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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENAI/C
03/08/2012 04:09 PM	.	03/08/2012 06:53 PM
	.	

Senator Bogdanoff moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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

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

(1) There is created within the Division of Workforce



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14 Services of the Department of Economic Opportunity a
15 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The
16 commission is composed of a chair and two other members
17 appointed by the Governor, subject to confirmation by the
18 Senate. Only one appointee may be a representative of employers,
19 as demonstrated by his or her previous vocation, employment, or
20 affiliation; and only one appointee may be a representative of
21 employees, as demonstrated by his or her previous vocation,
22 employment, or affiliation.

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

26 (b) The chair has authority to appoint a general counsel
27 and other personnel to carry out the duties and responsibilities
28 of the commission.

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

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

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

41 (3) The commission has all authority, powers, duties, and
42 responsibilities relating to reemployment assistance



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43 ~~unemployment compensation~~ appeal proceedings under this chapter.

44 (10) The commission shall have a seal for authenticating
45 its orders, awards, and proceedings, upon which shall be
46 inscribed the words "State of Florida-Reemployment Assistance
47 ~~Unemployment Appeals Commission~~-Seal," and it shall be
48 judicially noticed.

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

53 Section 3. Subsections (12), (14), and (26) of section
54 443.036, Florida Statutes, are amended, present subsections (38)
55 through (46) are renumbered as subsections (39) through (47),
56 respectively, present subsections (38) and (42) are amended, and
57 a new subsection (38) is added to that section, to read:

58 443.036 Definitions.—As used in this chapter, the term:

59 (12) "Commission" means the Reemployment Assistance
60 ~~Unemployment Appeals Commission~~.

61 (14) "Contribution" means a payment of payroll tax to the
62 Unemployment Compensation Trust Fund which is required under
63 this chapter to finance reemployment assistance ~~unemployment~~
64 benefits.

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

70 (38) "Reemployment assistance" means cash benefits payable
71 to individuals with respect to their unemployment pursuant to



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72 the provisions of this chapter. Where the context requires,
73 reemployment assistance also means cash benefits payable to
74 individuals with respect to their unemployment pursuant to 5
75 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.
76 501-504, 1101-1110, and 1321-1324, or pursuant to state laws
77 which have been certified pursuant to 26 U.S.C. s. 3304 and 42
78 U.S.C. s. 503. Any reference to reemployment assistance shall
79 mean compensation payable from an unemployment fund as defined
80 in 26 U.S.C. s. 3306(f).

81 (39)-(38) "Reimbursement" means a payment of money to the
82 Unemployment Compensation Trust Fund in lieu of a contribution
83 which is required under this chapter to finance reemployment
84 assistance unemployment benefits.

85 (43)-(42) "Tax collection service provider" or "service
86 provider" means the state agency providing reemployment
87 assistance unemployment tax collection services under contract
88 with the Department of Economic Opportunity through an
89 interagency agreement pursuant to s. 443.1316.

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

93 443.051 Benefits not alienable; exception, child support
94 intercept.—

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

96 (a) "Reemployment assistance" or "unemployment
97 compensation" means any compensation payable under state law,
98 including amounts payable pursuant to an agreement under any
99 federal law providing for compensation, assistance, or
100 allowances for unemployment.



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101 (3) EXCEPTION, SUPPORT INTERCEPT.—

102 (b) For support obligations established on or after July 1,
103 2006, and for support obligations established before July 1,
104 2006, when the support order does not address the withholding of
105 reemployment assistance or unemployment compensation, the
106 department shall deduct and withhold 40 percent of the
107 reemployment assistance or unemployment compensation otherwise
108 payable to an individual disclosed under paragraph (a). If
109 delinquencies, arrearages, or retroactive support are owed and
110 repayment has not been ordered, the unpaid amounts are included
111 in the support obligation and are subject to withholding. If the
112 amount deducted exceeds the support obligation, the Department
113 of Revenue shall promptly refund the amount of the excess
114 deduction to the obligor. For support obligations in effect
115 before July 1, 2006, if the support order addresses the
116 withholding of reemployment assistance or unemployment
117 compensation, the department shall deduct and withhold the
118 amount ordered by the court or administrative agency that issued
119 the support order as disclosed by the Department of Revenue.

120 (d) Any amount deducted and withheld under this subsection
121 shall for all purposes be treated as if it were paid to the
122 individual as reemployment assistance or unemployment
123 compensation and paid by the individual to the Department of
124 Revenue for support obligations.

125 Section 5. Subsections (6), (7), and (8) of section
126 443.071, Florida Statutes, are amended to read:

127 443.071 Penalties.—

128 (6) The entry into evidence of an application for
129 reemployment assistance ~~unemployment~~ benefits initiated by the



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130 use of the Internet claims program or the interactive voice
131 response system telephone claims program of the Department of
132 Economic Opportunity constitutes prima facie evidence of the
133 establishment of a personal benefit account by or for an
134 individual if the following information is provided: the
135 applicant's name, residence address, date of birth, social
136 security number, and present or former place of work.

137 (7) The entry into evidence of a transaction history
138 generated by a personal identification number, password, or
139 other identifying code used by the department in establishing
140 that a certification or claim for one or more weeks of benefits
141 was made against the benefit account of the individual, together
142 with documentation that payment was paid by a state warrant made
143 to the order of the person, or by direct deposit via electronic
144 means, or department-issued debit card, constitutes prima facie
145 evidence that the person claimed and received reemployment
146 assistance ~~unemployment~~ benefits from the state.

147 (8) All records relating to investigations of reemployment
148 assistance ~~unemployment compensation~~ fraud in the custody of the
149 Department of Economic Opportunity or its tax collection service
150 provider are available for examination by the Department of Law
151 Enforcement, the state attorneys, or the Office of the Statewide
152 Prosecutor in the prosecution of offenses under s. 817.568 or in
153 proceedings brought under this chapter.

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

157 443.091 Benefit eligibility conditions.—

158 (1) An unemployed individual is eligible to receive



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159 benefits for any week only if the Department of Economic
160 Opportunity finds that:

161 (c) To make continued claims for benefits, she or he is
162 reporting to the department in accordance with this paragraph
163 and department agency rules, and participating in an initial
164 skills review, as directed by the department agency. Department
165 Agency rules may not conflict with s. 443.111(1)(b) , which
166 requires that each claimant continue to report regardless of any
167 pending appeal relating to her or his eligibility or
168 disqualification for benefits.

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

173 2. The administrator or operator of the initial skills
174 review shall notify the department agency when the individual
175 completes the initial skills review and report the results of
176 the review to the regional workforce board or the one-stop
177 career center as directed by the workforce board. The department
178 shall prescribe a numeric score on the initial skills review
179 that demonstrates a minimal proficiency in workforce skills. The
180 department, workforce board, or one-stop career center shall use
181 the initial skills review to develop a plan for referring
182 individuals to training and employment opportunities. The
183 failure of the individual to comply with this requirement will
184 result in the individual being determined ineligible for
185 benefits for the week in which the noncompliance occurred and
186 for any subsequent week of unemployment until the requirement is
187 satisfied. However, this requirement does not apply if the



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188 individual is able to affirmatively attest to being unable to
189 complete such review due to illiteracy or a language impediment
190 or is exempt from the work registration requirement as set forth
191 in paragraph (b).

192 3. Any individual that falls below the minimal proficiency
193 score prescribed by the department in subparagraph 2. on the
194 initial skills review shall be offered training opportunities
195 and encouraged to participate in such training at no cost to the
196 individual in order to improve his or her workforce skills to
197 the minimal proficiency level.

198 4. The department shall coordinate with Workforce Florida,
199 Inc., the workforce boards, and the one-stop career centers to
200 identify, develop, and utilize best practices for improving the
201 skills of individuals who choose to participate in training
202 opportunities and who have a minimal proficiency score below the
203 score prescribed in subparagraph 2.

204 5. The department, in coordination with Workforce Florida,
205 Inc., the workforce boards, and the one-stop career centers,
206 shall evaluate the use, effectiveness, and costs associated with
207 the training prescribed in subparagraph 3. and report its
208 findings and recommendations for training and the use of best
209 practices to the Governor, the President of the Senate, and the
210 Speaker of the House of Representatives by January 1, 2013.

211 (d) She or he is able to work and is available for work. In
212 order to assess eligibility for a claimed week of unemployment,
213 the department shall develop criteria to determine a claimant's
214 ability to work and availability for work. A claimant must be
215 actively seeking work in order to be considered available for
216 work. This means engaging in systematic and sustained efforts to



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217 find work, including contacting at least five prospective
218 employers for each week of unemployment claimed. The department
219 ~~agency~~ may require the claimant to provide proof of such efforts
220 to the one-stop career center as part of reemployment services.
221 The department ~~agency~~ shall conduct random reviews of work
222 search information provided by claimants. As an alternative to
223 contacting at least five prospective employers for any week of
224 unemployment claimed, a claimant may, for that same week, report
225 in person to a one-stop career center to meet with a
226 representative of the center and access reemployment services of
227 the center. The center shall keep a record of the services or
228 information provided to the claimant and shall provide the
229 records to the department ~~agency~~ upon request by the department
230 ~~agency~~. However:

231 1. Notwithstanding any other provision of this paragraph or
232 paragraphs (b) and (e), an otherwise eligible individual may not
233 be denied benefits for any week because she or he is in training
234 with the approval of the department, or by reason of s.
235 443.101(2) relating to failure to apply for, or refusal to
236 accept, suitable work. Training may be approved by the
237 department in accordance with criteria prescribed by rule. A
238 claimant's eligibility during approved training is contingent
239 upon satisfying eligibility conditions prescribed by rule.

240 2. Notwithstanding any other provision of this chapter, an
241 otherwise eligible individual who is in training approved under
242 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
243 determined ineligible or disqualified for benefits due to
244 enrollment in such training or because of leaving work that is
245 not suitable employment to enter such training. As used in this



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246 subparagraph, the term "suitable employment" means work of a
247 substantially equal or higher skill level than the worker's past
248 adversely affected employment, as defined for purposes of the
249 Trade Act of 1974, as amended, the wages for which are at least
250 80 percent of the worker's average weekly wage as determined for
251 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

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

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

273 3. The individual was eligible for benefits for that week
274 as provided in this section and s. 443.101, except for the



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275 requirements of this subsection and s. 443.101(5).

276 (3) Benefits based on service in employment described in s.
277 443.1216(2) and (3) are payable in the same amount, on the same
278 terms, and subject to the same conditions as benefits payable
279 based on other service subject to this chapter, except that:

280 (a) Benefits are not payable for services in an
281 instructional, research, or principal administrative capacity
282 for an educational institution or an institution of higher
283 education for any week of unemployment commencing during the
284 period between 2 successive academic years; during a similar
285 period between two regular terms, whether or not successive; or
286 during a period of paid sabbatical leave provided for in the
287 individual's contract, to any individual, if the individual
288 performs those services in the first of those academic years or
289 terms and there is a contract or a reasonable assurance that the
290 individual will perform services in any such capacity for any
291 educational institution or institution of higher education in
292 the second of those academic years or terms.

293 (b) Benefits may not be based on services in any other
294 capacity for an educational institution or an institution of
295 higher education to any individual for any week that commences
296 during a period between 2 successive academic years or terms if
297 the individual performs those services in the first of the
298 academic years or terms and there is a reasonable assurance that
299 the individual will perform those services in the second of the
300 academic years or terms. However, if compensation is denied to
301 any individual under this paragraph and the individual was not
302 offered an opportunity to perform those services for the
303 educational institution for the second of those academic years



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304 or terms, that individual is entitled to a retroactive payment
305 of compensation for each week for which the individual filed a
306 timely claim for compensation and for which compensation was
307 denied solely by reason of this paragraph.

308 (c) Benefits are not payable based on services provided to
309 an educational institution or institution of higher learning to
310 any individual for any week that commences during an established
311 and customary vacation period or holiday recess if the
312 individual performs any services described in paragraph (a) or
313 paragraph (b) in the period immediately before the vacation
314 period or holiday recess and there is a reasonable assurance
315 that the individual will perform any service in the period
316 immediately after the vacation period or holiday recess.

317 (d) Benefits are not payable for services in any capacity
318 specified in paragraphs (a), (b), and (c) to any individual who
319 performed those services in an educational institution while in
320 the employ of a governmental agency or governmental entity that
321 is established and operated exclusively for the purpose of
322 providing those services to one or more educational
323 institutions.

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

328 (f) Effective July 1, 2013, paragraphs (a), (b), and (c)
329 shall apply to services provided by an individual for an
330 educational institution while in the employ of a private
331 employer holding a contractual relationship with such
332 educational institution, but only if the base period wages



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333 attributable to such services are identified as such in the
334 quarterly reports filed pursuant to s. 443.131(1).

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

336 1. "Fixed contract" means a written agreement of employment
337 for a specified period of time.

338 2. "Continuing contract" means a written agreement that is
339 automatically renewed until terminated by one of the parties to
340 the contract.

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

344 443.101 Disqualification for benefits.—An individual shall
345 be disqualified for benefits:

346 (5) For any week with respect to which or a part of which
347 he or she has received or is seeking reemployment assistance or
348 unemployment benefits under a reemployment assistance or an
349 unemployment compensation law of another state or of the United
350 States. For the purposes of this subsection, a reemployment
351 assistance or an unemployment compensation law of the United
352 States is any law of the United States which provides for
353 payment of any type and in any amounts for periods of
354 unemployment due to lack of work. However, if the appropriate
355 agency of the other state or of the United States finally
356 determines that he or she is not entitled to reemployment
357 assistance or unemployment benefits, this disqualification does
358 not apply.

359 ~~(6) For a period not to exceed 1 year from the date of the~~
360 ~~discovery by the Department of Economic Opportunity of the~~
361 ~~making of any false or fraudulent representation for the purpose~~



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362 of obtaining benefits contrary to this chapter, constituting a
363 violation under s. 443.071. The disqualification imposed under
364 this subsection shall begin with the week in which the false or
365 fraudulent representation is made and shall continue for a
366 period not to exceed 1 year after the date the Department of
367 Economic Opportunity discovers the false or fraudulent
368 representation and until any overpayment of benefits resulting
369 from such representation has been repaid in full. This
370 disqualification may be appealed in the same manner as any other
371 disqualification imposed under this section. A conviction by any
372 court of competent jurisdiction in this state of the offense
373 prohibited or punished by s. 443.071 is conclusive upon the
374 appeals referee and the commission of the making of the false or
375 fraudulent representation for which disqualification is imposed
376 under this section.

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

379 (a) If the Department of Economic Opportunity or the
380 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
381 that the individual was terminated from work for violation of
382 any criminal law, under any jurisdiction, which was in
383 connection with his or her work, and the individual was
384 convicted, or entered a plea of guilty or nolo contendere, the
385 individual is not entitled to reemployment assistance
386 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
387 adopted by the department, and until he or she has earned income
388 of at least 17 times his or her weekly benefit amount. If,
389 before an adjudication of guilt, an admission of guilt, or a
390 plea of nolo contendere, the employer proves by competent



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391 substantial evidence to the department that the arrest was due
392 to a crime against the employer or the employer's business,
393 customers, or invitees, the individual is not entitled to
394 reemployment assistance ~~unemployment~~ benefits.

395 (b) If the department or the Reemployment Assistance
396 ~~Unemployment~~ Appeals Commission finds that the individual was
397 terminated from work for any dishonest act in connection with
398 his or her work, the individual is not entitled to reemployment
399 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to
400 rules adopted by the department, and until he or she has earned
401 income of at least 17 times his or her weekly benefit amount. If
402 the employer terminates an individual as a result of a dishonest
403 act in connection with his or her work and the department finds
404 misconduct in connection with his or her work, the individual is
405 not entitled to reemployment assistance ~~unemployment~~ benefits.
406

407 If an individual is disqualified for benefits, the account
408 of the terminating employer, if the employer is in the base
409 period, is noncharged at the time the disqualification is
410 imposed.

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

415 (b) A temporary or leased employee is deemed to have
416 voluntarily quit employment and is disqualified for benefits
417 under subparagraph (1)(a)1. if, upon conclusion of his or her
418 latest assignment, the temporary or leased employee, without
419 good cause, failed to contact the temporary help or employee-



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420 leasing firm for reassignment, if the employer advised the
421 temporary or leased employee at the time of hire and that the
422 leased employee is notified also at the time of separation that
423 he or she must report for reassignment upon conclusion of each
424 assignment, regardless of the duration of the assignment, and
425 that reemployment assistance ~~unemployment~~ benefits may be denied
426 for failure to report. For purposes of this section, the time of
427 hire for a day laborer is upon his or her acceptance of the
428 first assignment following completion of an employment
429 application with the labor pool. The labor pool as defined in s.
430 448.22(1) must provide notice to the temporary employee upon
431 conclusion of the latest assignment that work is available the
432 next business day and that the temporary employee must report
433 for reassignment the next business day. The notice must be given
434 by means of a notice printed on the paycheck, written notice
435 included in the pay envelope, or other written notification at
436 the conclusion of the current assignment.

