance
3085 or unemployment compensation benefits, such reemployment
3086 assistance or unemployment compensation benefits shall be
3087 primary and the temporary partial benefits shall be supplemental
3088 only, the sum of the two benefits not to exceed the amount of
3089 temporary partial benefits which would otherwise be payable.

3090 Section 68. Subsections (4) and (7) of section 440.381,
3091 Florida Statutes, are amended to read:

3092 440.381 Application for coverage; reporting payroll;
3093 payroll audit procedures; penalties.—

3094 (4) Each employer must submit a copy of the quarterly
3095 earnings report required by chapter 443 at the end of each
3096 quarter to the carrier and submit self-audits supported by the
3097 quarterly earnings reports required by chapter 443 and the rules
3098 adopted by the Department of Economic Opportunity or by the
3099 state agency providing reemployment assistance ~~unemployment~~ tax
3100 collection services under contract with the Department of
3101 Economic Opportunity through an interagency agreement pursuant
3102 to s. 443.1316. The reports must include a sworn statement by an
3103 officer or principal of the employer attesting to the accuracy
3104 of the information contained in the report.

3105 (7) If an employee suffering a compensable injury was not
3106 reported as earning wages on the last quarterly earnings report
3107 filed with the Department of Economic Opportunity or the state
3108 agency providing reemployment assistance ~~unemployment~~ tax
3109 collection services under contract with the Department of
3110 Economic Opportunity through an interagency agreement pursuant
3111 to s. 443.1316 before the accident, the employer shall indemnify

606-04268-12

20121416c2

3112 the carrier for all workers' compensation benefits paid to or on
3113 behalf of the employee unless the employer establishes that the
3114 employee was hired after the filing of the quarterly report, in
3115 which case the employer and employee shall attest to the fact
3116 that the employee was employed by the employer at the time of
3117 the injury. Failure of the employer to indemnify the insurer
3118 within 21 days after demand by the insurer is grounds for the
3119 insurer to immediately cancel coverage. Any action for
3120 indemnification brought by the carrier is cognizable in the
3121 circuit court having jurisdiction where the employer or carrier
3122 resides or transacts business. The insurer is entitled to a
3123 reasonable attorney's fee if it recovers any portion of the
3124 benefits paid in the action.

3125 Section 69. Subsection (2) of section 440.42, Florida
3126 Statutes, is amended to read:

3127 440.42 Insurance policies; liability.—

3128 (2) A workers' compensation insurance policy may require
3129 the employer to release certain employment and wage information
3130 maintained by the state pursuant to federal and state
3131 reemployment assistance ~~unemployment compensation~~ laws except to
3132 the extent prohibited or limited under federal law. By entering
3133 into a workers' compensation insurance policy with such a
3134 provision, the employer consents to the release of the
3135 information. The insurance carrier requiring such consent shall
3136 safeguard the information and maintain its confidentiality. The
3137 carrier shall limit use of the information to verifying
3138 compliance with the terms of the workers' compensation insurance
3139 policy. The department may charge a fee to cover the cost of
3140 disclosing the information.

606-04268-12

20121416c2

3141 Section 70. Paragraph (i) of subsection (1) and paragraph
3142 (b) of subsection (9) of section 445.009, Florida Statutes, are
3143 amended to read:

3144 445.009 One-stop delivery system.—

3145 (1) The one-stop delivery system is the state's primary
3146 customer-service strategy for offering every Floridian access,
3147 through service sites or telephone or computer networks, to the
3148 following services:

3149 (i) Claim filing for reemployment assistance ~~unemployment~~
3150 ~~compensation~~ services.

3151 (9)

3152 (b) The network shall assure that a uniform method is used
3153 to determine eligibility for and management of services provided
3154 by agencies that conduct workforce development activities. The
3155 Department of Management Services shall develop strategies to
3156 allow access to the databases and information management systems
3157 of the following systems in order to link information in those
3158 databases with the one-stop delivery system:

3159 1. The Reemployment Assistance ~~Unemployment Compensation~~
3160 Program under chapter 443.

3161 2. The public employment service described in s. 443.181.

3162 3. The FLORIDA System and the components related to
3163 temporary cash assistance, food assistance, and Medicaid
3164 eligibility.

3165 4. The Student Financial Assistance System of the
3166 Department of Education.

3167 5. Enrollment in the public postsecondary education system.

3168 6. Other information systems determined appropriate by
3169 Workforce Florida, Inc.

606-04268-12

20121416c2

3170 Section 71. Subsection (6) of section 445.016, Florida
3171 Statutes, is amended to read:

3172 445.016 Untried Worker Placement and Employment Incentive
3173 Act.—

3174 (6) During an untried worker's probationary placement, the
3175 for-profit or not-for-profit agent shall be the employer of
3176 record of that untried worker, and shall provide workers'
3177 compensation and reemployment assistance ~~unemployment~~
3178 ~~compensation~~ coverage as provided by law. The business employing
3179 the untried worker through the agent may be eligible to apply
3180 for any tax credits, wage supplementation, wage subsidy, or
3181 employer payment for that employee that are authorized in law or
3182 by agreement with the employer. After satisfactory completion of
3183 such a probationary period, an untried worker shall not be
3184 considered an untried worker.