437 (11) If an individual is discharged from employment for
438 drug use as evidenced by a positive, confirmed drug test as
439 provided in paragraph (1)(d), or is rejected for offered
440 employment because of a positive, confirmed drug test as
441 provided in paragraph (2)(c), test results and chain of custody
442 documentation provided to the employer by a licensed and
443 approved drug-testing laboratory is self-authenticating and
444 admissible in reemployment assistance ~~unemployment compensation~~
445 hearings, and such evidence creates a rebuttable presumption
446 that the individual used, or was using, controlled substances,
447 subject to the following conditions:

448 (a) To qualify for the presumption described in this



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449 subsection, an employer must have implemented a drug-free
450 workplace program under ss. 440.101 and 440.102, and must submit
451 proof that the employer has qualified for the insurance
452 discounts provided under s. 627.0915, as certified by the
453 insurance carrier or self-insurance unit. In lieu of these
454 requirements, an employer who does not fit the definition of
455 "employer" in s. 440.102 may qualify for the presumption if the
456 employer is in compliance with equivalent or more stringent
457 drug-testing standards established by federal law or regulation.

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

462 (c) Disclosure of drug test results and other information
463 pertaining to drug testing of individuals who claim or receive
464 compensation under this chapter shall be governed by s.
465 443.1715.

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

469 443.111 Payment of benefits.—

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

473 (b) As required under s. 443.091(1), each claimant must
474 report at least biweekly to receive reemployment assistance
475 ~~unemployment~~ benefits and to attest to the fact that she or he
476 is able and available for work, has not refused suitable work,
477 is seeking work and has met the requirements of s. 443.091(d).



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478 ~~contacted at least five prospective employers or reported in~~
479 ~~person to a one-stop career center for reemployment services for~~
480 ~~each week of unemployment claimed, and, if she or he has worked,~~
481 to report earnings from that work. Each claimant must continue
482 to report regardless of any appeal or pending appeal relating to
483 her or his eligibility or disqualification for benefits.

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

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

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

492 (5) DURATION OF BENEFITS.—

493 (a) As used in this section, the term "Florida average
494 unemployment rate" means the average of the 3 months for the
495 most recent third calendar year quarter of the seasonally
496 adjusted statewide unemployment rates as published by the
497 Department of Economic Opportunity ~~Agency for Workforce~~
498 ~~Innovation~~.

499 Section 9. Section 443.1113, Florida Statutes, is amended
500 to read:

501 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
502 Claims and Benefits Information System.—

503 (1) To the extent that funds are appropriated for each
504 phase of the Reemployment Assistance ~~Unemployment Compensation~~
505 Claims and Benefits Information System by the Legislature, the
506 Department of Economic Opportunity shall replace and enhance the



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507 functionality provided in the following systems with an
508 integrated Internet-based system that is known as the
509 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and
510 Benefits Information System":

- 511 (a) Claims and benefit mainframe system.
- 512 (b) Florida unemployment Internet direct.
- 513 (c) Florida continued claim Internet directory.
- 514 (d) Call center interactive voice response system.
- 515 (e) Benefit overpayment screening system.
- 516 (f) Internet and Intranet appeals system.

517 (2) The Reemployment Assistance ~~Unemployment Compensation~~
518 Claims and Benefits System shall accomplish the following main
519 business objectives:

520 (a) Wherever cost-effective and operationally feasible,
521 eliminate or automate existing paper processes and enhance any
522 existing automated workflows in order to expedite customer
523 transactions and eliminate redundancy.

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

526 (c) Integrate benefit payment control with the adjudication
527 program and collection system in order to improve the detection
528 of fraud.

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

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

534 (3) The scope of the Reemployment Assistance ~~Unemployment~~
535 ~~Compensation~~ Claims and Benefits Information System does not



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536 include any of the following functionalities:

537 (a) Collection of reemployment assistance ~~unemployment~~
538 ~~compensation~~ taxes.

539 (b) General ledger, financial management, or budgeting
540 capabilities.

541 (c) Human resource planning or management capabilities.

542 (4) The project to implement the Reemployment Assistance
543 ~~Unemployment Compensation~~ Claims and Benefits Information System
544 shall be comprised of the following phases and corresponding
545 implementation timeframes:

546 (a) No later than the end of fiscal year 2009-2010
547 completion of the business re-engineering analysis and
548 documentation of both the detailed system requirements and the
549 overall system architecture.

550 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
551 Benefits Internet portal that replaces the Florida Unemployment
552 Internet Direct and the Florida Continued Claims Internet
553 Directory systems, the Call Center Interactive Voice Response
554 System, the Benefit Overpayment Screening System, the Internet
555 and Intranet Appeals System, and the Claims and Benefits
556 Mainframe System shall be deployed to full operational status no
557 later than the end of fiscal year 2012-2013.

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

561 (a) The project sponsor for the Reemployment Assistance
562 ~~Unemployment Compensation~~ Claims and Benefits Information System
563 project is the department.

564 (b) The project shall be governed by an executive steering



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565 committee composed of the following voting members or their
566 designees:

- 567 1. The executive director of the department.
- 568 2. The executive director of the Department of Revenue.
- 569 3. The director of the Division of Workforce Services
570 within the department.
- 571 4. The program director of the General Tax Administration
572 Program Office within the Department of Revenue.
- 573 5. The chief information officer of the department.

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

- 577 1. Providing management direction and support to the
578 project management team.
- 579 2. Assessing the project's alignment with the strategic
580 goals of the department for administering the reemployment
581 assistance ~~unemployment compensation~~ program.
- 582 3. Reviewing and approving or disapproving any changes to
583 the project's scope, schedule, and costs.
- 584 4. Reviewing, approving or disapproving, and determining
585 whether to proceed with any major project deliverables.
- 586 5. Recommending suspension or termination of the project to
587 the Governor, the President of the Senate, and the Speaker of
588 the House of Representatives if it determines that the primary
589 objectives cannot be achieved.

590 (d) The project management team shall work under the
591 direction of the executive steering committee and shall be
592 minimally comprised of senior managers and stakeholders from the
593 department and the Department of Revenue. The project management



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594 team is responsible for:
595 1. Providing daily planning, management, and oversight of
596 the project.
597 2. Submitting an operational work plan and providing
598 quarterly updates to that plan to the executive steering
599 committee. The plan must specify project milestones,
600 deliverables, and expenditures.
601 3. Submitting written monthly project status reports to the
602 executive steering committee which include:
603 a. Planned versus actual project costs;
604 b. An assessment of the status of major milestones and
605 deliverables;
606 c. Identification of any issues requiring resolution, the
607 proposed resolution for these issues, and information regarding
608 the status of the resolution;
609 d. Identification of risks that must be managed; and
610 e. Identification of and recommendations regarding
611 necessary changes in the project's scope, schedule, or costs.
612 All recommendations must be reviewed by project stakeholders
613 before submission to the executive steering committee in order
614 to ensure that the recommendations meet required acceptance
615 criteria.
616 Section 10. Paragraph (b) of subsection (8) of section
617 443.1116, Florida Statutes, is amended to read:
618 443.1116 Short-time compensation.—
619 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
620 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—
621 (b) An individual who receives all of the short-time
622 compensation or combined reemployment assistance or unemployment



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623 compensation and short-time compensation available in a benefit
624 year is considered an exhaustee for purposes of the extended
625 benefits program in s. 443.1115 and, if otherwise eligible under
626 those provisions, is eligible to receive extended benefits.

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

629 443.1215 Employers.—

630 (3) An employing unit that fails to keep the records of
631 employment required by this chapter and by the rules of the
632 Department of Economic Opportunity and the state agency
633 providing reemployment assistance ~~unemployment~~ tax collection
634 services is presumed to be an employer liable for the payment of
635 contributions under this chapter, regardless of the number of
636 individuals employed by the employing unit. However, the tax
637 collection service provider shall make written demand that the
638 employing unit keep and maintain required payroll records. The
639 demand must be made at least 6 months before assessing
640 contributions against an employing unit determined to be an
641 employer that is subject to this chapter solely by reason of
642 this subsection.

643 Section 12. Paragraphs (a) and (d) of subsection (1),
644 subsections (8) and (12), and paragraphs (f), (h), and (p) of
645 subsection (13) of section 443.1216, Florida Statutes, are
646 amended to read:

647 443.1216 Employment.—Employment, as defined in s. 443.036,
648 is subject to this chapter under the following conditions:

649 (1) (a) The employment subject to this chapter includes a
650 service performed, including a service performed in interstate
651 commerce, by:



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652 1. An officer of a corporation.

653 2. An individual who, under the usual common-law rules
654 applicable in determining the employer-employee relationship, is
655 an employee. However, whenever a client, as defined in s.
656 443.036(18), which would otherwise be designated as an employing
657 unit has contracted with an employee leasing company to supply
658 it with workers, those workers are considered employees of the
659 employee leasing company. An employee leasing company may lease
660 corporate officers of the client to the client and other workers
661 to the client, except as prohibited by regulations of the
662 Internal Revenue Service. Employees of an employee leasing
663 company must be reported under the employee leasing company's
664 tax identification number and contribution rate for work
665 performed for the employee leasing company.

666 a. However, except for the internal employees of an
667 employee leasing company, each employee leasing company may make
668 a separate one-time election to report and pay contributions
669 under the tax identification number and contribution rate for
670 each client of the employee leasing company. Under the client
671 method, an employee leasing company choosing this option must
672 assign leased employees to the client company that is leasing
673 the employees. The client method is solely a method to report
674 and pay unemployment contributions and whichever method is
675 chosen, such election may not impact any other aspect of state
676 law. An employee leasing company that elects the client method
677 must pay contributions at the rates assigned to each client
678 company.

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



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681 (II) The employee leasing company must notify the
682 Department of Revenue of its election by July 1, 2012, and such
683 election applies to reports and contributions for the first
684 quarter of the following calendar year. The notification must
685 include:

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

690 (B) A list of each client company's current and previous
691 employees and their respective social security numbers for the
692 prior 3 state fiscal years or, if the client company has not
693 been a client for the prior 3 state fiscal years, such portion
694 of the prior 3 state fiscal years that the client company has
695 been a client must be supplied;

696 (C) The wage data and benefit charges associated with each
697 client company for the prior 3 state fiscal years or, if the
698 client company has not been a client for the prior 3 state
699 fiscal years, such portion of the prior 3 state fiscal years
700 that the client company has been a client must be supplied. If
701 the client company's employment record is chargeable with
702 benefits for less than 8 calendar quarters while being a client
703 of the employee leasing company, the client company must pay
704 contributions at the initial rate of 2.7 percent; and

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

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



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

714 (V) For the purposes of calculating experience rates when
715 the client method is chosen, each client's own benefit charges
716 and wage data experience while with the employee leasing company
717 determines each client's tax rate where the client has been a
718 client of the employee leasing company for at least 8 calendar
719 quarters before the election. The client company shall continue
720 to report the nonleased employees under its tax rate.

721 (VI) The election is binding on each client of the employee
722 leasing company, for as long as a written agreement is in effect
723 between the client and the employee leasing company pursuant to
724 s. 468.525(3)(a). If the relationship between the employee
725 leasing company and the client terminates, the client retains
726 the wage and benefit history experienced under the employee
727 leasing company.

728 (VII) Notwithstanding which election method the employee
729 leasing company chooses, the applicable client company is an
730 employing unit for purposes of s. 443.071. The employee leasing
731 company or any of its officers or agents are liable for any
732 violation of s. 443.071 engaged in by such persons or entities.
733 The applicable client company or any of its officers or agents
734 are liable for any violation of s. 443.071 engaged in by such
735 persons or entities. The employee leasing company or its
736 applicable client company are not liable for any violation of s.
737 443.071 engaged in by the other party or by the other party's
738 officers or agents.



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

743 (IX) After an employee leasing company is licensed pursuant
744 to part XI of chapter 468, each newly licensed entity has 30
745 days after the date the license is granted to notify the tax
746 collection service provider in writing of their selection of the
747 client method. A newly licensed employee leasing company that
748 fails to timely select reporting pursuant to the client method
749 of reporting must report under the employee leasing company's
750 tax identification number and contribution rate.

751 (X) Irrespective of the election, each transfer of trade or
752 business, including workforce, or a portion thereof, between
753 employee leasing companies is subject to the provisions of s.
754 443.131(3)(g) if, at the time of the transfer, there is common
755 ownership, management, or control between the entities.

756 b.a. In addition to any other report required to be filed
757 by law, an employee leasing company shall submit a report to the
758 Labor Market Statistics Center within the Department of Economic
759 Opportunity which includes each client establishment and each
760 establishment of the ~~employee~~ leasing company, or as otherwise
761 directed by the department. The report must include the
762 following information for each establishment:

763 (I) The trade or establishment name;

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

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



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768 (IV) The industry code recognized and published by the
769 United States Office of Management and Budget, if available;
770 (V) A description of the client's primary business activity
771 in order to verify or assign an industry code;
772 (VI) The address of the physical location;
773 (VII) The number of full-time and part-time employees who
774 worked during, or received pay that was subject to reemployment
775 assistance ~~unemployment compensation~~ taxes for, the pay period
776 including the 12th of the month for each month of the quarter;
777 (VIII) The total wages subject to reemployment assistance
778 ~~unemployment compensation~~ taxes paid during the calendar
779 quarter;
780 (IX) An internal identification code to uniquely identify
781 each establishment of each client;
782 (X) The month and year that the client entered into the
783 contract for services; and
784 (XI) The month and year that the client terminated the
785 contract for services.
786 ~~c.b.~~ The report must ~~shall~~ be submitted electronically or
787 in a manner otherwise prescribed by the Department of Economic
788 Opportunity in the format specified by the Bureau of Labor
789 Statistics of the United States Department of Labor for its
790 Multiple Worksite Report for Professional Employer
791 Organizations. The report must be provided quarterly to the
792 Labor Market Statistics Center within the department, or as
793 otherwise directed by the department, and must be filed by the
794 last day of the month immediately after ~~following~~ the end of the
795 calendar quarter. The information required in sub-sub-
796 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided



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797 only in the quarter in which the contract to which it relates
798 was entered into or terminated. The sum of the employment data
799 and the sum of the wage data in this report must match the
800 employment and wages reported in the reemployment assistance
801 ~~unemployment compensation~~ quarterly tax and wage report. A
802 report is not required for any calendar quarter preceding the
803 third calendar quarter of 2010.

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

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

811 3. An individual other than an individual who is an
812 employee under subparagraph 1. or subparagraph 2., who performs
813 services for remuneration for any person:

814 a. As an agent-driver or commission-driver engaged in
815 distributing meat products, vegetable products, fruit products,
816 bakery products, beverages other than milk, or laundry or
817 drycleaning services for his or her principal.

818 b. As a traveling or city salesperson engaged on a full-
819 time basis in the solicitation on behalf of, and the
820 transmission to, his or her principal of orders from
821 wholesalers, retailers, contractors, or operators of hotels,
822 restaurants, or other similar establishments for merchandise for
823 resale or supplies for use in the ~~their~~ business operations.
824 This sub-subparagraph does not apply to an agent-driver or a
825 commission-driver and does not apply to sideline sales



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826 activities performed on behalf of a person other than the
827 salesperson's principal.

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

830 a. The contract of service contemplates that substantially
831 all of the services are to be performed personally by the
832 individual;

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

836 c. The services are not in the nature of a single
837 transaction that is not part of a continuing relationship with
838 the person for whom the services are performed.

839 (d) If two or more related corporations concurrently employ
840 the same individual and compensate the individual through a
841 common paymaster, each related corporation is considered to have
842 paid wages to the individual only in the amounts actually
843 disbursed by that corporation to the individual and is not
844 considered to have paid the wages actually disbursed to the
845 individual by another of the related corporations. The
846 department and the state agency providing reemployment
847 assistance ~~unemployment~~ tax collection services may adopt rules
848 necessary to administer this paragraph.

849 1. As used in this paragraph, the term "common paymaster"
850 means a member of a group of related corporations that disburses
851 wages to concurrent employees on behalf of the related
852 corporations and that is responsible for keeping payroll records
853 for those concurrent employees. A common paymaster is not
854 required to disburse wages to all the employees of the related



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855 corporations; however, this subparagraph does not apply to wages
856 of concurrent employees which are not disbursed through a common
857 paymaster. A common paymaster must pay concurrently employed
858 individuals under this subparagraph by one combined paycheck.

859 2. As used in this paragraph, the term "concurrent
860 employment" means the existence of simultaneous employment
861 relationships between an individual and related corporations.
862 Those relationships require the performance of services by the
863 employee for the benefit of the related corporations, including
864 the common paymaster, in exchange for wages that, if deductible
865 for the purposes of federal income tax, are deductible by the
866 related corporations.

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

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

874 b. In the case of a corporation that does not issue stock,
875 at least 50 percent of the members of the board of directors or
876 other governing body of one corporation are members of the board
877 of directors or other governing body of the other corporation or
878 the holders of at least 50 percent of the voting power to select
879 those members are concurrently the holders of at least 50
880 percent of the voting power to select those members of the other
881 corporation.

882 c. At least 50 percent of the officers of one corporation
883 are concurrently officers of the other corporation.



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884 d. At least 30 percent of the employees of one corporation
885 are concurrently employees of the other corporation.

886 4. The common paymaster must report to the tax collection
887 service provider, as part of the reemployment assistance
888 ~~unemployment compensation~~ quarterly tax and wage report, the
889 state reemployment assistance ~~unemployment compensation~~ account
890 number and name of each related corporation for which concurrent
891 employees are being reported. Failure to timely report this
892 information shall result in the related corporations being
893 denied common paymaster status for that calendar quarter.

894 5. The common paymaster shall remit ~~also has the primary~~
895 ~~responsibility for remitting~~ contributions due under this
896 chapter for the wages it disburses as the common paymaster. The
897 common paymaster must compute these contributions as though it
898 were the sole employer of the concurrently employed individuals.
899 If a common paymaster fails to timely remit these contributions
900 or reports, in whole or in part, the common paymaster is ~~remains~~
901 liable for the full amount of the unpaid portion of these
902 contributions. In addition, each of the other related
903 corporations using the common paymaster is jointly and severally
904 liable for its appropriate share of these contributions. Each
905 related corporation's share equals the greater of:

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

908 b. The liability under this chapter which, notwithstanding
909 this section, would have existed for the wages from the other
910 related corporations, reduced by an allocable portion of any
911 contributions previously paid by the common paymaster for those
912 wages.



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913 (8) Services not covered under paragraph (7)(b) which are
914 performed entirely outside of this state, and for which
915 contributions are not required or paid under a reemployment
916 assistance or an unemployment compensation law of any other
917 state or of the Federal Government, are deemed to be employment
918 subject to this chapter if the individual performing the
919 services is a resident of this state and the tax collection
920 service provider approves the election of the employing unit for
921 whom the services are performed, electing that the entire
922 service of the individual is deemed to be employment subject to
923 this chapter.

924 (12) The employment subject to this chapter includes
925 services covered by a reciprocal arrangement under s. 443.221
926 between the Department of Economic Opportunity or its tax
927 collection service provider and the agency charged with the
928 administration of another state reemployment assistance or
929 unemployment compensation law or a federal reemployment
930 assistance or unemployment compensation law, under which all
931 services performed by an individual for an employing unit are
932 deemed to be performed entirely within this state, if the
933 department or its tax collection service provider approved an
934 election of the employing unit in which all of the services
935 performed by the individual during the period covered by the
936 election are deemed to be insured work.

937 (13) The following are exempt from coverage under this
938 chapter:

939 (f) Service performed in the employ of a public employer as
940 defined in s. 443.036, except as provided in subsection (2), and
941 service performed in the employ of an instrumentality of a



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942 public employer as described in s. 443.036(36)(b) or (c)
943 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
944 immune under the United States Constitution from the tax imposed
945 by s. 3301 of the Internal Revenue Code for that service.

946 (h) Service for which reemployment assistance ~~unemployment~~
947 ~~compensation~~ is payable under a reemployment assistance or an
948 unemployment compensation system established by the United
949 States Congress, of which this chapter is not a part.

950 (p) Service covered by an arrangement between the
951 Department of Economic Opportunity, or its tax collection
952 service provider, and the agency charged with the administration
953 of another state or federal reemployment assistance or
954 unemployment compensation law under which all services performed
955 by an individual for an employing unit during the period covered
956 by the employing unit's duly approved election is deemed to be
957 performed entirely within the other agency's state or under the
958 federal law.

959 Section 13. Effective upon this act becoming a law and
960 operating retroactively to June 29, 2011, paragraph (a) of
961 subsection (2) of section 443.1217, Florida Statutes, is amended
962 to read:

963 443.1217 Wages.—

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

966 (a) ~~1. Beginning January 1, 2010, that part of remuneration~~
967 ~~paid to an individual by an employer for employment during a~~
968 ~~calendar year in excess of the first \$7,000 of remuneration paid~~
969 ~~to the individual by an employer or his or her predecessor~~
970 ~~during that calendar year, unless that part of the remuneration~~



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971 ~~is subject to a tax, under a federal law imposing the tax,~~
972 ~~against which credit may be taken for contributions required to~~
973 ~~be paid into a state unemployment fund.~~

974 ~~1.2.~~ Beginning January 1, 2012, that part of remuneration
975 paid to an individual by an employer for employment during a
976 calendar year in excess of the first \$8,000 ~~\$8,500~~ of
977 remuneration paid to the individual by the employer or his or
978 her predecessor during that calendar year, unless that part of
979 the remuneration is subject to a tax, under a federal law
980 imposing the tax, against which credit may be taken for
981 contributions required to be paid into a state unemployment
982 fund.

983 ~~2.3.~~ Beginning January 1, 2015, the part of remuneration
984 paid to an individual by an employer for employment during a
985 calendar year in excess of the first \$7,000 of remuneration paid
986 to the individual by an employer or his or her predecessor
987 during that calendar year, unless that part of the remuneration
988 is subject to a tax, under a federal law imposing the tax,
989 against which credit may be taken for contributions required to
990 be paid into a state unemployment fund. The wage base exemption
991 adjustment authorized by this subparagraph shall be suspended in
992 any calendar year in which repayment of the principal amount of
993 an advance received from the Unemployment Compensation Trust
994 Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

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

999 443.131 Contributions.—



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1000 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1001 EXPERIENCE.—
1002 (e) *Assignment of variations from the standard rate.*—
1003 1. As used in this paragraph, the terms "total benefit
1004 payments," "benefits paid to an individual," and "benefits
1005 charged to the employment record of an employer" mean the amount
1006 of benefits paid to individuals multiplied by:
1007 a. For benefits paid prior to July 1, 2007, 1.
1008 b. For benefits paid during the period beginning on July 1,
1009 2007, and ending March 31, 2011, 0.90.
1010 c. For benefits paid after March 31, 2011, 1.
1011 2. For the calculation of contribution rates effective
1012 January 1, 2012 ~~2010~~, and thereafter:
1013 a. The tax collection service provider shall assign a
1014 variation from the standard rate of contributions for each
1015 calendar year to each eligible employer. In determining the
1016 contribution rate, varying from the standard rate to be assigned
1017 each employer, adjustment factors computed under sub-sub-
1018 subparagraphs (I)-(IV) are added to the benefit ratio. This
1019 addition shall be accomplished in two steps by adding a variable
1020 adjustment factor and a final adjustment factor. The sum of
1021 these adjustment factors computed under sub-sub-subparagraphs
1022 (I)-(IV) shall first be algebraically summed. The sum of these
1023 adjustment factors shall next be divided by a gross benefit
1024 ratio determined as follows: Total benefit payments for the 3-
1025 year period described in subparagraph (b)3. are charged to
1026 employers eligible for a variation from the standard rate, minus
1027 excess payments for the same period, divided by taxable payroll
1028 entering into the computation of individual benefit ratios for



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1029 the calendar year for which the contribution rate is being
1030 computed. The ratio of the sum of the adjustment factors
1031 computed under sub-sub-subparagraphs (I)-(IV) to the gross
1032 benefit ratio is multiplied by each individual benefit ratio
1033 that is less than the maximum contribution rate to obtain
1034 variable adjustment factors; except that if the sum of an
1035 employer's individual benefit ratio and variable adjustment
1036 factor exceeds the maximum contribution rate, the variable
1037 adjustment factor is reduced in order for the sum to equal the
1038 maximum contribution rate. The variable adjustment factor for
1039 each of these employers is multiplied by his or her taxable
1040 payroll entering into the computation of his or her benefit
1041 ratio. The sum of these products is divided by the taxable
1042 payroll of the employers who entered into the computation of
1043 their benefit ratios. The resulting ratio is subtracted from the
1044 sum of the adjustment factors computed under sub-sub-
1045 subparagraphs (I)-(IV) to obtain the final adjustment factor.
1046 The variable adjustment factors and the final adjustment factor
1047 must be computed to five decimal places and rounded to the
1048 fourth decimal place. This final adjustment factor is added to
1049 the variable adjustment factor and benefit ratio of each
1050 employer to obtain each employer's contribution rate. An
1051 employer's contribution rate may not, however, be rounded to
1052 less than 0.1 percent.

1053 (I) An adjustment factor for noncharge benefits is computed
1054 to the fifth decimal place and rounded to the fourth decimal
1055 place by dividing the amount of noncharge benefits during the 3-
1056 year period described in subparagraph (b)3. by the taxable
1057 payroll of employers eligible for a variation from the standard



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1058 rate who have a benefit ratio for the current year which is less
1059 than the maximum contribution rate. For purposes of computing
1060 this adjustment factor, the taxable payroll of these employers
1061 is the taxable payrolls for the 3 years ending June 30 of the
1062 current calendar year as reported to the tax collection service
1063 provider by September 30 of the same calendar year. As used in
1064 this sub-sub-subparagraph, the term "noncharge benefits" means
1065 benefits paid to an individual from the Unemployment
1066 Compensation Trust Fund, but which were not charged to the
1067 employment record of any employer.

1068 (II) An adjustment factor for excess payments is computed
1069 to the fifth decimal place, and rounded to the fourth decimal
1070 place by dividing the total excess payments during the 3-year
1071 period described in subparagraph (b)3. by the taxable payroll of
1072 employers eligible for a variation from the standard rate who
1073 have a benefit ratio for the current year which is less than the
1074 maximum contribution rate. For purposes of computing this
1075 adjustment factor, the taxable payroll of these employers is the
1076 same figure used to compute the adjustment factor for noncharge
1077 benefits under sub-sub-subparagraph (I). As used in this sub-
1078 subparagraph, the term "excess payments" means the amount of
1079 benefits charged to the employment record of an employer during
1080 the 3-year period described in subparagraph (b)3., less the
1081 product of the maximum contribution rate and the employer's
1082 taxable payroll for the 3 years ending June 30 of the current
1083 calendar year as reported to the tax collection service provider
1084 by September 30 of the same calendar year. As used in this sub-
1085 sub-subparagraph, the term "total excess payments" means the sum
1086 of the individual employer excess payments for those employers



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1087 that were eligible for assignment of a contribution rate
1088 different from the standard rate.

1089 (III) With respect to computing a positive adjustment
1090 factor:

1091 (A) Beginning January 1, 2012, if the balance of the
1092 Unemployment Compensation Trust Fund on September 30 of the
1093 calendar year immediately preceding the calendar year for which
1094 the contribution rate is being computed is less than 4 percent
1095 of the taxable payrolls for the year ending June 30 as reported
1096 to the tax collection service provider by September 30 of that
1097 calendar year, a positive adjustment factor shall be computed.
1098 The positive adjustment factor is computed annually to the fifth
1099 decimal place and rounded to the fourth decimal place by
1100 dividing the sum of the total taxable payrolls for the year
1101 ending June 30 of the current calendar year as reported to the
1102 tax collection service provider by September 30 of that calendar
1103 year into a sum equal to one-fifth ~~one-third~~ of the difference
1104 between the balance of the fund as of September 30 of that
1105 calendar year and the sum of 5 percent of the total taxable
1106 payrolls for that year. The positive adjustment factor remains
1107 in effect for subsequent years until the balance of the
1108 Unemployment Compensation Trust Fund as of September 30 of the
1109 year immediately preceding the effective date of the
1110 contribution rate equals or exceeds 4 ~~5~~ percent of the taxable
1111 payrolls for the year ending June 30 of the current calendar
1112 year as reported to the tax collection service provider by
1113 September 30 of that calendar year.

1114 (B) Beginning January 1, 2018 ~~2015~~, and for each year
1115 thereafter, the positive adjustment shall be computed by



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1116 dividing the sum of the total taxable payrolls for the year
1117 ending June 30 of the current calendar year as reported to the
1118 tax collection service provider by September 30 of that calendar
1119 year into a sum equal to one-fourth of the difference between
1120 the balance of the fund as of September 30 of that calendar year
1121 and the sum of 5 percent of the total taxable payrolls for that
1122 year. The positive adjustment factor remains in effect for
1123 subsequent years until the balance of the Unemployment
1124 Compensation Trust Fund as of September 30 of the year
1125 immediately preceding the effective date of the contribution
1126 rate equals or exceeds 4 percent of the taxable payrolls for the
1127 year ending June 30 of the current calendar year as reported to
1128 the tax collection service provider by September 30 of that
1129 calendar year.

1130 (IV) If, beginning January 1, 2015, and each year
1131 thereafter, the balance of the Unemployment Compensation Trust
1132 Fund as of September 30 of the year immediately preceding the
1133 calendar year for which the contribution rate is being computed
1134 exceeds 5 percent of the taxable payrolls for the year ending
1135 June 30 of the current calendar year as reported to the tax
1136 collection service provider by September 30 of that calendar
1137 year, a negative adjustment factor must be computed. The
1138 negative adjustment factor shall be computed annually beginning
1139 on January 1, 2015, and each year thereafter, to the fifth
1140 decimal place and rounded to the fourth decimal place by
1141 dividing the sum of the total taxable payrolls for the year
1142 ending June 30 of the current calendar year as reported to the
1143 tax collection service provider by September 30 of the calendar
1144 year into a sum equal to one-fourth of the difference between



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1145 the balance of the fund as of September 30 of the current
1146 calendar year and 5 percent of the total taxable payrolls of
1147 that year. The negative adjustment factor remains in effect for
1148 subsequent years until the balance of the Unemployment
1149 Compensation Trust Fund as of September 30 of the year
1150 immediately preceding the effective date of the contribution
1151 rate is less than 5 percent, but more than 4 percent of the
1152 taxable payrolls for the year ending June 30 of the current
1153 calendar year as reported to the tax collection service provider
1154 by September 30 of that calendar year. The negative adjustment
1155 authorized by this section is suspended in any calendar year in
1156 which repayment of the principal amount of an advance received
1157 from the federal Unemployment Compensation Trust Fund under 42
1158 U.S.C. s. 1321 is due to the Federal Government.

1159 (V) The maximum contribution rate that may be assigned to
1160 an employer is 5.4 percent, except employers participating in an
1161 approved short-time compensation plan may be assigned a maximum
1162 contribution rate that is 1 percent greater than the maximum
1163 contribution rate for other employers in any calendar year in
1164 which short-time compensation benefits are charged to the
1165 employer's employment record.

1166 (VI) As used in this subsection, "taxable payroll" shall be
1167 determined by excluding any part of the remuneration paid to an
1168 individual by an employer for employment during a calendar year
1169 in excess of the first \$7,000. Beginning January 1, 2012,
1170 "taxable payroll" shall be determined by excluding any part of
1171 the remuneration paid to an individual by an employer for
1172 employment during a calendar year as described in s.
1173 443.1217(2). For the purposes of the employer rate calculation



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1174 that will take effect in January 1, 2012, and in January 1,
1175 2013, the tax collection service provider shall use the data
1176 available for taxable payroll from 2009 based on excluding any
1177 part of the remuneration paid to an individual by an employer
1178 for employment during a calendar year in excess of the first
1179 \$7,000, and from 2010 and 2011, the data available for taxable
1180 payroll based on excluding any part of the remuneration paid to
1181 an individual by an employer for employment during a calendar
1182 year in excess of the first \$8,500.

1183 b. If the transfer of an employer's employment record to an
1184 employing unit under paragraph (f) which, before the transfer,
1185 was an employer, the tax collection service provider shall
1186 recompute a benefit ratio for the successor employer based on
1187 the combined employment records and reassign an appropriate
1188 contribution rate to the successor employer effective on the
1189 first day of the calendar quarter immediately after the
1190 effective date of the transfer.

1191 Section 15. Paragraph (a) and (f) of subsection (3) of
1192 section 443.131, Florida Statutes, are amended to read:

1193 443.131 Contributions.—

1194 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1195 EXPERIENCE.—

1196 (a) *Employment records.*—The regular and short-time
1197 compensation benefits paid to an eligible individual shall be
1198 charged to the employment record of each employer who paid the
1199 individual wages of at least \$100 during the individual's base
1200 period in proportion to the total wages paid by all employers
1201 who paid the individual wages during the individual's base
1202 period. Benefits may not be charged to the employment record of



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1203 an employer who furnishes part-time work to an individual who,
1204 because of loss of employment with one or more other employers,
1205 is eligible for partial benefits while being furnished part-time
1206 work by the employer on substantially the same basis and in
1207 substantially the same amount as the individual's employment
1208 during his or her base period, regardless of whether this part-
1209 time work is simultaneous or successive to the individual's lost
1210 employment. Further, as provided in s. 443.151(3), benefits may
1211 not be charged to the employment record of an employer who
1212 furnishes the Department of Economic Opportunity with notice, as
1213 prescribed in rules of the department, that any of the following
1214 apply:

1215 1. If an individual leaves his or her work without good
1216 cause attributable to the employer or is discharged by the
1217 employer for misconduct connected with his or her work, benefits
1218 subsequently paid to the individual based on wages paid by the
1219 employer before the separation may not be charged to the
1220 employment record of the employer.