3185 Section 72. Paragraph (c) of subsection (2) and paragraph
3186 (a) of subsection (3) of section 446.50, Florida Statutes, are
3187 amended to read:

3188 446.50 Displaced homemakers; multiservice programs; report
3189 to the Legislature; Displaced Homemaker Trust Fund created.—

3190 (2) DEFINITION.—For the purposes of this section, the term
3191 "displaced homemaker" means an individual who:

3192 (c) Is not adequately employed, as defined by rule of the
3193 Department of Economic Opportunity ~~agency~~;

3194 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
3195 OPPORTUNITY.—

3196 (a) The Department of Economic Opportunity, under plans
3197 established by Workforce Florida, Inc., shall establish, or
3198 contract for the establishment of, programs for displaced

606-04268-12

20121416c2

3199 homemakers which shall include:

3200 1. Job counseling, by professionals and peers, specifically
3201 designed for a person entering the job market after a number of
3202 years as a homemaker.

3203 2. Job training and placement services, including:

3204 a. Training programs for available jobs in the public and
3205 private sectors, taking into account the skills and job
3206 experiences of a homemaker and developed by working with public
3207 and private employers.

3208 b. Assistance in locating available employment for
3209 displaced homemakers, some of whom could be employed in existing
3210 job training and placement programs.

3211 c. Utilization of the services of the state employment
3212 service in locating employment opportunities.

3213 3. Financial management services providing information and
3214 assistance with respect to insurance, including, but not limited
3215 to, life, health, home, and automobile insurance, and taxes,
3216 estate and probate problems, mortgages, loans, and other related
3217 financial matters.

3218 4. Educational services, including high school equivalency
3219 degree and such other courses as the department determines would
3220 be of interest and benefit to displaced homemakers.

3221 5. Outreach and information services with respect to
3222 federal and state employment, education, health, and
3223 reemployment ~~unemployment~~ assistance programs that the
3224 department determines would be of interest and benefit to
3225 displaced homemakers.

3226 Section 73. Paragraph (b) of subsection (4) of section
3227 448.110, Florida Statutes, is amended to read:

606-04268-12

20121416c2

3228 448.110 State minimum wage; annual wage adjustment;
3229 enforcement.—

3230 (4)

3231 (b) The Department of Revenue and the Department of
3232 Economic Opportunity shall annually publish the amount of the
3233 adjusted state minimum wage and the effective date. Publication
3234 shall occur by posting the adjusted state minimum wage rate and
3235 the effective date on the Internet home pages of the Department
3236 of Economic Opportunity and the Department of Revenue by October
3237 15 of each year. In addition, to the extent funded in the
3238 General Appropriations Act, the Department of Economic
3239 Opportunity shall provide written notice of the adjusted rate
3240 and the effective date of the adjusted state minimum wage to all
3241 employers registered in the most current reemployment assistance
3242 ~~unemployment compensation~~ database. Such notice shall be mailed
3243 by November 15 of each year using the addresses included in the
3244 database. Employers are responsible for maintaining current
3245 address information in the reemployment assistance ~~unemployment~~
3246 ~~compensation~~ database. The Department of Economic Opportunity is
3247 not responsible for failure to provide notice due to incorrect
3248 or incomplete address information in the database. The
3249 Department of Economic Opportunity shall provide the Department
3250 of Revenue with the adjusted state minimum wage rate information
3251 and effective date in a timely manner.

3252 Section 74. Paragraph (e) of subsection (2) of section
3253 450.31, Florida Statutes, is amended to read:

3254 450.31 Issuance, revocation, and suspension of, and refusal
3255 to issue or renew, certificate of registration.—

3256 (2) The department may revoke, suspend, or refuse to issue

606-04268-12

20121416c2

3257 or renew any certificate of registration when it is shown that
3258 the farm labor contractor has:

3259 (e) Failed to pay reemployment assistance ~~unemployment~~
3260 ~~compensation~~ taxes as determined by the Department of Economic
3261 Opportunity; or

3262 Section 75. Subsection (9) of section 450.33, Florida
3263 Statutes, is amended to read:

3264 450.33 Duties of farm labor contractor.—Every farm labor
3265 contractor must:

3266 (9) Comply with all applicable statutes, rules, and
3267 regulations of the United States and of the State of Florida for
3268 the protection or benefit of labor, including, but not limited
3269 to, those providing for wages, hours, fair labor standards,
3270 social security, workers' compensation, reemployment assistance
3271 or ~~unemployment~~ compensation, child labor, and transportation.

3272 Section 76. Subsections (1) and (3) of section 468.529,
3273 Florida Statutes, are amended to read:

3274 468.529 Licensee's insurance; employment tax; benefit
3275 plans.—

3276 (1) A licensed employee leasing company is the employer of
3277 the leased employees, except that this provision is not intended
3278 to affect the determination of any issue arising under Pub. L.
3279 No. 93-406, the Employee Retirement Income Security Act, as
3280 amended from time to time. An employee leasing company shall be
3281 responsible for timely payment of reemployment assistance
3282 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
3283 responsible for providing workers' compensation coverage
3284 pursuant to chapter 440. However, no licensed employee leasing
3285 company shall sponsor a plan of self-insurance for health

606-04268-12

20121416c2

3286 benefits, except as may be permitted by the provisions of the
3287 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
3288 the Employee Retirement Income Security Act, as amended from
3289 time to time. For purposes of this section, a "plan of self-
3290 insurance" shall exclude any arrangement where an admitted
3291 insurance carrier has issued a policy of insurance primarily
3292 responsible for the obligations of the health plan.