1221 2. If an individual is discharged by the employer for
1222 unsatisfactory performance during an initial employment
1223 probationary period, benefits subsequently paid to the
1224 individual based on wages paid during the probationary period by
1225 the employer before the separation may not be charged to the
1226 employer's employment record. As used in this subparagraph, the
1227 term "initial employment probationary period" means an
1228 established probationary plan that applies to all employees or a
1229 specific group of employees and that does not exceed 90 calendar
1230 days following the first day a new employee begins work. The
1231 employee must be informed of the probationary period within the



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1232 first 7 days of work. The employer must demonstrate by
1233 conclusive evidence that the individual was separated because of
1234 unsatisfactory work performance and not because of lack of work
1235 due to temporary, seasonal, casual, or other similar employment
1236 that is not of a regular, permanent, and year-round nature.

1237 3. Benefits subsequently paid to an individual after his or
1238 her refusal without good cause to accept suitable work from an
1239 employer may not be charged to the employment record of the
1240 employer if any part of those benefits are based on wages paid
1241 by the employer before the individual's refusal to accept
1242 suitable work. As used in this subparagraph, the term "good
1243 cause" does not include distance to employment caused by a
1244 change of residence by the individual. The department shall
1245 adopt rules prescribing for the payment of all benefits whether
1246 this subparagraph applies regardless of whether a
1247 disqualification under s. 443.101 applies to the claim.

1248 4. If an individual is separated from work as a direct
1249 result of a natural disaster declared under the Robert T.
1250 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1251 ss. 5121 et seq., benefits subsequently paid to the individual
1252 based on wages paid by the employer before the separation may
1253 not be charged to the employment record of the employer.

1254 5. If an individual is separated from work as a direct
1255 result of an oil spill, terrorist attack, or other similar
1256 disaster of national significance not subject to a declaration
1257 under the Robert T. Stafford Disaster Relief and Emergency
1258 Assistance Act, benefits subsequently paid to the individual
1259 based on wages paid by the employer before the separation may
1260 not be charged to the employment record of the employer.



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1261 (f) *Transfer of employment records.*—

1262 1. For the purposes of this subsection, two or more
1263 employers who are parties to a transfer of business or the
1264 subject of a merger, consolidation, or other form of
1265 reorganization, effecting a change in legal identity or form,
1266 are deemed a single employer and are considered to be one
1267 employer with a continuous employment record if the tax
1268 collection service provider finds that the successor employer
1269 continues to carry on the employing enterprises of all of the
1270 predecessor employers and that the successor employer has paid
1271 all contributions required of and due from all of the
1272 predecessor employers and has assumed liability for all
1273 contributions that may become due from all of the predecessor
1274 employers. In addition, an employer may not be considered a
1275 successor under this subparagraph if the employer purchases a
1276 company with a lower rate into which employees with job
1277 functions unrelated to the business endeavors of the predecessor
1278 are transferred for the purpose of acquiring the low rate and
1279 avoiding payment of contributions. As used in this paragraph,
1280 notwithstanding s. 443.036(14), the term "contributions" means
1281 all indebtedness to the tax collection service provider,
1282 including, but not limited to, interest, penalty, collection
1283 fee, and service fee. A successor employer must accept the
1284 transfer of all of the predecessor employers' employment records
1285 within 30 days after the date of the official notification of
1286 liability by succession. If a predecessor employer has unpaid
1287 contributions or outstanding quarterly reports, the successor
1288 employer must pay the total amount with certified funds within
1289 30 days after the date of the notice listing the total amount



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1290 due. After the total indebtedness is paid, the tax collection
1291 service provider shall transfer the employment records of all of
1292 the predecessor employers to the successor employer's employment
1293 record. The tax collection service provider shall determine the
1294 contribution rate of the combined successor and predecessor
1295 employers upon the transfer of the employment records, as
1296 prescribed by rule, in order to calculate any change in the
1297 contribution rate resulting from the transfer of the employment
1298 records.

1299 2. Regardless of whether a predecessor employer's
1300 employment record is transferred to a successor employer under
1301 this paragraph, the tax collection service provider shall treat
1302 the predecessor employer, if he or she subsequently employs
1303 individuals, as an employer without a previous employment record
1304 or, if his or her coverage is terminated under s. 443.121, as a
1305 new employing unit.

1306 3. The state agency providing reemployment assistance
1307 ~~unemployment~~ tax collection services may adopt rules governing
1308 the partial transfer of experience rating when an employer
1309 transfers an identifiable and segregable portion of his or her
1310 payrolls and business to a successor employing unit. As a
1311 condition of each partial transfer, these rules must require the
1312 following to be filed with the tax collection service provider:
1313 an application by the successor employing unit, an agreement by
1314 the predecessor employer, and the evidence required by the tax
1315 collection service provider to show the benefit experience and
1316 payrolls attributable to the transferred portion through the
1317 date of the transfer. These rules must provide that the
1318 successor employing unit, if not an employer subject to this



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1319 chapter, becomes an employer as of the date of the transfer and
1320 that the transferred portion of the predecessor employer's
1321 employment record is removed from the employment record of the
1322 predecessor employer. For each calendar year after the date of
1323 the transfer of the employment record in the records of the tax
1324 collection service provider, the service provider shall compute
1325 the contribution rate payable by the successor employer or
1326 employing unit based on his or her employment record, combined
1327 with the transferred portion of the predecessor employer's
1328 employment record. These rules may also prescribe what
1329 contribution rates are payable by the predecessor and successor
1330 employers for the period between the date of the transfer of the
1331 transferred portion of the predecessor employer's employment
1332 record in the records of the tax collection service provider and
1333 the first day of the next calendar year.

1334 4. This paragraph does not apply to an employee leasing
1335 company and client contractual agreement as defined in s.
1336 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1337 collection service provider shall, if the contractual agreement
1338 is terminated or the employee leasing company fails to submit
1339 reports or pay contributions as required by the service
1340 provider, treat the client as a new employer without previous
1341 employment record unless the client is otherwise eligible for a
1342 variation from the standard rate.

1343 Section 16. Paragraph (d) of subsection (2) of section
1344 443.1312, Florida Statutes, is amended to read:

1345 443.1312 Reimbursements; nonprofit organizations.—Benefits
1346 paid to employees of nonprofit organizations shall be financed
1347 in accordance with this section.



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1348 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
1349 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
1350 subject to this chapter under s. 443.1215(1)(c) or s.
1351 443.121(3)(a) must pay contributions under s. 443.131 unless it
1352 elects, in accordance with this subsection, to reimburse the
1353 Unemployment Compensation Trust Fund for all of the regular
1354 benefits, short-time compensation benefits, and one-half of the
1355 extended benefits paid, which are attributable to service in the
1356 employ of the nonprofit organization, to individuals for weeks
1357 of unemployment which begin during the effective period of the
1358 election.

1359 (d) In accordance with rules adopted by the Department of
1360 Economic Opportunity or the state agency providing reemployment
1361 assistance ~~unemployment~~ tax collection services, the tax
1362 collection service provider shall notify each nonprofit
1363 organization of any determination of the organization's status
1364 as an employer, the effective date of any election the
1365 organization makes, and the effective date of any termination of
1366 the election. Each determination is subject to reconsideration,
1367 appeal, and review under s. 443.141(2)(c).

1368 Section 17. Subsection (3) and paragraph (a) of subsection
1369 (4) of section 443.1313, Florida Statutes, are amended to read:

1370 443.1313 Public employers; reimbursements; election to pay
1371 contributions.—Benefits paid to employees of a public employer,
1372 as defined in s. 443.036, based on service described in s.
1373 443.1216(2) shall be financed in accordance with this section.

1374 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
1375 or contributing employer under this section, a public employer
1376 may not change this election for at least 2 calendar years. This



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1377 subsection does not prevent a public employer subject to this
1378 subsection from changing its election after completing 2
1379 calendar years under another financing method if the new
1380 election is timely filed. The state agency providing
1381 reemployment assistance ~~unemployment~~ tax collection services may
1382 adopt rules prescribing procedures for changing methods of
1383 reporting.

1384 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
1385 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1386 (a) There is established within the Unemployment
1387 Compensation Trust Fund a Public Employers Reemployment
1388 Assistance ~~Unemployment Compensation~~ Benefit Account, which must
1389 be maintained as a separate account within the trust fund. All
1390 benefits paid to the employees of a public employer that elects
1391 to become a contributing employer under paragraph (b) must be
1392 charged to the Public Employers Unemployment Compensation
1393 Benefit Account.

1394 Section 18. Subsection (7) of section 443.1315, Florida
1395 Statutes, is amended to read:

1396 443.1315 Treatment of Indian tribes.—

1397 (7) The Department of Economic Opportunity and the state
1398 agency providing reemployment assistance ~~unemployment~~ tax
1399 collection services shall adopt rules necessary to administer
1400 this section.

1401 Section 19. Section 443.1316, Florida Statutes, is amended
1402 to read:

1403 443.1316 Reemployment assistance ~~Unemployment~~ tax
1404 collection services; interagency agreement.—

1405 (1) The Department of Economic Opportunity shall contract



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1406 with the Department of Revenue, through an interagency
1407 agreement, to perform the duties of the tax collection service
1408 provider and provide other reemployment assistance ~~unemployment~~
1409 tax collection services under this chapter. Under the
1410 interagency agreement, the tax collection service provider may
1411 only implement:

1412 (a) The provisions of this chapter conferring duties upon
1413 the tax collection service provider.

1414 (b) The provisions of law conferring duties upon the
1415 department which are specifically delegated to the tax
1416 collection service provider in the interagency agreement.

1417 (2) (a) The Department of Revenue is considered to be
1418 administering a revenue law of this state when the department
1419 implements this chapter, or otherwise provides reemployment
1420 assistance ~~unemployment~~ tax collection services, under contract
1421 with the department through the interagency agreement.

1422 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
1423 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
1424 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
1425 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
1426 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
1427 213.757 apply to the collection of reemployment assistance
1428 ~~unemployment~~ contributions and reimbursements by the Department
1429 of Revenue unless prohibited by federal law.

1430 Section 20. Paragraph (a) of subsection (1) and subsections
1431 (2) and (3) of section 443.1317, Florida Statutes, are amended
1432 to read:

1433 443.1317 Rulemaking authority; enforcement of rules.—

1434 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—



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1435 (a) Except as otherwise provided in s. 443.012, the
1436 Department of Economic Opportunity has ultimate authority over
1437 the administration of the Reemployment Assistance ~~Unemployment~~
1438 ~~Compensation~~ Program.

1439 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
1440 providing reemployment assistance ~~unemployment~~ tax collection
1441 services under contract with the Department of Economic
1442 Opportunity through an interagency agreement pursuant to s.
1443 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
1444 subject to approval by the department, to administer the
1445 provisions of law described in s. 443.1316(1) (a) and (b) which
1446 are within this chapter. These rules must not conflict with the
1447 rules adopted by the department or with the interagency
1448 agreement.

1449 (3) ENFORCEMENT OF RULES.—The Department of Economic
1450 Opportunity may enforce any rule adopted by the state agency
1451 providing reemployment assistance ~~unemployment~~ tax collection
1452 services to administer this chapter. The tax collection service
1453 provider may enforce any rule adopted by the department to
1454 administer the provisions of law described in s. 443.1316(1) (a)
1455 and (b).

1456 Section 21. Paragraphs (b) and (g) of subsection (1),
1457 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
1458 subsection (4) of section 443.141, Florida Statutes, are amended
1459 to read:

1460 443.141 Collection of contributions and reimbursements.—

1461 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
1462 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1463 (b) *Penalty for delinquent, erroneous, incomplete, or*



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1464 *insufficient reports.-*

1465 1. An employing unit that fails to file any report required
1466 by the Department of Economic Opportunity or its tax collection
1467 service provider, in accordance with rules for administering
1468 this chapter, shall pay to the service provider for each
1469 delinquent report the sum of \$25 for each 30 days or fraction
1470 thereof that the employing unit is delinquent, unless the
1471 department ~~agency~~ or its service provider, whichever required
1472 the report, finds that the employing unit has good reason for
1473 failing to file the report. The department or its service
1474 provider may assess penalties only through the date of the
1475 issuance of the final assessment notice. However, additional
1476 penalties accrue if the delinquent report is subsequently filed.

1477 2.a. An employing unit that files an erroneous, incomplete,
1478 or insufficient report with the department or its tax collection
1479 service provider shall pay a penalty. The amount of the penalty
1480 is \$50 or 10 percent of any tax due, whichever is greater, but
1481 no more than \$300 per report. The penalty shall be added to any
1482 tax, penalty, or interest otherwise due.

1483 b. The department or its tax collection service provider
1484 shall waive the penalty if the employing unit files an accurate,
1485 complete, and sufficient report within 30 days after a penalty
1486 notice is issued to the employing unit. The penalty may not be
1487 waived pursuant to this subparagraph more than one time during a
1488 12-month period.

1489 c. As used in this subsection, the term "erroneous,
1490 incomplete, or insufficient report" means a report so lacking in
1491 information, completeness, or arrangement that the report cannot
1492 be readily understood, verified, or reviewed. Such reports



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1493 include, but are not limited to, reports having missing wage or
1494 employee information, missing or incorrect social security
1495 numbers, or illegible entries; reports submitted in a format
1496 that is not approved by the department or its tax collection
1497 service provider; and reports showing gross wages that do not
1498 equal the total of the wages of each employee. However, the term
1499 does not include a report that merely contains inaccurate data
1500 that was supplied to the employer by the employee, if the
1501 employer was unaware of the inaccuracy.

1502 3. Penalties imposed pursuant to this paragraph shall be
1503 deposited in the Special Employment Security Administration
1504 Trust Fund.

1505 4. The penalty and interest for a delinquent, erroneous,
1506 incomplete, or insufficient report may be waived if the penalty
1507 or interest is inequitable. The provisions of s. 213.24(1) apply
1508 to any penalty or interest that is imposed under this section.

1509 (g) *Adoption of rules.*—The department and the state agency
1510 providing reemployment assistance ~~unemployment~~ tax collection
1511 services may adopt rules to administer this subsection.

1512 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1513 (c) *Appeals.*—The department and the state agency providing
1514 reemployment assistance ~~unemployment~~ tax collection services
1515 shall adopt rules prescribing the procedures for an employing
1516 unit determined to be an employer to file an appeal and be
1517 afforded an opportunity for a hearing on the determination.
1518 Pending a hearing, the employing unit must file reports and pay
1519 contributions in accordance with s. 443.131.

1520 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
1521 CONTRIBUTIONS AND REIMBURSEMENTS.—



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1522 (c) Any agent or employee designated by the Department of
1523 Economic Opportunity or its tax collection service provider may
1524 administer an oath to any person for any return or report
1525 required by this chapter or by the rules of the department or
1526 the state agency providing reemployment assistance ~~unemployment~~
1527 tax collection services, and an oath made before the department
1528 or its service provider or any authorized agent or employee has
1529 the same effect as an oath made before any judicial officer or
1530 notary public of the state.

1531 (e) The tax collection service provider may commence an
1532 action in any other state to collect reemployment assistance
1533 ~~unemployment compensation~~ contributions, reimbursements,
1534 penalties, and interest legally due this state. The officials of
1535 other states that extend a like comity to this state may sue for
1536 the collection of contributions, reimbursements, interest, and
1537 penalties in the courts of this state. The courts of this state
1538 shall recognize and enforce liability for contributions,
1539 reimbursements, interest, and penalties imposed by other states
1540 that extend a like comity to this state.

1541 Section 22. Paragraph (b) of subsection (1), paragraph (b)
1542 of subsection (2), paragraph (c) of subsection (3), and
1543 paragraphs (a) and (b) of subsection (6) of section 443.151,
1544 Florida Statutes, are amended to read:

1545 443.151 Procedure concerning claims.—

1546 (1) POSTING OF INFORMATION.—

1547 (b)1. The department shall advise each individual filing a
1548 new claim for reemployment assistance ~~unemployment compensation~~,
1549 at the time of filing the claim, that:

1550 a. Reemployment assistance ~~unemployment compensation~~ is



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1551 subject to federal income tax.

1552 b. Requirements exist pertaining to estimated tax payments.

1553 c. The individual may elect to have federal income tax

1554 deducted and withheld from the individual's payment of

1555 reemployment assistance ~~unemployment compensation~~ at the amount

1556 specified in the federal Internal Revenue Code.

1557 d. The individual is not permitted to change a previously

1558 elected withholding status more than twice per calendar year.

1559 2. Amounts deducted and withheld from reemployment

1560 assistance ~~unemployment compensation~~ must remain in the

1561 Unemployment Compensation Trust Fund until transferred to the

1562 federal taxing authority as payment of income tax.

1563 3. The department shall follow all procedures specified by

1564 the United States Department of Labor and the federal Internal

1565 Revenue Service pertaining to the deducting and withholding of

1566 income tax.

1567 4. If more than one authorized request for deduction and

1568 withholding is made, amounts must be deducted and withheld in

1569 accordance with the following priorities:

1570 a. Reemployment assistance ~~Unemployment~~ overpayments have

1571 first priority;

1572 b. Child support payments have second priority; and

1573 c. Withholding under this subsection has third priority.

1574 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF

1575 CLAIMANTS AND EMPLOYERS.—

1576 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~

1577 ~~Compensation~~ Claims and Benefits Information System described in

1578 s. 443.1113 is fully operational, the process for filing claims

1579 must incorporate the process for registering for work with the



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1580 workforce information systems established pursuant to s.
1581 445.011. A claim for benefits may not be processed until the
1582 work registration requirement is satisfied. The department may
1583 adopt rules as necessary to administer the work registration
1584 requirement set forth in this paragraph.

1585 (3) DETERMINATION OF ELIGIBILITY.—

1586 (c) *Nonmonetary determinations.*—If the department receives
1587 information that may result in a denial of benefits, the
1588 department must complete an investigation of the claim required
1589 by subsection (2) and provide notice of a nonmonetary
1590 determination to the claimant and the employer from whom the
1591 claimant's reason for separation affects his or her entitlement
1592 to benefits. The determination must state the reason for the
1593 determination and whether the reemployment assistance
1594 ~~unemployment~~ tax account of the contributing employer is charged
1595 for benefits paid on the claim. The nonmonetary determination is
1596 final unless within 20 days after the mailing of the notices to
1597 the parties' last known addresses, or in lieu of mailing, within
1598 20 days after the delivery of the notices, an appeal or written
1599 request for reconsideration is filed by the claimant or other
1600 party entitled to notice. The department may adopt rules as
1601 necessary to implement the processes described in this paragraph
1602 relating to notices of nonmonetary determination and the appeals
1603 or reconsideration requests filed in response to such notices,
1604 and may adopt rules prescribing the manner and procedure by
1605 which employers within the base period of a claimant become
1606 entitled to notice of nonmonetary determination.

1607 (6) RECOVERY AND RECOUPMENT.—

1608 (a) Any person who, by reason of her or his fraud, receives



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1609 benefits under this chapter to which she or he is not entitled
1610 is liable for repaying those benefits to the Department of
1611 Economic Opportunity on behalf of the trust fund or, in the
1612 discretion of the department, to have those benefits deducted
1613 from future benefits payable to her or him under this chapter.
1614 To enforce this paragraph, the department must find the
1615 existence of fraud through a redetermination or decision under
1616 this section within 2 years after the fraud was committed. Any
1617 recovery or recoupment of benefits must be commenced ~~effected~~
1618 within 7 ~~5~~ years after the redetermination or decision.

1619 (b) Any person who, by reason other than her or his fraud,
1620 receives benefits under this chapter to which, under a
1621 redetermination or decision pursuant to this section, she or he
1622 is not entitled, is liable for repaying those benefits to the
1623 department on behalf of the trust fund or, in the discretion of
1624 the department, to have those benefits deducted from any future
1625 benefits payable to her or him under this chapter. Any recovery
1626 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
1627 years after the redetermination or decision.

1628 Section 23. Subsection (1) and paragraph (c) of subsection
1629 (3) of section 443.163, Florida Statutes, are amended to read:

1630 443.163 Electronic reporting and remitting of contributions
1631 and reimbursements.—

1632 (1) An employer may file any report and remit any
1633 contributions or reimbursements required under this chapter by
1634 electronic means. The Department of Economic Opportunity or the
1635 state agency providing reemployment assistance ~~unemployment~~ tax
1636 collection services shall adopt rules prescribing the format and
1637 instructions necessary for electronically filing reports and



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1638 remitting contributions and reimbursements to ensure a full
1639 collection of contributions and reimbursements due. The
1640 acceptable method of transfer, the method, form, and content of
1641 the electronic means, and the method, if any, by which the
1642 employer will be provided with an acknowledgment shall be
1643 prescribed by the department or its tax collection service
1644 provider. However, any employer who employed 10 or more
1645 employees in any quarter during the preceding state fiscal year
1646 must file the Employers Quarterly Reports (UCT-6) for the
1647 current calendar year and remit the contributions and
1648 reimbursements due by electronic means approved by the tax
1649 collection service provider. A person who prepared and reported
1650 for 100 or more employers in any quarter during the preceding
1651 state fiscal year must file the Employers Quarterly Reports
1652 (UCT-6) for each calendar quarter in the current calendar year,
1653 beginning with reports due for the second calendar quarter of
1654 2003, by electronic means approved by the tax collection service
1655 provider.

1656 (3) The tax collection service provider may waive the
1657 requirement to file an Employers Quarterly Report (UCT-6) by
1658 electronic means for employers that are unable to comply despite
1659 good faith efforts or due to circumstances beyond the employer's
1660 reasonable control.

1661 (c) The department or the state agency providing
1662 reemployment assistance ~~unemployment~~ tax collection services may
1663 establish by rule the length of time a waiver is valid and may
1664 determine whether subsequent waivers will be authorized, based
1665 on this subsection.

1666 Section 24. Subsections (2) and (5) and paragraphs (a) and



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1667 (c) of subsection (9) of section 443.171, Florida Statutes, are
1668 amended to read:

1669 443.171 Department of Economic Opportunity and commission;
1670 powers and duties; records and reports; proceedings; state-
1671 federal cooperation.-

1672 (2) PUBLICATION OF ACTS AND RULES.-The Department of
1673 Economic Opportunity shall cause to be printed and distributed
1674 to the public, or otherwise distributed to the public through
1675 the Internet or similar electronic means, the text of this
1676 chapter and of the rules for administering this chapter adopted
1677 by the department or the state agency providing reemployment
1678 assistance ~~unemployment~~ tax collection services and any other
1679 matter relevant and suitable. The department shall furnish this
1680 information to any person upon request. However, any pamphlet,
1681 rules, circulars, or reports required by this chapter may not
1682 contain any matter except the actual data necessary to complete
1683 them or the actual language of the rule, together with the
1684 proper notices.

1685 (5) RECORDS AND REPORTS.-Each employing unit shall keep
1686 true and accurate work records, containing the information
1687 required by the Department of Economic Opportunity or its tax
1688 collection service provider. These records must be open to
1689 inspection and are subject to being copied by the department or
1690 its tax collection service provider at any reasonable time and
1691 as often as necessary. The department or its tax collection
1692 service provider may require from any employing unit any sworn
1693 or unsworn reports, for persons employed by the employing unit,
1694 necessary for the effective administration of this chapter.
1695 However, a state or local governmental agency performing



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1696 intelligence or counterintelligence functions need not report an
1697 employee if the head of that agency determines that reporting
1698 the employee could endanger the safety of the employee or
1699 compromise an ongoing investigation or intelligence mission.
1700 ~~Information revealing the employing unit's or individual's~~
1701 ~~identity obtained from the employing unit or from any individual~~
1702 ~~through the administration of this chapter, is, except to the~~
1703 ~~extent necessary for the proper presentation of a claim or upon~~
1704 ~~written authorization of the claimant who has a workers'~~
1705 ~~compensation claim pending, confidential and exempt from s.~~
1706 ~~119.07(1). This confidential information is available only to~~
1707 ~~public employees in the performance of their public duties. Any~~
1708 ~~claimant, or the claimant's legal representative, at a hearing~~
1709 ~~before an appeals referee or the commission must be supplied~~
1710 ~~with information from these records to the extent necessary for~~
1711 ~~the proper presentation of her or his claim. Any employee or~~
1712 ~~member of the commission, any employee of the department or its~~
1713 ~~tax collection service provider, or any other person receiving~~
1714 ~~confidential information who violates this subsection commits a~~
1715 ~~misdemeanor of the second degree, punishable as provided in s.~~
1716 ~~775.082 or s. 775.083. However, the department or its tax~~
1717 ~~collection service provider may furnish to any employer copies~~
1718 ~~of any report previously submitted by that employer, upon the~~
1719 ~~request of the employer. The department or its tax collection~~
1720 ~~service provider may charge a reasonable fee for copies of~~
1721 ~~reports, which may not exceed the actual reasonable cost of the~~
1722 ~~preparation of the copies as prescribed by rules adopted by the~~
1723 ~~department or the state agency providing tax collection~~
1724 ~~services. Fees received by the department or its tax collection~~



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1725 ~~service provider for copies furnished under this subsection must~~
1726 ~~be deposited in the Employment Security Administration Trust~~
1727 ~~Fund.~~

1728 (9) STATE-FEDERAL COOPERATION.—

1729 (a)1. In the administration of this chapter, the Department
1730 of Economic Opportunity and its tax collection service provider
1731 shall cooperate with the United States Department of Labor to
1732 the fullest extent consistent with this chapter and shall take
1733 those actions, through the adoption of appropriate rules,
1734 administrative methods, and standards, necessary to secure for
1735 this state all advantages available under the provisions of
1736 federal law relating to reemployment assistance ~~unemployment~~
1737 ~~compensation.~~

1738 2. In the administration of the provisions in s. 443.1115,
1739 which are enacted to conform with the Federal-State Extended
1740 Unemployment Compensation Act of 1970, the department shall take
1741 those actions necessary to ensure that those provisions are
1742 interpreted and applied to meet the requirements of the federal
1743 act as interpreted by the United States Department of Labor and
1744 to secure for this state the full reimbursement of the federal
1745 share of extended benefits paid under this chapter which is
1746 reimbursable under the federal act.

1747 3. The department and its tax collection service provider
1748 shall comply with the regulations of the United States
1749 Department of Labor relating to the receipt or expenditure by
1750 this state of funds granted under federal law; shall submit the
1751 reports in the form and containing the information the United
1752 States Department of Labor requires; and shall comply with
1753 directions of the United States Department of Labor necessary to



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1754 assure the correctness and verification of these reports.

1755 (c) The department and its tax collection service provider
1756 shall cooperate with the agencies of other states, and shall
1757 make every proper effort within their means, to oppose and
1758 prevent any further action leading to the complete or
1759 substantial federalization of state reemployment assistance
1760 ~~unemployment compensation~~ funds or state employment security
1761 programs. The department and its tax collection service provider
1762 may make, and may cooperate with other appropriate agencies in
1763 making, studies as to the practicability and probable cost of
1764 possible new state-administered social security programs and the
1765 relative desirability of state, rather than federal, action in
1766 that field of study.

1767 Section 25. Subsections (1) and (2) of section 443.1715,
1768 Florida Statutes, are amended to read:

1769 443.1715 Disclosure of information; confidentiality.—

1770 (1) RECORDS AND REPORTS.—Information revealing an employing
1771 unit's or individual's identity obtained from the employing unit
1772 or any individual under the administration of this chapter, and
1773 any determination revealing that information, ~~except to the~~
1774 ~~extent necessary for the proper presentation of a claim or upon~~
1775 ~~written authorization of the claimant who has a workers'~~
1776 ~~compensation claim pending or is receiving compensation~~
1777 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1778 24(a), Art. I of the State Constitution. This confidential
1779 information may be released in accordance with the provisions in
1780 20 C.F.R. part 603 ~~only to public employees in the performance~~
1781 ~~of their public duties. Except as otherwise provided by law,~~
1782 ~~public employees receiving this confidential information must~~



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1783 ~~maintain the confidentiality of the information. Any claimant,~~
1784 ~~or the claimant's legal representative, at a hearing before an~~
1785 ~~appeals referee or the commission is entitled to information~~
1786 ~~from these records to the extent necessary for the proper~~
1787 ~~presentation of her or his claim. A person receiving~~
1788 ~~confidential information who violates this subsection commits a~~
1789 ~~misdemeanor of the second degree, punishable as provided in s.~~
1790 ~~775.082 or s. 775.083. The Department of Economic Opportunity or~~
1791 its tax collection service provider may, however, furnish to any
1792 employer copies of any report submitted by that employer upon
1793 the request of the employer and may furnish to any claimant
1794 copies of any report submitted by that claimant upon the request
1795 of the claimant. The department or its tax collection service
1796 provider may charge a reasonable fee for copies of these reports
1797 as prescribed by rule, which may not exceed the actual
1798 reasonable cost of the preparation of the copies. Fees received
1799 for copies under this subsection must be deposited in the
1800 Employment Security Administration Trust Fund.

1801 (2) DISCLOSURE OF INFORMATION.—

1802 (a) Subject to restrictions the Department of Economic
1803 Opportunity or the state agency providing reemployment
1804 assistance ~~unemployment~~ tax collection services adopts by rule,
1805 information declared confidential under this section is
1806 available to any agency of this or any other state, or any
1807 federal agency, charged with the administration of any
1808 reemployment assistance or unemployment compensation law or the
1809 maintenance of the one-stop delivery system, or the Bureau of
1810 Internal Revenue of the United States Department of the
1811 Treasury, or the Florida Department of Revenue. Information



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1812 obtained in connection with the administration of the one-stop
1813 delivery system may be made available to persons or agencies for
1814 purposes appropriate to the operation of a public employment
1815 service or a job-preparatory or career education or training
1816 program. The department shall, on a quarterly basis, furnish the
1817 National Directory of New Hires with information concerning the
1818 wages and reemployment assistance ~~unemployment~~ benefits paid to
1819 individuals, by the dates, in the format, and containing the
1820 information specified in the regulations of the United States
1821 Secretary of Health and Human Services. Upon request, the
1822 department shall furnish any agency of the United States charged
1823 with the administration of public works or assistance through
1824 public employment, and may furnish to any state agency similarly
1825 charged, the name, address, ordinary occupation, and employment
1826 status of each recipient of benefits and the recipient's rights
1827 to further benefits under this chapter. Except as otherwise
1828 provided by law, the receiving agency must retain the
1829 confidentiality of this information as provided in this section.
1830 The tax collection service provider may request the Comptroller
1831 of the Currency of the United States to examine the correctness
1832 of any return or report of any national banking association
1833 rendered under this chapter and may in connection with that
1834 request transmit any report or return for examination to the
1835 Comptroller of the Currency of the United States as provided in
1836 s. 3305(c) of the federal Internal Revenue Code.

1837 (b) The employer or the employer's workers' compensation
1838 carrier against whom a claim for benefits under chapter 440 has
1839 been made, or a representative of either, may request from the
1840 department records of wages of the employee reported to the



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1841 department by any employer for the quarter that includes the
1842 date of the accident that is the subject of such claim and for
1843 subsequent quarters.

1844 1. The request must be made with the authorization or
1845 consent of the employee or any employer who paid wages to the
1846 employee after the date of the accident.

1847 2. The employer or carrier shall make the request on a form
1848 prescribed by rule for such purpose by the department ~~agency~~.
1849 Such form shall contain a certification by the requesting party
1850 that it is a party entitled to the information requested.

1851 3. The department shall provide the most current
1852 information readily available within 15 days after receiving the
1853 request.

1854 Section 26. Subsections (1), (4), (5), (6), and (7) and
1855 paragraph (c) of subsection (2) of section 443.17161, Florida
1856 Statutes, are amended to read:

1857 443.17161 Authorized electronic access to employer
1858 information.-

1859 (1) Notwithstanding any other provision of this chapter,
1860 the Department of Economic Opportunity ~~Agency for Workforce~~
1861 ~~Innovation~~ shall contract with one or more consumer reporting
1862 agencies to provide users with secured electronic access to
1863 employer-provided information relating to the quarterly wages
1864 report submitted in accordance with the state's reemployment
1865 assistance ~~unemployment compensation~~ law. The access is limited
1866 to the wage reports for the appropriate amount of time for the
1867 purpose the information is requested.

1868 (2) Users must obtain consent in writing or by electronic
1869 signature from an applicant for credit, employment, or other



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1870 permitted purposes. Any written or electronic signature consent
1871 from an applicant must be signed and must include the following:

1872 (c) Notice that the files of the Department of Economic
1873 Opportunity Agency for Workforce Innovation or its tax
1874 collection service provider containing information concerning
1875 wage and employment history which is submitted by the applicant
1876 or his or her employers may be accessed; and

1877 (4) If a consumer reporting agency or user violates this
1878 section, the Department of Economic Opportunity Agency for
1879 Workforce Innovation shall, upon 30 days' written notice to the
1880 consumer reporting agency, terminate the contract established
1881 between the department Agency for Workforce Innovation and the
1882 consumer reporting agency or require the consumer reporting
1883 agency to terminate the contract established between the
1884 consumer reporting agency and the user under this section.

1885 (5) The Department of Economic Opportunity Agency for
1886 Workforce Innovation shall establish minimum audit, security,
1887 net worth, and liability insurance standards, technical
1888 requirements, and any other terms and conditions considered
1889 necessary in the discretion of the state agency to safeguard the
1890 confidentiality of the information released under this section
1891 and to otherwise serve the public interest. The department
1892 Agency for Workforce Innovation shall also include, in
1893 coordination with any necessary state agencies, necessary audit
1894 procedures to ensure that these rules are followed.

1895 (6) In contracting with one or more consumer reporting
1896 agencies under this section, any revenues generated by the
1897 contract must be used to pay the entire cost of providing access
1898 to the information. Further, in accordance with federal



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1899 regulations, any additional revenues generated by the Department
1900 of Economic Opportunity Agency for Workforce Innovation or the
1901 state under this section must be paid into the Administrative
1902 Trust Fund of the department Agency for Workforce Innovation for
1903 the administration of the unemployment compensation system or be
1904 used as program income.