3293 (3) A licensed employee leasing company shall within 30
3294 days after initiation or termination notify its workers'
3295 compensation insurance carrier, the Division of Workers'
3296 Compensation of the Department of Financial Services, and the
3297 state agency providing reemployment assistance ~~unemployment~~ tax
3298 collection services under contract with the Department of
3299 Economic Opportunity through an interagency agreement pursuant
3300 to s. 443.1316 of both the initiation or the termination of the
3301 company's relationship with any client company.

3302 Section 77. Subsection (8) of section 553.791, Florida
3303 Statutes, is amended to read:

3304 553.791 Alternative plans review and inspection.—

3305 (8) A private provider performing required inspections
3306 under this section shall inspect each phase of construction as
3307 required by the applicable codes. The private provider shall be
3308 permitted to send a duly authorized representative to the
3309 building site to perform the required inspections, provided all
3310 required reports are prepared by and bear the signature of the
3311 private provider or the private provider's duly authorized
3312 representative. The duly authorized representative must be an
3313 employee of the private provider entitled to receive
3314 reemployment assistance ~~unemployment compensation~~ benefits under

606-04268-12

20121416c2

3315 chapter 443. The contractor's contractual or legal obligations
3316 are not relieved by any action of the private provider.

3317 Section 78. Paragraph (b) of subsection (5) of section
3318 624.509, Florida Statutes, is amended to read:

3319 624.509 Premium tax; rate and computation.-

3320 (5)

3321 (b) For purposes of this subsection:

3322 1. The term "salaries" does not include amounts paid as
3323 commissions.

3324 2. The term "employees" does not include independent
3325 contractors or any person whose duties require that the person
3326 hold a valid license under the Florida Insurance Code, except
3327 adjusters, managing general agents, and service representatives,
3328 as defined in s. 626.015.

3329 3. The term "net tax" means the tax imposed by this section
3330 after applying the calculations and credits set forth in
3331 subsection (4).

3332 4. An affiliated group of corporations that created a
3333 service company within its affiliated group on July 30, 2002,
3334 shall allocate the salary of each service company employee
3335 covered by contracts with affiliated group members to the
3336 companies for which the employees perform services. The salary
3337 allocation is based on the amount of time during the tax year
3338 that the individual employee spends performing services or
3339 otherwise working for each company over the total amount of time
3340 the employee spends performing services or otherwise working for
3341 all companies. The total amount of salary allocated to an
3342 insurance company within the affiliated group shall be included
3343 as that insurer's employee salaries for purposes of this

606-04268-12

20121416c2

3344 section.

3345 a. Except as provided in subparagraph (a)2., the term
3346 "affiliated group of corporations" means two or more
3347 corporations that are entirely owned by a single corporation and
3348 that constitute an affiliated group of corporations as defined
3349 in s. 1504(a) of the Internal Revenue Code.

3350 b. The term "service company" means a separate corporation
3351 within the affiliated group of corporations whose employees
3352 provide services to affiliated group members and which are
3353 treated as service company employees for reemployment assistance
3354 or unemployment compensation and common law purposes. The
3355 holding company of an affiliated group may not qualify as a
3356 service company. An insurance company may not qualify as a
3357 service company.

3358 c. If an insurance company fails to substantiate, whether
3359 by means of adequate records or otherwise, its eligibility to
3360 claim the service company exception under this section, or its
3361 salary allocation under this section, no credit shall be
3362 allowed.

3363 5. A service company that is a subsidiary of a mutual
3364 insurance holding company, which mutual insurance holding
3365 company was in existence on or before January 1, 2000, shall
3366 allocate the salary of each service company employee covered by
3367 contracts with members of the mutual insurance holding company
3368 system to the companies for which the employees perform
3369 services. The salary allocation is based on the ratio of the
3370 amount of time during the tax year which the individual employee
3371 spends performing services or otherwise working for each company
3372 to the total amount of time the employee spends performing

606-04268-12

20121416c2

3373 services or otherwise working for all companies. The total
3374 amount of salary allocated to an insurance company within the
3375 mutual insurance holding company system shall be included as
3376 that insurer's employee salaries for purposes of this section.
3377 However, this subparagraph does not apply for any tax year
3378 unless funds sufficient to offset the anticipated salary credits
3379 have been appropriated to the General Revenue Fund prior to the
3380 due date of the final return for that year.

3381 a. The term "mutual insurance holding company system" means
3382 two or more corporations that are subsidiaries of a mutual
3383 insurance holding company and in compliance with part IV of
3384 chapter 628.