1905 (7) The Department of Economic Opportunity Agency for
1906 Workforce Innovation may not provide wage and employment history
1907 information to any consumer reporting agency before the consumer
1908 reporting agency or agencies under contract with the department
1909 Agency for Workforce Innovation pay all development and other
1910 startup costs incurred by the state in connection with the
1911 design, installation, and administration of technological
1912 systems and procedures for the electronic access program.

1913 Section 27. Subsection (2) of section 443.181, Florida
1914 Statutes, is amended to read:

1915 443.181 Public employment service.—

1916 (2) All funds received by this state under 29 U.S.C. ss.
1917 49-491-1 must be paid into the Employment Security
1918 Administration Trust Fund, and these funds are available to the
1919 Department of Economic Opportunity for expenditure as provided
1920 by this chapter or by federal law. For the purpose of
1921 establishing and maintaining one-stop career centers, the
1922 department may enter into agreements with the Railroad
1923 Retirement Board or any other agency of the United States
1924 charged with the administration of a reemployment assistance or
1925 ~~an~~ unemployment compensation law, with any political subdivision
1926 of this state, or with any private, nonprofit organization. As a
1927 part of any such agreement, the department may accept moneys,



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1928 services, or quarters as a contribution to the Employment
1929 Security Administration Trust Fund.

1930 Section 28. Subsection (6) of section 443.191, Florida
1931 Statutes, is amended to read:

1932 443.191 Unemployment Compensation Trust Fund; establishment
1933 and control.—

1934 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
1935 Compensation Trust Fund is the sole and exclusive source for
1936 paying reemployment assistance ~~unemployment~~ benefits, and these
1937 benefits are due and payable only to the extent that
1938 contributions or reimbursements, with increments thereon,
1939 actually collected and credited to the fund and not otherwise
1940 appropriated or allocated, are available for payment. The state
1941 shall administer the fund without any liability on the part of
1942 the state beyond the amount of moneys received from the United
1943 States Department of Labor or other federal agency.

1944 Section 29. Paragraphs (b), (c), and (d) of subsection (1)
1945 and subsections (3) and (4) of section 443.221, Florida
1946 Statutes, are amended to read:

1947 443.221 Reciprocal arrangements.—

1948 (1)

1949 (b) For services to be considered as performed within a
1950 state under a reciprocal agreement, the employing unit must have
1951 an election in effect for those services, which is approved by
1952 the agency charged with the administration of such state's
1953 reemployment assistance or unemployment compensation law, under
1954 which all the services performed by the individual for the
1955 employing unit are deemed to be performed entirely within that
1956 state.



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1957 (c) The department shall participate in any arrangements
1958 for the payment of compensation on the basis of combining an
1959 individual's wages and employment covered under this chapter
1960 with her or his wages and employment covered under the
1961 reemployment assistance or unemployment compensation laws of
1962 other states, which are approved by the United States Secretary
1963 of Labor, in consultation with the state reemployment assistance
1964 or unemployment compensation agencies, as reasonably calculated
1965 to assure the prompt and full payment of compensation in those
1966 situations and which include provisions for:

1967 1. Applying the base period of a single state law to a
1968 claim involving the combining of an individual's wages and
1969 employment covered under two or more state reemployment
1970 assistance or unemployment compensation laws; and

1971 2. Avoiding the duplicate use of wages and employment
1972 because of the combination.

1973 (d) Contributions or reimbursements due under this chapter
1974 with respect to wages for insured work are, for the purposes of
1975 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1976 to the fund as of the date payment was made as contributions or
1977 reimbursements therefor under another state or federal
1978 reemployment assistance or unemployment compensation law, but an
1979 arrangement may not be entered into unless it contains
1980 provisions for reimbursement to the fund of the contributions or
1981 reimbursements and the actual earnings thereon as the department
1982 or its tax collection service provider finds are fair and
1983 reasonable as to all affected interests.

1984 (3) The Department of Economic Opportunity or its tax
1985 collection service provider may enter into reciprocal



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1986 arrangements with other states or the Federal Government, or
1987 both, for exchanging services, determining and enforcing payment
1988 obligations, and making available facilities and information.
1989 The department or its tax collection service provider may
1990 conduct investigations, secure and transmit information, make
1991 available services and facilities, and exercise other powers
1992 provided under this chapter to facilitate the administration of
1993 any reemployment assistance or unemployment compensation or
1994 public employment service law and, in a similar manner, accept
1995 and use information, services, and facilities made available to
1996 this state by the agency charged with the administration of any
1997 other unemployment compensation or public employment service
1998 law.

1999 (4) To the extent permissible under federal law, the
2000 Department of Economic Opportunity may enter into or cooperate
2001 in arrangements whereby facilities and services provided under
2002 this chapter and facilities and services provided under the
2003 reemployment assistance or unemployment compensation law of any
2004 foreign government may be used for the taking of claims and the
2005 payment of benefits under the employment security law of the
2006 state or under a similar law of that government.

2007 Section 30. Paragraph (c) of subsection (5) and subsection
2008 (8) of section 20.60, Florida Statutes, are amended to read:

2009 20.60 Department of Economic Opportunity; creation; powers
2010 and duties.—

2011 (5) The divisions within the department have specific
2012 responsibilities to achieve the duties, responsibilities, and
2013 goals of the department. Specifically:

2014 (c) The Division of Workforce Services shall:



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2015 1. Prepare and submit a unified budget request for
2016 workforce in accordance with chapter 216 for, and in conjunction
2017 with, Workforce Florida, Inc., and its board.

2018 2. Ensure that the state appropriately administers federal
2019 and state workforce funding by administering plans and policies
2020 of Workforce Florida, Inc., under contract with Workforce
2021 Florida, Inc. The operating budget and midyear amendments
2022 thereto must be part of such contract.

2023 a. All program and fiscal instructions to regional
2024 workforce boards shall emanate from the Department of Economic
2025 Opportunity pursuant to plans and policies of Workforce Florida,
2026 Inc., which shall be responsible for all policy directions to
2027 the regional workforce boards.

2028 b. Unless otherwise provided by agreement with Workforce
2029 Florida, Inc., administrative and personnel policies of the
2030 Department of Economic Opportunity shall apply.

2031 3. Implement the state's reemployment assistance
2032 ~~unemployment compensation~~ program. The Department of Economic
2033 Opportunity shall ensure that the state appropriately
2034 administers the reemployment assistance ~~unemployment~~
2035 ~~compensation~~ program pursuant to state and federal law.

2036 4. Assist in developing the 5-year statewide strategic plan
2037 required by this section.

2038 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
2039 Commission, authorized by s. 443.012, is not subject to control,
2040 supervision, or direction by the department in the performance
2041 of its powers and duties but shall receive any and all support
2042 and assistance from the department which is required for the
2043 performance of its duties.



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2044 Section 31. Paragraph (a) of subsection (1) of section
2045 27.52, Florida Statutes, is amended to read:

2046 27.52 Determination of indigent status.—

2047 (1) APPLICATION TO THE CLERK.—A person seeking appointment
2048 of a public defender under s. 27.51 based upon an inability to
2049 pay must apply to the clerk of the court for a determination of
2050 indigent status using an application form developed by the
2051 Florida Clerks of Court Operations Corporation with final
2052 approval by the Supreme Court.

2053 (a) The application must include, at a minimum, the
2054 following financial information:

2055 1. Net income, consisting of total salary and wages, minus
2056 deductions required by law, including court-ordered support
2057 payments.

2058 2. Other income, including, but not limited to, social
2059 security benefits, union funds, veterans' benefits, workers'
2060 compensation, other regular support from absent family members,
2061 public or private employee pensions, reemployment assistance or
2062 unemployment compensation, dividends, interest, rent, trusts,
2063 and gifts.

2064 3. Assets, including, but not limited to, cash, savings
2065 accounts, bank accounts, stocks, bonds, certificates of deposit,
2066 equity in real estate, and equity in a boat or a motor vehicle
2067 or in other tangible property.

2068 4. All liabilities and debts.

2069 5. If applicable, the amount of any bail paid for the
2070 applicant's release from incarceration and the source of the
2071 funds.
2072



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2073 The application must include a signature by the applicant
2074 which attests to the truthfulness of the information provided.
2075 The application form developed by the corporation must include
2076 notice that the applicant may seek court review of a clerk's
2077 determination that the applicant is not indigent, as provided in
2078 this section.

2079 Section 32. Subsection (6) of section 40.24, Florida
2080 Statutes, is amended to read:

2081 40.24 Compensation and reimbursement policy.—

2082 (6) A juror who receives reemployment assistance
2083 ~~unemployment~~ benefits does not lose such benefits because he or
2084 she receives compensation for juror service.

2085 Section 33. Paragraph (a) of subsection (7) of section
2086 45.031, Florida Statutes, is amended to read:

2087 45.031 Judicial sales procedure.—In any sale of real or
2088 personal property under an order or judgment, the procedures
2089 provided in this section and ss. 45.0315-45.035 may be followed
2090 as an alternative to any other sale procedure if so ordered by
2091 the court.

2092 (7) DISBURSEMENTS OF PROCEEDS.—

2093 (a) On filing a certificate of title, the clerk shall
2094 disburse the proceeds of the sale in accordance with the order
2095 or final judgment and shall file a report of such disbursements
2096 and serve a copy of it on each party, and on the Department of
2097 Revenue if the department was named as a defendant in the action
2098 or if the Department of Economic Opportunity or the former
2099 Agency for Workforce Innovation was named as a defendant while
2100 the Department of Revenue was providing reemployment assistance
2101 ~~unemployment~~ tax collection services under contract with the



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2102 Department of Economic Opportunity or the former Agency for
2103 Workforce Innovation through an interagency agreement pursuant
2104 to s. 443.1316.

2105 Section 34. Subsection (2) of section 55.204, Florida
2106 Statutes, is amended to read:

2107 55.204 Duration and continuation of judgment lien;
2108 destruction of records.—

2109 (2) Liens securing the payment of child support or tax
2110 obligations under s. 95.091(1)(b) lapse 20 years after the date
2111 of the original filing of the warrant or other document required
2112 by law to establish a lien. Liens securing the payment of
2113 reemployment assistance ~~unemployment~~ tax obligations lapse 10
2114 years after the date of the original filing of the notice of
2115 lien. A second lien based on the original filing may not be
2116 obtained.

2117 Section 35. Paragraph (a) of subsection (1) of section
2118 57.082, Florida Statutes, is amended to read:

2119 57.082 Determination of civil indigent status.—

2120 (1) APPLICATION TO THE CLERK.—A person seeking appointment
2121 of an attorney in a civil case eligible for court-appointed
2122 counsel, or seeking relief from payment of filing fees and
2123 prepayment of costs under s. 57.081, based upon an inability to
2124 pay must apply to the clerk of the court for a determination of
2125 civil indigent status using an application form developed by the
2126 Florida Clerks of Court Operations Corporation with final
2127 approval by the Supreme Court.

2128 (a) The application must include, at a minimum, the
2129 following financial information:

2130 1. Net income, consisting of total salary and wages, minus



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2131 deductions required by law, including court-ordered support
2132 payments.

2133 2. Other income, including, but not limited to, social
2134 security benefits, union funds, veterans' benefits, workers'
2135 compensation, other regular support from absent family members,
2136 public or private employee pensions, reemployment assistance or
2137 unemployment compensation, dividends, interest, rent, trusts,
2138 and gifts.

2139 3. Assets, including, but not limited to, cash, savings
2140 accounts, bank accounts, stocks, bonds, certificates of deposit,
2141 equity in real estate, and equity in a boat or a motor vehicle
2142 or in other tangible property.

2143 4. All liabilities and debts.

2144
2145 The application must include a signature by the applicant
2146 which attests to the truthfulness of the information provided.
2147 The application form developed by the corporation must include
2148 notice that the applicant may seek court review of a clerk's
2149 determination that the applicant is not indigent, as provided in
2150 this section.

2151 Section 36. Subsection (8) of section 61.046, Florida
2152 Statutes, is amended to read:

2153 61.046 Definitions.—As used in this chapter, the term:

2154 (8) "Income" means any form of payment to an individual,
2155 regardless of source, including, but not limited to: wages,
2156 salary, commissions and bonuses, compensation as an independent
2157 contractor, worker's compensation, disability benefits, annuity
2158 and retirement benefits, pensions, dividends, interest,
2159 royalties, trusts, and any other payments, made by any person,



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2160 private entity, federal or state government, or any unit of
2161 local government. United States Department of Veterans Affairs
2162 disability benefits and reemployment assistance or unemployment
2163 compensation, as defined in chapter 443, are excluded from this
2164 definition of income except for purposes of establishing an
2165 amount of support.

2166 Section 37. Paragraph (a) of subsection (3) of section
2167 61.1824, Florida Statutes, is amended to read:

2168 61.1824 State Disbursement Unit.—

2169 (3) The State Disbursement Unit shall perform the following
2170 functions:

2171 (a) Disburse all receipts from intercepts, including, but
2172 not limited to, United States Internal Revenue Service,
2173 reemployment assistance or unemployment compensation, lottery,
2174 and administrative offset intercepts.

2175 Section 38. Paragraph (a) of subsection (2) of section
2176 61.30, Florida Statutes, is amended to read:

2177 61.30 Child support guidelines; retroactive child support.—

2178 (2) Income shall be determined on a monthly basis for each
2179 parent as follows:

2180 (a) Gross income shall include, but is not limited to, the
2181 following:

2182 1. Salary or wages.

2183 2. Bonuses, commissions, allowances, overtime, tips, and
2184 other similar payments.

2185 3. Business income from sources such as self-employment,
2186 partnership, close corporations, and independent contracts.

2187 "Business income" means gross receipts minus ordinary and
2188 necessary expenses required to produce income.



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2189 4. Disability benefits.
2190 5. All workers' compensation benefits and settlements.
2191 6. Reemployment assistance or unemployment compensation.
2192 7. Pension, retirement, or annuity payments.
2193 8. Social security benefits.
2194 9. Spousal support received from a previous marriage or
2195 court ordered in the marriage before the court.
2196 10. Interest and dividends.
2197 11. Rental income, which is gross receipts minus ordinary
2198 and necessary expenses required to produce the income.
2199 12. Income from royalties, trusts, or estates.
2200 13. Reimbursed expenses or in kind payments to the extent
2201 that they reduce living expenses.
2202 14. Gains derived from dealings in property, unless the
2203 gain is nonrecurring.
2204 Section 39. Paragraph (a) of subsection (4) of section
2205 69.041, Florida Statutes, is amended to read:
2206 69.041 State named party; lien foreclosure, suit to quiet
2207 title.-
2208 (4) (a) The Department of Revenue has the right to
2209 participate in the disbursement of funds remaining in the
2210 registry of the court after distribution pursuant to s.
2211 45.031(7). The department shall participate in accordance with
2212 applicable procedures in any mortgage foreclosure action in
2213 which the department has a duly filed tax warrant, or interests
2214 under a lien arising from a judgment, order, or decree for
2215 support, as defined in s. 409.2554, or interest in an
2216 reemployment assistance ~~unemployment compensation~~ tax lien under
2217 contract with the Department of Economic Opportunity through an



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2218 interagency agreement pursuant to s. 443.1316, against the
2219 subject property and with the same priority, regardless of
2220 whether a default against the department, the Department of
2221 Economic Opportunity, or the former Agency for Workforce
2222 Innovation has been entered for failure to file an answer or
2223 other responsive pleading.

2224 Section 40. Subsection (1) of section 77.041, Florida
2225 Statutes, is amended to read:

2226 77.041 Notice to individual defendant for claim of
2227 exemption from garnishment; procedure for hearing.—

2228 (1) Upon application for a writ of garnishment by a
2229 plaintiff, if the defendant is an individual, the clerk of the
2230 court shall attach to the writ the following "Notice to
2231 Defendant":

2232

2233 NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES,
2234 MONEY, AND OTHER PROPERTY

2235

2236 The Writ of Garnishment delivered to you with this Notice
2237 means that wages, money, and other property belonging to you
2238 have been garnished to pay a court judgment against you.

2239 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
2240 OR PROPERTY. READ THIS NOTICE CAREFULLY.

2241 State and federal laws provide that certain wages, money,
2242 and property, even if deposited in a bank, savings and loan, or
2243 credit union, may not be taken to pay certain types of court
2244 judgments. Such wages, money, and property are exempt from
2245 garnishment. The major exemptions are listed below on the form
2246 for Claim of Exemption and Request for Hearing. This list does



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2247 not include all possible exemptions. You should consult a lawyer
2248 for specific advice.

2249 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING
2250 GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST
2251 COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING
2252 AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE
2253 THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE
2254 YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
2255 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF
2256 AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF
2257 GARNISHMENT.

2258 If you request a hearing, it will be held as soon as
2259 possible after your request is received by the court. The
2260 plaintiff must file any objection within 3 business days if you
2261 hand delivered to the plaintiff a copy of the form for Claim of
2262 Exemption and Request for Hearing or, alternatively, 8 business
2263 days if you mailed a copy of the form for claim and request to
2264 the plaintiff. If the plaintiff files an objection to your Claim
2265 of Exemption and Request for Hearing, the clerk will notify you
2266 and the other parties of the time and date of the hearing. You
2267 may attend the hearing with or without an attorney. If the
2268 plaintiff fails to file an objection, no hearing is required,
2269 the writ of garnishment will be dissolved and your wages, money,
2270 or property will be released.