3385 b. The term "service company" means a separate corporation
3386 within the mutual insurance holding company system whose
3387 employees provide services to other members of the mutual
3388 insurance holding company system and are treated as service
3389 company employees for reemployment assistance or unemployment
3390 compensation and common-law purposes. The mutual insurance
3391 holding company may not qualify as a service company.

3392 c. If an insurance company fails to substantiate, whether
3393 by means of adequate records or otherwise, its eligibility to
3394 claim the service company exception under this section, or its
3395 salary allocation under this section, no credit shall be
3396 allowed.

3397 Section 79. Paragraph (c) of subsection (8) of section
3398 679.4061, Florida Statutes, is amended to read:

3399 679.4061 Discharge of account debtor; notification of
3400 assignment; identification and proof of assignment; restrictions
3401 on assignment of accounts, chattel paper, payment intangibles,

606-04268-12

20121416c2

3402 and promissory notes ineffective.-

3403 (8) This section is subject to law other than this chapter
3404 which establishes a different rule for an account debtor who is
3405 an individual and who incurred the obligation primarily for
3406 personal, family, or household purposes. Subsections (4) and (6)
3407 do not apply to the creation, attachment, perfection, or
3408 enforcement of a security interest in:

3409 (c) The interest of a debtor who is a natural person in
3410 reemployment assistance or unemployment, alimony, disability,
3411 pension, or retirement benefits or victim compensation funds.

3412 Section 80. Paragraph (c) of subsection (6) of section
3413 679.4081, Florida Statutes, is amended to read:

3414 679.4081 Restrictions on assignment of promissory notes,
3415 health-care-insurance receivables, and certain general
3416 intangibles ineffective.-

3417 (6) Subsections (1) and (3) do not apply to the creation,
3418 attachment, perfection, or enforcement of a security interest
3419 in:

3420 (c) The interest of a debtor who is a natural person in
3421 reemployment assistance or unemployment, alimony, disability,
3422 pension, or retirement benefits or victim compensation funds.

3423 Section 81. Paragraph (a) of subsection (1) of section
3424 895.02, Florida Statutes, is amended to read:

3425 895.02 Definitions.-As used in ss. 895.01-895.08, the term:

3426 (1) "Racketeering activity" means to commit, to attempt to
3427 commit, to conspire to commit, or to solicit, coerce, or
3428 intimidate another person to commit:

3429 (a) Any crime that is chargeable by petition, indictment,
3430 or information under the following provisions of the Florida

606-04268-12

20121416c2

3431 Statutes:

- 3432 1. Section 210.18, relating to evasion of payment of
3433 cigarette taxes.
- 3434 2. Section 316.1935, relating to fleeing or attempting to
3435 elude a law enforcement officer and aggravated fleeing or
3436 eluding.
- 3437 3. Section 403.727(3)(b), relating to environmental
3438 control.
- 3439 4. Section 409.920 or s. 409.9201, relating to Medicaid
3440 fraud.
- 3441 5. Section 414.39, relating to public assistance fraud.
- 3442 6. Section 440.105 or s. 440.106, relating to workers'
3443 compensation.
- 3444 7. Section 443.071(4), relating to creation of a fictitious
3445 employer scheme to commit reemployment assistance ~~unemployment~~
3446 ~~compensation~~ fraud.
- 3447 8. Section 465.0161, relating to distribution of medicinal
3448 drugs without a permit as an Internet pharmacy.
- 3449 9. Section 499.0051, relating to crimes involving
3450 contraband and adulterated drugs.
- 3451 10. Part IV of chapter 501, relating to telemarketing.
- 3452 11. Chapter 517, relating to sale of securities and
3453 investor protection.
- 3454 12. Section 550.235 or s. 550.3551, relating to dogracing
3455 and horseracing.
- 3456 13. Chapter 550, relating to jai alai frontons.
- 3457 14. Section 551.109, relating to slot machine gaming.
- 3458 15. Chapter 552, relating to the manufacture, distribution,
3459 and use of explosives.

606-04268-12

20121416c2

- 3460 16. Chapter 560, relating to money transmitters, if the
3461 violation is punishable as a felony.
- 3462 17. Chapter 562, relating to beverage law enforcement.
- 3463 18. Section 624.401, relating to transacting insurance
3464 without a certificate of authority, s. 624.437(4)(c)1., relating
3465 to operating an unauthorized multiple-employer welfare
3466 arrangement, or s. 626.902(1)(b), relating to representing or
3467 aiding an unauthorized insurer.
- 3468 19. Section 655.50, relating to reports of currency
3469 transactions, when such violation is punishable as a felony.
- 3470 20. Chapter 687, relating to interest and usurious
3471 practices.
- 3472 21. Section 721.08, s. 721.09, or s. 721.13, relating to
3473 real estate timeshare plans.
- 3474 22. Section 775.13(5)(b), relating to registration of
3475 persons found to have committed any offense for the purpose of
3476 benefiting, promoting, or furthering the interests of a criminal
3477 gang.
- 3478 23. Section 777.03, relating to commission of crimes by
3479 accessories after the fact.
- 3480 24. Chapter 782, relating to homicide.
- 3481 25. Chapter 784, relating to assault and battery.
- 3482 26. Chapter 787, relating to kidnapping or human
3483 trafficking.
- 3484 27. Chapter 790, relating to weapons and firearms.
- 3485 28. Chapter 794, relating to sexual battery, but only if
3486 such crime was committed with the intent to benefit, promote, or
3487 further the interests of a criminal gang, or for the purpose of
3488 increasing a criminal gang member's own standing or position

606-04268-12

20121416c2

3489 within a criminal gang.

3490 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.

3491 796.05, or s. 796.07, relating to prostitution and sex

3492 trafficking.

3493 30. Chapter 806, relating to arson and criminal mischief.

3494 31. Chapter 810, relating to burglary and trespass.

3495 32. Chapter 812, relating to theft, robbery, and related

3496 crimes.

3497 33. Chapter 815, relating to computer-related crimes.

3498 34. Chapter 817, relating to fraudulent practices, false

3499 pretenses, fraud generally, and credit card crimes.

3500 35. Chapter 825, relating to abuse, neglect, or

3501 exploitation of an elderly person or disabled adult.

3502 36. Section 827.071, relating to commercial sexual

3503 exploitation of children.

3504 37. Chapter 831, relating to forgery and counterfeiting.

3505 38. Chapter 832, relating to issuance of worthless checks

3506 and drafts.

3507 39. Section 836.05, relating to extortion.

3508 40. Chapter 837, relating to perjury.

3509 41. Chapter 838, relating to bribery and misuse of public

3510 office.

3511 42. Chapter 843, relating to obstruction of justice.

3512 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

3513 s. 847.07, relating to obscene literature and profanity.

3514 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.

3515 849.25, relating to gambling.

3516 45. Chapter 874, relating to criminal gangs.

3517 46. Chapter 893, relating to drug abuse prevention and

606-04268-12

20121416c2

3518 control.

3519 47. Chapter 896, relating to offenses related to financial
3520 transactions.

3521 48. Sections 914.22 and 914.23, relating to tampering with
3522 or harassing a witness, victim, or informant, and retaliation
3523 against a witness, victim, or informant.

3524 49. Sections 918.12 and 918.13, relating to tampering with
3525 jurors and evidence.

3526 Section 82. Paragraph (g) of subsection (8) of section
3527 896.101, Florida Statutes, is amended to read:

3528 896.101 Florida Money Laundering Act; definitions;
3529 penalties; injunctions; seizure warrants; immunity.-

3530 (8)

3531 (g)1. Upon service of the temporary order served pursuant
3532 to this section, the petitioner shall immediately notify by
3533 certified mail, return receipt requested, or by personal
3534 service, both the person or entity in possession of the monetary
3535 instruments or funds and the owner of the monetary instruments
3536 or funds if known, of the order entered pursuant to this section
3537 and that the lawful owner of the monetary instruments or funds
3538 being enjoined may request a hearing to contest and modify the
3539 order entered pursuant to this section by petitioning the court
3540 that issued the order, so that such notice is received within 72
3541 hours.

3542 2. The notice shall advise that the hearing shall be held
3543 within 3 days of the request, and the notice must state that the
3544 hearing will be set and noticed by the person against whom the
3545 order is served.

3546 3. The notice shall specifically state that the lawful

606-04268-12

20121416c2

3547 owner has the right to produce evidence of legitimate business
 3548 expenses, obligations, and liabilities, including but not
 3549 limited to, employee payroll expenses verified by current
 3550 reemployment assistance ~~unemployment compensation~~ records,
 3551 employee workers' compensation insurance, employee health
 3552 insurance, state and federal taxes, and regulatory or licensing
 3553 fees only as may become due before the expiration of the
 3554 temporary order.

3555 4. Upon determination by the court that the expenses are
 3556 valid, payment of such expenses may be effected by the owner of
 3557 the enjoined monetary instruments or funds only to the court-
 3558 ordered payees through court-reviewed checks, issued by the
 3559 owner of, and the person or entity in possession of, the
 3560 enjoined monetary instruments or funds. Upon presentment, the
 3561 person or entity in possession of the enjoined funds or monetary
 3562 instruments shall only honor the payment of the check to the
 3563 court-ordered payee.

3564 Section 83. Paragraph (a) of subsection (3) of section
 3565 921.0022, Florida Statutes, is amended to read:

3566 921.0022 Criminal Punishment Code; offense severity ranking
 3567 chart.—

3568 (3) OFFENSE SEVERITY RANKING CHART

3569 (a) LEVEL 1

3570

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

3571

606-04268-12

20121416c2

3572

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

3573

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

3574

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

3575

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

3576

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

3577

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

3578

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

3579

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

3580

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

606-04268-12

20121416c2

identification card.

3581

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

3582

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

3583

443.071(1) 3rd False statement or representation to obtain or increase reemployment assistance ~~unemployment compensation~~ benefits.

3584

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

3585

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

3586

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

3587

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

3588

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

606-04268-12

20121416c2

3589

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

3590

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

3591

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

3592

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

3593

826.01 3rd Bigamy.

3594

828.122(3) 3rd Fighting or baiting animals.