2271 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY
2272 TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE
2273 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU
2274 NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
2275 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE.



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2276 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE
2277 ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

2278

2279 CLAIM OF EXEMPTION AND REQUEST FOR HEARING

2280

2281 I claim exemptions from garnishment under the following
2282 categories as checked:

2283

2284

2285

2286 1. Head of family wages. (You must check a. or b. below.)

2287

2288

2289

2290

2291 a. I provide more than one-half of the support for a child
2292 or other dependent and have net earnings of \$750 or less per
2293 week.

2294

2295

2296

2297

2298 b. I provide more than one-half of the support for a child
2299 or other dependent, have net earnings of more than \$750 per
2300 week, but have not agreed in writing to have my wages garnished.

2301

2302

2303

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2305 2. Social Security benefits.
2306
2307
2308
2309
2310 3. Supplemental Security Income benefits.
2311
2312
2313
2314
2315 4. Public assistance (welfare).
2316
2317
2318
2319
2320 5. Workers' Compensation.
2321
2322
2323
2324
2325 6. Reemployment assistance or unemployment Compensation.
2326
2327
2328
2329
2330 7. Veterans' benefits.
2331
2332
2333



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2334
2335 8. Retirement or profit-sharing benefits or pension money.

2336
2337
2338
2339
2340 9. Life insurance benefits or cash surrender value of a
2341 life insurance policy or proceeds of annuity contract.

2342
2343
2344
2345
2346 10. Disability income benefits.

2347
2348
2349
2350
2351 11. Prepaid College Trust Fund or Medical Savings Account.

2352
2353
2354
2355
2356 12. Other exemptions as provided by
2357 law.....(explain)

2358
2359
2360 I request a hearing to decide the validity of my claim.
2361 Notice of the hearing should be given to me at:
2362



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2363 Address:

2364 Telephone number:.....

2365

2366 The statements made in this request are true to the best of
2367 my knowledge and belief.

2368

2369

2370 Defendant's signature

2371 Date.....

2372

2373 STATE OF FLORIDA

2374 COUNTY OF

2375

2376 Sworn and subscribed to before me this day of
2377 ...(month and year)..., by ...(name of person making
2378 statement)...

2379 Notary Public/Deputy Clerk

2380 Personally KnownOR Produced Identification....

2381 Type of Identification Produced.....

2382

2383 Section 41. Paragraph (n) of subsection (2) of section
2384 110.205, Florida Statutes, is amended to read:

2385 110.205 Career service; exemptions.-

2386 (2) EXEMPT POSITIONS.-The exempt positions that are not
2387 covered by this part include the following:

2388 (n)1.a. In addition to those positions exempted by other
2389 paragraphs of this subsection, each department head may
2390 designate a maximum of 20 policymaking or managerial positions,
2391 as defined by the department and approved by the Administration



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2392 Commission, as being exempt from the Career Service System.
2393 Career service employees who occupy a position designated as a
2394 position in the Selected Exempt Service under this paragraph
2395 shall have the right to remain in the Career Service System by
2396 opting to serve in a position not exempted by the employing
2397 agency. Unless otherwise fixed by law, the department shall set
2398 the salary and benefits of these positions in accordance with
2399 the rules of the Selected Exempt Service; provided, however,
2400 that if the agency head determines that the general counsel,
2401 chief Cabinet aide, public information administrator or
2402 comparable position for a Cabinet officer, inspector general, or
2403 legislative affairs director has both policymaking and
2404 managerial responsibilities and if the department determines
2405 that any such position has both policymaking and managerial
2406 responsibilities, the salary and benefits for each such position
2407 shall be established by the department in accordance with the
2408 rules of the Senior Management Service.

2409 b. In addition, each department may designate one
2410 additional position in the Senior Management Service if that
2411 position reports directly to the agency head or to a position in
2412 the Senior Management Service and if any additional costs are
2413 absorbed from the existing budget of that department.

2414 2. If otherwise exempt, employees of the Public Employees
2415 Relations Commission, the Commission on Human Relations, and the
2416 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
2417 the certification of their respective commission heads, may be
2418 provided for under this paragraph as members of the Senior
2419 Management Service, if otherwise qualified. However, the deputy
2420 general counsel of the Public Employees Relations Commission



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2421 shall be compensated as members of the Selected Exempt Service.

2422 Section 42. Subsection (4) of section 110.502, Florida
2423 Statutes, is amended to read:

2424 110.502 Scope of act; status of volunteers.—

2425 (4) Persons working with state agencies pursuant to this
2426 part shall be considered as unpaid independent volunteers and
2427 shall not be entitled to reemployment assistance ~~unemployment~~
2428 ~~compensation~~.

2429 Section 43. Subsection (10) of section 120.80, Florida
2430 Statutes, is amended to read:

2431 120.80 Exceptions and special requirements; agencies.—

2432 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2433 (a) Notwithstanding s. 120.54, the rulemaking provisions of
2434 this chapter do not apply to reemployment assistance
2435 ~~unemployment~~ appeals referees.

2436 (b) Notwithstanding s. 120.54(5), the uniform rules of
2437 procedure do not apply to appeal proceedings conducted under
2438 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
2439 Commission, special deputies, or reemployment assistance
2440 ~~unemployment~~ appeals referees.

2441 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
2442 443 may not be conducted by an administrative law judge assigned
2443 by the division, but instead shall be conducted by the
2444 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
2445 reemployment assistance ~~unemployment compensation~~ appeals,
2446 reemployment assistance ~~unemployment~~ appeals referees, and the
2447 Department of Economic Opportunity or its special deputies under
2448 s. 443.141.

2449 Section 44. Subsection (4) of section 125.9502, Florida



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2450 Statutes, is amended to read:

2451 125.9502 Scope of ss. 125.9501-125.9506; status of
2452 volunteers.—

2453 (4) Persons working with a unit of county government or a
2454 constitutional county officer pursuant to ss. 125.9501-125.9506
2455 are considered unpaid independent volunteers and are not
2456 entitled to reemployment assistance ~~unemployment compensation~~.

2457 Section 45. Paragraph (d) of subsection (1) and paragraph
2458 (b) of subsection (2) of section 212.096, Florida Statutes, are
2459 amended to read:

2460 212.096 Sales, rental, storage, use tax; enterprise zone
2461 jobs credit against sales tax.—

2462 (1) For the purposes of the credit provided in this
2463 section:

2464 (d) "Job" means a full-time position, as consistent with
2465 terms used by the Department of Economic Opportunity ~~Agency for~~
2466 ~~Workforce Innovation~~ and the United States Department of Labor
2467 for purposes of reemployment assistance ~~unemployment~~
2468 ~~compensation~~ tax administration and employment estimation
2469 resulting directly from a business operation in this state. This
2470 term may not include a temporary construction job involved with
2471 the construction of facilities or any job that has previously
2472 been included in any application for tax credits under s.
2473 220.181(1). The term also includes employment of an employee
2474 leased from an employee leasing company licensed under chapter
2475 468 if such employee has been continuously leased to the
2476 employer for an average of at least 36 hours per week for more
2477 than 6 months.

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2479 A person shall be deemed to be employed if the person
2480 performs duties in connection with the operations of the
2481 business on a regular, full-time basis, provided the person is
2482 performing such duties for an average of at least 36 hours per
2483 week each month. The person must be performing such duties at a
2484 business site located in the enterprise zone.

2485 (2)

2486 (b) The credit shall be computed as 20 percent of the
2487 actual monthly wages paid in this state to each new employee
2488 hired when a new job has been created, unless the business is
2489 located within a rural enterprise zone pursuant to s. 290.004,
2490 in which case the credit shall be 30 percent of the actual
2491 monthly wages paid. If no less than 20 percent of the employees
2492 of the business are residents of an enterprise zone, excluding
2493 temporary and part-time employees, the credit shall be computed
2494 as 30 percent of the actual monthly wages paid in this state to
2495 each new employee hired when a new job has been created, unless
2496 the business is located within a rural enterprise zone, in which
2497 case the credit shall be 45 percent of the actual monthly wages
2498 paid. If the new employee hired when a new job is created is a
2499 participant in the welfare transition program, the following
2500 credit shall be a percent of the actual monthly wages paid: 40
2501 percent for \$4 above the hourly federal minimum wage rate; 41
2502 percent for \$5 above the hourly federal minimum wage rate; 42
2503 percent for \$6 above the hourly federal minimum wage rate; 43
2504 percent for \$7 above the hourly federal minimum wage rate; and
2505 44 percent for \$8 above the hourly federal minimum wage rate.
2506 For purposes of this paragraph, monthly wages shall be computed
2507 as one-twelfth of the expected annual wages paid to such



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2508 employee. The amount paid as wages to a new employee is the
2509 compensation paid to such employee that is subject to
2510 reemployment assistance ~~unemployment~~ tax. The credit shall be
2511 allowed for up to 24 consecutive months, beginning with the
2512 first tax return due pursuant to s. 212.11 after approval by the
2513 department.

2514 Section 46. Subsection (4) of section 213.053, Florida
2515 Statutes, is amended to read:

2516 213.053 Confidentiality and information sharing.—

2517 (4) The department, while providing reemployment assistance
2518 ~~unemployment~~ tax collection services under contract with the
2519 Department of Economic Opportunity through an interagency
2520 agreement pursuant to s. 443.1316, may release reemployment
2521 assistance ~~unemployment~~ tax rate information to the agent of an
2522 employer who provides payroll services for more than 100
2523 employers, pursuant to the terms of a memorandum of
2524 understanding. The memorandum of understanding must state that
2525 the agent affirms, subject to the criminal penalties contained
2526 in ss. 443.171 and 443.1715, that the agent will retain the
2527 confidentiality of the information, that the agent has in effect
2528 a power of attorney from the employer which permits the agent to
2529 obtain reemployment assistance ~~unemployment~~ tax rate
2530 information, and that the agent shall provide the department
2531 with a copy of the employer's power of attorney upon request.

2532 Section 47. Paragraph (a) of subsection (6) of section
2533 216.292, Florida Statutes, is amended to read:

2534 216.292 Appropriations nontransferable; exceptions.—

2535 (6) The Chief Financial Officer shall transfer from any
2536 available funds of an agency or the judicial branch the



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2537 following amounts and shall report all such transfers and the
2538 reasons therefor to the legislative appropriations committees
2539 and the Executive Office of the Governor:

2540 (a) The amount due to the Unemployment Compensation Trust
2541 Fund which is more than 90 days delinquent on reimbursements due
2542 to the Unemployment Compensation Trust Fund. The amount
2543 transferred shall be that certified by the state agency
2544 providing reemployment assistance ~~unemployment~~ tax collection
2545 services under contract with the Department of Economic
2546 Opportunity through an interagency agreement pursuant to s.
2547 443.1316.

2548 Section 48. Paragraph (ff) of subsection (1) of section
2549 220.03, Florida Statutes, is amended to read:

2550 220.03 Definitions.—

2551 (1) SPECIFIC TERMS.—When used in this code, and when not
2552 otherwise distinctly expressed or manifestly incompatible with
2553 the intent thereof, the following terms shall have the following
2554 meanings:

2555 (ff) "Job" means a full-time position, as consistent with
2556 terms used by the Department of Economic Opportunity and the
2557 United States Department of Labor for purposes of reemployment
2558 assistance ~~unemployment compensation~~ tax administration and
2559 employment estimation resulting directly from business
2560 operations in this state. The term may not include a temporary
2561 construction job involved with the construction of facilities or
2562 any job that has previously been included in any application for
2563 tax credits under s. 212.096. The term also includes employment
2564 of an employee leased from an employee leasing company licensed
2565 under chapter 468 if the employee has been continuously leased



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2566 to the employer for an average of at least 36 hours per week for
2567 more than 6 months.

2568 Section 49. Paragraph (b) of subsection (1) of section
2569 220.181, Florida Statutes, is amended to read:

2570 220.181 Enterprise zone jobs credit.—

2571 (1)

2572 (b) This credit applies only with respect to wages subject
2573 to reemployment assistance ~~unemployment~~ tax. The credit provided
2574 in this section does not apply:

2575 1. For any employee who is an owner, partner, or majority
2576 stockholder of an eligible business.

2577 2. For any new employee who is employed for any period less
2578 than 3 months.

2579 Section 50. Paragraph (e) of subsection (1) of section
2580 220.191, Florida Statutes, is amended to read:

2581 220.191 Capital investment tax credit.—

2582 (1) DEFINITIONS.—For purposes of this section:

2583 (e) "Jobs" means full-time equivalent positions, as that
2584 term is consistent with terms used by the Department of Economic
2585 Opportunity and the United States Department of Labor for
2586 purposes of reemployment assistance ~~unemployment~~ tax
2587 administration and employment estimation, resulting directly
2588 from a project in this state. The term does not include
2589 temporary construction jobs involved in the construction of the
2590 project facility.

2591 Section 51. Paragraph (d) of subsection (3) of section
2592 220.194, Florida Statutes, is amended to read:

2593 220.194 Corporate income tax credits for spaceflight
2594 projects.—



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2595 (3) DEFINITIONS.—As used in this section, the term:

2596 (d) "New job" means the full-time employment of an employee
2597 in a manner that is consistent with terms used by the Department
2598 of Economic Opportunity Agency for Workforce Innovation and the
2599 United States Department of Labor for purposes of reemployment
2600 assistance ~~unemployment compensation~~ tax administration and
2601 employment estimation. In order to meet the requirement for
2602 certification specified in paragraph (5) (b), a new job must:

2603 1. Pay new employees at least 115 percent of the statewide
2604 or countywide average annual private sector wage for the 3
2605 taxable years immediately preceding filing an application for
2606 certification;

2607 2. Require a new employee to perform duties on a regular
2608 full-time basis in this state for an average of at least 36
2609 hours per week each month for the 3 taxable years immediately
2610 preceding filing an application for certification; and

2611 3. Not be held by a person who has previously been included
2612 as a new employee on an application for any credit authorized
2613 under this section.

2614 Section 52. Section 222.15, Florida Statutes, is amended to
2615 read:

2616 222.15 Wages or reemployment assistance or unemployment
2617 compensation payments due deceased employee may be paid spouse
2618 or certain relatives.—

2619 (1) It is lawful for any employer, in case of the death of
2620 an employee, to pay to the wife or husband, and in case there is
2621 no wife or husband, then to the child or children, provided the
2622 child or children are over the age of 18 years, and in case
2623 there is no child or children, then to the father or mother, any



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2624 wages or travel expenses that may be due such employee at the
2625 time of his or her death.

2626 (2) It is also lawful for the Department of Economic
2627 Opportunity, in case of death of any unemployed individual, to
2628 pay to those persons referred to in subsection (1) any
2629 reemployment assistance or unemployment compensation payments
2630 that may be due to the individual at the time of his or her
2631 death.

2632 Section 53. Section 222.16, Florida Statutes, is amended to
2633 read:

2634 222.16 Wages or reemployment assistance or unemployment
2635 compensation payments so paid not subject to administration.—Any
2636 wages, travel expenses, or reemployment assistance or
2637 unemployment compensation payments so paid under the authority
2638 of s. 222.15 shall not be considered as assets of the estate and
2639 subject to administration; provided, however, that the travel
2640 expenses so exempted from administration shall not exceed the
2641 sum of \$300.

2642 Section 54. Paragraph (m) of subsection (1) of section
2643 255.20, Florida Statutes, is amended to read:

2644 255.20 Local bids and contracts for public construction
2645 works; specification of state-produced lumber.—

2646 (1) A county, municipality, special district as defined in
2647 chapter 189, or other political subdivision of the state seeking
2648 to construct or improve a public building, structure, or other
2649 public construction works must competitively award to an
2650 appropriately licensed contractor each project that is estimated
2651 in accordance with generally accepted cost-accounting principles
2652 to cost more than \$300,000. For electrical work, the local



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2653 government must competitively award to an appropriately licensed
2654 contractor each project that is estimated in accordance with
2655 generally accepted cost-accounting principles to cost more than
2656 \$75,000. As used in this section, the term "competitively award"
2657 means to award contracts based on the submission of sealed bids,
2658 proposals submitted in response to a request for proposal,
2659 proposals submitted in response to a request for qualifications,
2660 or proposals submitted for competitive negotiation. This
2661 subsection expressly allows contracts for construction
2662 management services, design/build contracts, continuation
2663 contracts based on unit prices, and any other contract
2664 arrangement with a private sector contractor permitted by any
2665 applicable municipal or county ordinance, by district
2666 resolution, or by state law. For purposes of this section, cost
2667 includes the cost of all labor, except inmate labor, and the
2668 cost of equipment and materials to be used in the construction
2669 of the project. Subject to the provisions of subsection (3), the
2670 county, municipality, special district, or other political
2671 subdivision may establish, by municipal or county ordinance or
2672 special district resolution, procedures for conducting the
2673 bidding process.