3595

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

3596

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

3597

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

3598

606-04268-12 20121416c2

3599	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.
3600	838.15(2)	3rd	Commercial bribe receiving.
3601	838.16	3rd	Commercial bribery.
3602	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3603	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3604	849.01	3rd	Keeping gambling house.
3605	849.09(1)(a)- (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
3606	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3607	849.25(2)	3rd	Engaging in bookmaking.
3608	860.08	3rd	Interfere with a railroad signal.
	860.13(1)(a)	3rd	Operate aircraft while under the

606-04268-12

20121416c2

influence.

3609

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

3610

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

3611

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

3612

3613 Section 84. Subsection (2) of section 946.513, Florida
3614 Statutes, is amended to read:

3615 946.513 Private employment of inmates; disposition of
3616 compensation received.—

3617 (2) No inmate is eligible for reemployment assistance
3618 benefits ~~unemployment compensation~~, whether employed by the
3619 corporation or by any other private enterprise operating on the
3620 grounds of a correctional institution or elsewhere, when such
3621 employment is part of a correctional work program or work-
3622 release program of either the corporation or the department.

3623 Section 85. Subsection (2) of section 946.523, Florida
3624 Statutes, is amended to read:

3625 946.523 Prison industry enhancement (PIE) programs.—

3626 (2) Notwithstanding any other law to the contrary,
3627 including s. 440.15(8), private sector employers shall provide
3628 workers' compensation coverage to inmates who participate in
3629 prison industry enhancement (PIE) programs under subsection (1).
3630 However, inmates are not entitled to reemployment assistance

606-04268-12

20121416c2

3631 benefits ~~unemployment compensation~~.

3632 Section 86. Paragraph (c) of subsection (5) of section
3633 985.618, Florida Statutes, is amended to read:

3634 985.618 Educational and career-related programs.—

3635 (5)

3636 (c) Notwithstanding any other law to the contrary,
3637 including s. 440.15(8), private sector employers shall provide
3638 juveniles participating in juvenile work programs under
3639 paragraph (b) with workers' compensation coverage, and juveniles
3640 shall be entitled to the benefits of such coverage. Nothing in
3641 this subsection shall be construed to allow juveniles to
3642 participate in reemployment assistance ~~unemployment compensation~~
3643 benefits.

3644 Section 87. Subsection (3) of section 1003.496, Florida
3645 Statutes, is amended to read:

3646 1003.496 High School to Business Career Enhancement
3647 Program.—

3648 (3) Employment under this section of a student intern who
3649 meets the criteria of s. 443.1216(13)(q) is not employment for
3650 purposes of reemployment assistance ~~unemployment compensation~~
3651 under chapter 443.

3652 Section 88. Subsection (3) of section 1008.39, Florida
3653 Statutes, is amended to read:

3654 1008.39 Florida Education and Training Placement
3655 Information Program.—

3656 (3) The Florida Education and Training Placement
3657 Information Program must not make public any information that
3658 could identify an individual or the individual's employer. The
3659 Department of Education must ensure that the purpose of

606-04268-12

20121416c2

3660 obtaining placement information is to evaluate and improve
3661 public programs or to conduct research for the purpose of
3662 improving services to the individuals whose social security
3663 numbers are used to identify their placement. If an agreement
3664 assures that this purpose will be served and that privacy will
3665 be protected, the Department of Education shall have access to
3666 the reemployment assistance ~~unemployment insurance~~ wage reports
3667 maintained by the Department of Economic Opportunity, the files
3668 of the Department of Children and Family Services that contain
3669 information about the distribution of public assistance, the
3670 files of the Department of Corrections that contain records of
3671 incarcerations, and the files of the Department of Business and
3672 Professional Regulation that contain the results of licensure
3673 examination.

3674 Section 89. Paragraph (b) of subsection (1) of section
3675 1008.41, Florida Statutes, is amended to read:

3676 1008.41 Workforce education; management information
3677 system.—

3678 (1) The Commissioner of Education shall coordinate uniform
3679 program structures, common definitions, and uniform management
3680 information systems for workforce education for all divisions
3681 within the department. In performing these functions, the
3682 commissioner shall designate deadlines after which data elements
3683 may not be changed for the coming fiscal or school year. School
3684 districts and Florida College System institutions shall be
3685 notified of data element changes at least 90 days prior to the
3686 start of the subsequent fiscal or school year. Such systems must
3687 provide for:

3688 (b) Compliance with state and federal confidentiality

606-04268-12

20121416c2

3689 requirements, except that the department shall have access to
3690 the reemployment assistance ~~unemployment insurance~~ wage reports
3691 to collect and report placement information about former
3692 students. Such placement reports must not disclose the
3693 individual identities of former students.

3694 Section 90. Notwithstanding the expiration date contained
3695 in section 13 of chapter 2011-235, Laws of Florida, operating
3696 retroactive to January 4, 2012, and expiring January 5, 2013,
3697 section 443.1117, Florida Statutes, is revived, readopted, and
3698 amended to read:

3699 443.1117 Temporary extended benefits.—

3700 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if
3701 the result is inconsistent with other provisions of this
3702 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
3703 claims covered by this section.

3704 (2) DEFINITIONS.—As used in this section, the term:

3705 (a) "Regular benefits" and "extended benefits" have the
3706 same meaning as in s. 443.1115.

3707 (b) "Eligibility period" means the weeks in an individual's
3708 benefit year or emergency benefit period which begin in an
3709 extended benefit period and, if the benefit year or emergency
3710 benefit period ends within that extended benefit period, any
3711 subsequent weeks beginning in that period.

3712 (c) "Emergency benefits" means benefits ~~Emergency~~
3713 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
3714 and any subsequent federal law that provides for the payment of
3715 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
3716 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
3717 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~

606-04268-12

20121416c2

3718 ~~No. 111-312.~~

3719 (d) "Extended benefit period" means a period that:

3720 1. Begins with the third week after a week for which there
3721 is a state "on" indicator; and3722 2. Ends with any of the following weeks, whichever occurs
3723 later:3724 a. The third week after the first week for which there is a
3725 state "off" indicator; or

3726 b. The 13th consecutive week of that period.

3727 However, an extended benefit period may not begin by reason
3728 of a state "on" indicator before the 14th week after the end of
3729 a prior extended benefit period that was in effect for this
3730 state.3731 (e) "Emergency benefit period" means the period during
3732 which an individual receives emergency benefits.3733 (f) "Exhaustee" means an individual who, for any week of
3734 unemployment in her or his eligibility period:3735 1. Has received, before that week, all of the regular
3736 benefits and emergency benefits, if any, available under this
3737 chapter or any other law, including dependents' allowances and
3738 benefits payable to federal civilian employees and ex-
3739 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
3740 benefit year or emergency benefit period that includes that
3741 week. For the purposes of this subparagraph, an individual has
3742 received all of the regular benefits and emergency benefits, if
3743 any, available even if, as a result of a pending appeal for
3744 wages paid for insured work which were not considered in the
3745 original monetary determination in the benefit year, she or he
3746 may subsequently be determined to be entitled to added regular

606-04268-12

20121416c2

3747 benefits;

3748 2. Had a benefit year that expired before that week, and
3749 was paid no, or insufficient, wages for insured work on the
3750 basis of which she or he could establish a new benefit year that
3751 includes that week; and

3752 3.a. Has no right to unemployment benefits or allowances
3753 under the Railroad Unemployment Insurance Act or other federal
3754 laws as specified in regulations issued by the United States
3755 Secretary of Labor; and

3756 b. Has not received and is not seeking unemployment
3757 benefits under the unemployment compensation law of Canada; but
3758 if an individual is seeking those benefits and the appropriate
3759 agency finally determines that she or he is not entitled to
3760 benefits under that law, she or he is considered an exhaustee.

3761 (g) "State 'on' indicator" means, with respect to weeks of
3762 unemployment ending on or before December 8, 2012 ~~December 10,~~
3763 ~~2011~~, the occurrence of a week in which the average total
3764 unemployment rate, seasonally adjusted, as determined by the
3765 United States Secretary of Labor, for the most recent 3 months
3766 for which data for all states are published by the United States
3767 Department of Labor:

3768 1. Equals or exceeds 110 percent of the average of those
3769 rates for the corresponding 3-month period ending in any or all
3770 of the preceding 3 calendar years; and

3771 2. Equals or exceeds 6.5 percent.

3772 (h) "High unemployment period" means, with respect to weeks
3773 of unemployment ending on or before December 8, 2012 ~~December~~
3774 ~~10, 2011~~, any week in which the average total unemployment rate,
3775 seasonally adjusted, as determined by the United States

606-04268-12

20121416c2

3776 Secretary of Labor, for the most recent 3 months for which data
3777 for all states are published by the United States Department of
3778 Labor:

3779 1. Equals or exceeds 110 percent of the average of those
3780 rates for the corresponding 3-month period ending in any or all
3781 of the preceding 3 calendar years; and

3782 2. Equals or exceeds 8 percent.

3783 (i) "State 'off' indicator" means the occurrence of a week
3784 in which there is no state "on" indicator or which does not
3785 constitute a high unemployment period.

3786 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
3787 subsection (4):

3788 (a) For any week for which there is an "on" indicator
3789 pursuant to paragraph (2)(g), the total extended benefit amount
3790 payable to an eligible individual for her or his applicable
3791 benefit year is the lesser of:

3792 1. Fifty percent of the total regular benefits payable
3793 under this chapter in the applicable benefit year; or

3794 2. Thirteen times the weekly benefit amount payable under
3795 this chapter for a week of total unemployment in the applicable
3796 benefit year.

3797 (b) For any high unemployment period, the total extended
3798 benefit amount payable to an eligible individual for her or his
3799 applicable benefit year is the lesser of:

3800 1. Eighty percent of the total regular benefits payable
3801 under this chapter in the applicable benefit year; or

3802 2. Twenty times the weekly benefit amount payable under
3803 this chapter for a week of total unemployment in the applicable
3804 benefit year.

606-04268-12

20121416c2

3805 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
3806 provision of this chapter, if the benefit year of an individual
3807 ends within an extended benefit period, the number of weeks of
3808 extended benefits the individual is entitled to receive in that
3809 extended benefit period for weeks of unemployment beginning
3810 after the end of the benefit year, except as provided in this
3811 section, is reduced, but not to below zero, by the number of
3812 weeks for which the individual received, within that benefit
3813 year, trade readjustment allowances under the Trade Act of 1974,
3814 as amended.

3815 Section 91. The provisions of s. 443.1117, Florida
3816 Statutes, as revived, readopted, and amended by this act, apply
3817 only to claims for weeks of unemployment in which an exhaustee
3818 establishes entitlement to extended benefits pursuant to that
3819 section which are established for the period between January 4,
3820 2012, and January 5, 2013.

3821 Section 92. The Department of Economic Opportunity shall
3822 convene a work group to study Florida's reemployment assistance
3823 contribution calculation as specified in s. 443.131, Florida
3824 Statutes, and other related law.

3825 (1) The work group shall consist of 10 members as follows:

3826 (a) The executive director of the Department of Economic
3827 Opportunity, or his or her designee, who shall serve as the
3828 chair of the work group.

3829 (b) The executive director of the Department of Revenue, or
3830 his or her designee.

3831 (c) Four representatives of the business community, two of
3832 whom shall represent small businesses, to be appointed by joint
3833 agreement of the executive directors of the departments.

606-04268-12

20121416c2

3834 (d) The director of the Division of Workforce Services
3835 within the Department of Economic Opportunity, or his or her
3836 designee.

3837 (e) The program director of the General Tax Administration
3838 Program Office within the Department of Revenue, or his or her
3839 designee.

3840 (f) A member of the Senate designated by the President of
3841 the Senate.

3842 (g) A member of the House of Representatives designated by
3843 the Speaker of the House of Representatives.

3844 (2) The work group shall convene its first meeting by July
3845 15, 2012. Thereafter, the chair of the work group shall call a
3846 meeting as often as necessary to carry out the provisions of
3847 this section. The Department of Economic Opportunity shall keep
3848 a complete record of the proceedings of each meeting, which
3849 includes the names of the members present at each meeting and
3850 the actions taken. The records shall be public records pursuant
3851 to chapter 119, Florida Statutes. A quorum shall consist of a
3852 majority of the group members. Members of the group shall not
3853 receive compensation.

3854 (3) The purpose of the work group is to study Florida's
3855 reemployment assistance contribution calculation and provide
3856 recommendations to the Legislature for changes to the
3857 calculation designed to ensure the long-term solvency of the
3858 reemployment assistance program while promoting equitable,
3859 minimal tax burdens on Florida employers. The recommendations
3860 shall be limited to changes to the calculation and related law
3861 and shall not include changes to eligibility for benefits or any
3862 other portion of the reemployment assistance program. The work

606-04268-12

20121416c2

3863 group may review the laws of other states to develop
3864 recommendations appropriate to Florida.

3865 (4) Relevant staff from the Department of Economic
3866 Opportunity and the Department of Revenue who are knowledgeable
3867 in the subject area may be assigned to assist the work group.
3868 The President of the Senate and the Speaker of the House of
3869 Representatives may also assign their respective staff to
3870 provide technical guidance and assistance to the work group in
3871 the development of alternative proposals.

3872 (5) Members of the work group are entitled to reimbursement
3873 for travel and per diem expenses, as provided in s. 112.061,
3874 Florida Statutes, while performing their duties under this
3875 section. Travel and per diem expenses of work group members and
3876 other staff who are state employees shall be reimbursed by the
3877 respective state agency employing the member or staff. The
3878 Department of Economic Opportunity and the Department of Revenue
3879 shall jointly provide administrative support for the work group,
3880 shall pay equally for travel and per diem expenses of work group
3881 members who are not state employees, and shall pay equally any
3882 other operational expenses of the work group as deemed
3883 reasonable and appropriate by joint agreement of the executive
3884 directors of the departments.

3885 (6) The findings and recommendations of the work group
3886 shall be submitted to the Legislature by December 31, 2012.

3887 (7) This section expires January 31, 2013.

3888 Section 93. If any provision of this act or its application
3889 to any person or circumstance is held invalid, the invalidity
3890 does not affect other provisions or applications of the act
3891 which can be given effect without the invalid provision or

606-04268-12

20121416c2

3892 application, and to this end the provision of the act are
3893 severable.

3894 Section 94. The Legislature finds that this act fulfills an
3895 important state interest.

3896 Section 95. There is appropriated to the Department of
3897 Economic Opportunity from the Employment Security Administration
3898 Trust Fund \$346,463 for the 2011-2012 fiscal year and \$100,884
3899 for the 2012-2013 fiscal year, which funds shall be used to
3900 contract with the Department of Revenue to implement the
3901 provisions of this act. There is appropriated to the Department
3902 of Revenue from the Federal Grants Fund \$346,463 for the 2011-
3903 2012 fiscal year and \$100,884 for the 2012-2013 fiscal year to
3904 implement the provisions of this act. This section shall be
3905 effective upon this act becoming a law.

3906 Section 96. Except as otherwise expressly provided in this
3907 act and except for this section, which shall take effect upon
3908 this act becoming a law, this act shall take effect July 1,
3909 2012.