2674 (m) Any contractor may be considered ineligible to bid by
2675 the governmental entity if the contractor has been found guilty
2676 by a court of any violation of federal labor or employment tax
2677 laws regarding subjects such as safety, tax withholding,
2678 workers' compensation, reemployment assistance or unemployment
2679 tax, social security and Medicare tax, wage or hour, or
2680 prevailing rate laws within the past 5 years.

2681 Section 55. Subsection (5) of section 288.075, Florida



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2682 Statutes, is amended to read:

2683 288.075 Confidentiality of records.—

2684 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
2685 federal employer identification number, reemployment assistance
2686 ~~unemployment compensation~~ account number, or Florida sales tax
2687 registration number held by an economic development agency is
2688 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2689 of the State Constitution.

2690 Section 56. Paragraph (c) of subsection (1) of section
2691 288.1045, Florida Statutes, is amended to read:

2692 288.1045 Qualified defense contractor and space flight
2693 business tax refund program.—

2694 (1) DEFINITIONS.—As used in this section:

2695 (c) "Business unit" means an employing unit, as defined in
2696 s. 443.036, that is registered with the department for
2697 reemployment assistance ~~unemployment compensation~~ purposes or
2698 means a subcategory or division of an employing unit that is
2699 accepted by the department as a reporting unit.

2700 Section 57. Paragraph (d) of subsection (2) of section
2701 288.106, Florida Statutes, is amended to read:

2702 288.106 Tax refund program for qualified target industry
2703 businesses.—

2704 (2) DEFINITIONS.—As used in this section:

2705 (d) "Business" means an employing unit, as defined in s.
2706 443.036, that is registered for reemployment assistance
2707 ~~unemployment compensation~~ purposes with the state agency
2708 providing reemployment assistance ~~unemployment~~ tax collection
2709 services under an interagency agreement pursuant to s. 443.1316,
2710 or a subcategory or division of an employing unit that is



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2711 accepted by the state agency providing reemployment assistance
2712 ~~unemployment~~ tax collection services as a reporting unit.

2713 Section 58. Paragraph (b) of subsection (3) of section
2714 288.1081, Florida Statutes, is amended to read:

2715 288.1081 Economic Gardening Business Loan Pilot Program.—

2716 (3)

2717 (b) A loan applicant must submit a written application to
2718 the loan administrator in the format prescribed by the loan
2719 administrator. The application must include:

2720 1. The applicant's federal employer identification number,
2721 reemployment assistance ~~unemployment~~ account number, and sales
2722 or other tax registration number.

2723 2. The street address of the applicant's principal place of
2724 business in this state.

2725 3. A description of the type of economic activity, product,
2726 or research and development undertaken by the applicant,
2727 including the six-digit North American Industry Classification
2728 System code for each type of economic activity conducted by the
2729 applicant.

2730 4. The applicant's annual revenue, number of employees,
2731 number of full-time equivalent employees, and other information
2732 necessary to verify the applicant's eligibility for the pilot
2733 program under s. 288.1082(4)(a).

2734 5. The projected investment in the business, if any, which
2735 the applicant proposes in conjunction with the loan.

2736 6. The total investment in the business from all sources,
2737 if any, which the applicant proposes in conjunction with the
2738 loan.

2739 7. The number of net new full-time equivalent jobs that, as



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2740 a result of the loan, the applicant proposes to create in this
2741 state as of December 31 of each year and the average annual wage
2742 of the proposed jobs.

2743 8. The total number of full-time equivalent employees the
2744 applicant currently employs in this state.

2745 9. The date that the applicant anticipates it needs the
2746 loan.

2747 10. A detailed explanation of why the loan is needed to
2748 assist the applicant in expanding jobs in the state.

2749 11. A statement that all of the applicant's available
2750 corporate assets are pledged as collateral for the amount of the
2751 loan.

2752 12. A statement that the applicant, upon receiving the
2753 loan, agrees not to seek additional long-term debt without prior
2754 approval of the loan administrator.

2755 13. A statement that the loan is a joint obligation of the
2756 business and of each person who owns at least 20 percent of the
2757 business.

2758 14. Any additional information requested by the department
2759 or the loan administrator.

2760 Section 59. Paragraph (a) of subsection (3) of section
2761 288.1089, Florida Statutes, is amended to read:

2762 288.1089 Innovation Incentive Program.—

2763 (3) To be eligible for consideration for an innovation
2764 incentive award, an innovation business, a research and
2765 development entity, or an alternative and renewable energy
2766 company must submit a written application to the department
2767 before making a decision to locate new operations in this state
2768 or expand an existing operation in this state. The application



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2769 must include, but not be limited to:

2770 (a) The applicant's federal employer identification number,
2771 reemployment assistance ~~unemployment~~ account number, and state
2772 sales tax registration number. If such numbers are not available
2773 at the time of application, they must be submitted to the
2774 department in writing before the disbursement of any payments
2775 under this section.

2776 Section 60. Subsection (1) of section 334.30, Florida
2777 Statutes, is amended to read:

2778 334.30 Public-private transportation facilities.—The
2779 Legislature finds and declares that there is a public need for
2780 the rapid construction of safe and efficient transportation
2781 facilities for the purpose of traveling within the state, and
2782 that it is in the public's interest to provide for the
2783 construction of additional safe, convenient, and economical
2784 transportation facilities.

2785 (1) The department may receive or solicit proposals and,
2786 with legislative approval as evidenced by approval of the
2787 project in the department's work program, enter into agreements
2788 with private entities, or consortia thereof, for the building,
2789 operation, ownership, or financing of transportation facilities.
2790 The department may advance projects programmed in the adopted 5-
2791 year work program or projects increasing transportation capacity
2792 and greater than \$500 million in the 10-year Strategic
2793 Intermodal Plan using funds provided by public-private
2794 partnerships or private entities to be reimbursed from
2795 department funds for the project as programmed in the adopted
2796 work program. The department shall by rule establish an
2797 application fee for the submission of unsolicited proposals



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2798 under this section. The fee must be sufficient to pay the costs
2799 of evaluating the proposals. The department may engage the
2800 services of private consultants to assist in the evaluation.
2801 Before approval, the department must determine that the proposed
2802 project:

2803 (a) Is in the public's best interest;

2804 (b) Would not require state funds to be used unless the
2805 project is on the State Highway System;

2806 (c) Would have adequate safeguards in place to ensure that
2807 no additional costs or service disruptions would be realized by
2808 the traveling public and residents of the state in the event of
2809 default or cancellation of the agreement by the department;

2810 (d) Would have adequate safeguards in place to ensure that
2811 the department or the private entity has the opportunity to add
2812 capacity to the proposed project and other transportation
2813 facilities serving similar origins and destinations; and

2814 (e) Would be owned by the department upon completion or
2815 termination of the agreement.

2816

2817 The department shall ensure that all reasonable costs to
2818 the state, related to transportation facilities that are not
2819 part of the State Highway System, are borne by the private
2820 entity. The department shall also ensure that all reasonable
2821 costs to the state and substantially affected local governments
2822 and utilities, related to the private transportation facility,
2823 are borne by the private entity for transportation facilities
2824 that are owned by private entities. For projects on the State
2825 Highway System, the department may use state resources to
2826 participate in funding and financing the project as provided for



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2827 under the department's enabling legislation. Because the
2828 Legislature recognizes that private entities or consortia
2829 thereof would perform a governmental or public purpose or
2830 function when they enter into agreements with the department to
2831 design, build, operate, own, or finance transportation
2832 facilities, the transportation facilities, including leasehold
2833 interests thereof, are exempt from ad valorem taxes as provided
2834 in chapter 196 to the extent property is owned by the state or
2835 other government entity, and from intangible taxes as provided
2836 in chapter 199 and special assessments of the state, any city,
2837 town, county, special district, political subdivision of the
2838 state, or any other governmental entity. The private entities or
2839 consortia thereof are exempt from tax imposed by chapter 201 on
2840 all documents or obligations to pay money which arise out of the
2841 agreements to design, build, operate, own, lease, or finance
2842 transportation facilities. Any private entities or consortia
2843 thereof must pay any applicable corporate taxes as provided in
2844 chapter 220, and reemployment assistance ~~unemployment~~
2845 ~~compensation~~ taxes as provided in chapter 443, and sales and use
2846 tax as provided in chapter 212 shall be applicable. The private
2847 entities or consortia thereof must also register and collect the
2848 tax imposed by chapter 212 on all their direct sales and leases
2849 that are subject to tax under chapter 212. The agreement between
2850 the private entity or consortia thereof and the department
2851 establishing a transportation facility under this chapter
2852 constitutes documentation sufficient to claim any exemption
2853 under this section.

2854 Section 61. Subsection (8) of section 408.809, Florida
2855 Statutes, is amended to read:



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2856 408.809 Background screening; prohibited offenses.—
2857 (8) There is no reemployment assistance ~~unemployment~~
2858 ~~compensation~~ or other monetary liability on the part of, and no
2859 cause of action for damages arising against, an employer that,
2860 upon notice of a disqualifying offense listed under chapter 435
2861 or this section, terminates the person against whom the report
2862 was issued, whether or not that person has filed for an
2863 exemption with the Department of Health or the agency.
2864 Section 62. Paragraph (e) of subsection (7) of section
2865 409.2563, Florida Statutes, is amended to read:
2866 409.2563 Administrative establishment of child support
2867 obligations.—
2868 (7) ADMINISTRATIVE SUPPORT ORDER.—
2869 (e) An administrative support order must comply with ss.
2870 61.13(1) and 61.30. The department shall develop a standard form
2871 or forms for administrative support orders. An administrative
2872 support order must provide and state findings, if applicable,
2873 concerning:
2874 1. The full name and date of birth of the child or
2875 children;
2876 2. The name of the parent from whom support is being sought
2877 and the other parent or caregiver;
2878 3. The parent's duty and ability to provide support;
2879 4. The amount of the parent's monthly support obligation;
2880 5. Any obligation to pay retroactive support;
2881 6. The parent's obligation to provide for the health care
2882 needs of each child, whether through health insurance,
2883 contribution toward the cost of health insurance, payment or
2884 reimbursement of health care expenses for the child, or any



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2885 combination thereof;

2886 7. The beginning date of any required monthly payments and
2887 health insurance;

2888 8. That all support payments ordered must be paid to the
2889 Florida State Disbursement Unit as provided by s. 61.1824;

2890 9. That the parents, or caregiver if applicable, must file
2891 with the department when the administrative support order is
2892 rendered, if they have not already done so, and update as
2893 appropriate the information required pursuant to paragraph
2894 (13) (b);

2895 10. That both parents, or parent and caregiver if
2896 applicable, are required to promptly notify the department of
2897 any change in their mailing addresses pursuant to paragraph
2898 (13) (c); and

2899 11. That if the parent ordered to pay support receives
2900 reemployment assistance or unemployment compensation benefits,
2901 the payor shall withhold, and transmit to the department, 40
2902 percent of the benefits for payment of support, not to exceed
2903 the amount owed.

2904
2905 An income deduction order as provided by s. 61.1301 must be
2906 incorporated into the administrative support order or, if not
2907 incorporated into the administrative support order, the
2908 department or the Division of Administrative Hearings shall
2909 render a separate income deduction order.

2910 Section 63. Paragraph (a) of subsection (3), subsection
2911 (8), and paragraph (a) of subsection (9) of section 409.2576,
2912 Florida Statutes, are amended to read:

2913 409.2576 State Directory of New Hires.—



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2914 (3) EMPLOYERS TO FURNISH REPORTS.—

2915 (a) Each employer subject to the reporting requirements of
2916 chapter 443 with 250 or more employees, shall provide to the
2917 State Directory of New Hires, a report listing the employer's
2918 legal name, address, and reemployment assistance ~~unemployment~~
2919 ~~compensation~~ identification number. The report must also provide
2920 the name and social security number of each new employee or
2921 rehired employee at the end of the first pay period following
2922 employment or reemployment.

2923 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
2924 Directory of New Hires must furnish information regarding newly
2925 hired or rehired employees to the National Directory of New
2926 Hires for matching with the records of other state case
2927 registries within 3 business days of entering such information
2928 from the employer into the State Directory of New Hires. The
2929 State Directory of New Hires shall enter into an agreement with
2930 the Department of Economic Opportunity or its tax collection
2931 service provider for the quarterly reporting to the National
2932 Directory of New Hires information on wages and reemployment
2933 assistance ~~unemployment compensation~~ taken from the quarterly
2934 report to the Secretary of Labor, now required by Title III of
2935 the Social Security Act, except that no report shall be filed
2936 with respect to an employee of a state or local agency
2937 performing intelligence or counterintelligence functions, if the
2938 head of such agency has determined that filing such a report
2939 could endanger the safety of the employee or compromise an
2940 ongoing investigation or intelligence mission.

2941 (9) DISCLOSURE OF INFORMATION.—

2942 (a) New hire information shall be disclosed to the state



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2943 agency administering the following programs for the purposes of
2944 determining eligibility under those programs:

2945 1. Any state program funded under part A of Title IV of the
2946 Social Security Act;

2947 2. The Medicaid program under Title XIX of the Social
2948 Security Act;

2949 3. The reemployment assistance or unemployment compensation
2950 program under s. 3304 of the Internal Revenue Code of 1954;

2951 4. The food assistance program under the Food and Nutrition
2952 Act of 2008; and

2953 5. Any state program under a plan approved under Title I
2954 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
2955 Title XIV (Aid to the Permanently and Totally Disabled), or
2956 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
2957 Security Income for the Aged, Blind, and Disabled) of the Social
2958 Security Act.

2959 Section 64. Paragraph (f) of subsection (1) of section
2960 414.295, Florida Statutes, is amended to read:

2961 414.295 Temporary cash assistance programs; public records
2962 exemption.—

2963 (1) Personal identifying information of a temporary cash
2964 assistance program participant, a participant's family, or a
2965 participant's family or household member, except for information
2966 identifying a parent who does not live in the same home as the
2967 child, held by the department, the Office of Early Learning,
2968 Workforce Florida, Inc., the Department of Health, the
2969 Department of Revenue, the Department of Education, or a
2970 regional workforce board or local committee created pursuant to
2971 s. 445.007 is confidential and exempt from s. 119.07(1) and s.



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2972 24(a), Art. I of the State Constitution. Such confidential and
2973 exempt information may be released for purposes directly
2974 connected with:

2975 (f) The administration of the reemployment assistance
2976 ~~unemployment compensation~~ program.

2977 Section 65. Subsection (4) of section 435.06, Florida
2978 Statutes, is amended to read:

2979 435.06 Exclusion from employment.—

2980 (4) There is no reemployment assistance ~~unemployment~~
2981 ~~compensation~~ or other monetary liability on the part of, and no
2982 cause of action for damages against, an employer that, upon
2983 notice of a conviction or arrest for a disqualifying offense
2984 listed under this chapter, terminates the person against whom
2985 the report was issued or who was arrested, regardless of whether
2986 or not that person has filed for an exemption pursuant to this
2987 chapter.

2988 Section 66. Subsection (2) of section 440.12, Florida
2989 Statutes, is amended to read:

2990 440.12 Time for commencement and limits on weekly rate of
2991 compensation.—

2992 (2) Compensation for disability resulting from injuries
2993 which occur after December 31, 1974, shall not be less than \$20
2994 per week. However, if the employee's wages at the time of injury
2995 are less than \$20 per week, he or she shall receive his or her
2996 full weekly wages. If the employee's wages at the time of the
2997 injury exceed \$20 per week, compensation shall not exceed an
2998 amount per week which is:

2999 (a) Equal to 100 percent of the statewide average weekly
3000 wage, determined as hereinafter provided for the year in which



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3001 the injury occurred; however, the increase to 100 percent from
3002 66 2/3 percent of the statewide average weekly wage shall apply
3003 only to injuries occurring on or after August 1, 1979; and

3004 (b) Adjusted to the nearest dollar.
3005

3006 For the purpose of this subsection, the "statewide average
3007 weekly wage" means the average weekly wage paid by employers
3008 subject to the Florida Reemployment Assistance Program
3009 ~~Unemployment Compensation~~ Law as reported to the Department of
3010 Economic Opportunity for the four calendar quarters ending each
3011 June 30, which average weekly wage shall be determined by the
3012 Department of Economic Opportunity on or before November 30 of
3013 each year and shall be used in determining the maximum weekly
3014 compensation rate with respect to injuries occurring in the
3015 calendar year immediately following. The statewide average
3016 weekly wage determined by the Department of Economic Opportunity
3017 shall be reported annually to the Legislature.

3018 Section 67. Paragraph (c) of subsection (9) and subsection
3019 (10) of section 440.15, Florida Statutes, are amended to read:

3020 440.15 Compensation for disability.—Compensation for
3021 disability shall be paid to the employee, subject to the limits
3022 provided in s. 440.12(2), as follows:

3023 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
3024 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

3025 (c) Disability compensation benefits payable for any week,
3026 including those benefits provided by paragraph (1)(f), may not
3027 be reduced pursuant to this subsection until the Social Security
3028 Administration determines the amount otherwise payable to the
3029 employee under 42 U.S.C. ss. 402 and 423 and the employee has



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3030 begun receiving such social security benefit payments. The
3031 employee shall, upon demand by the department, the employer, or
3032 the carrier, authorize the Social Security Administration to
3033 release disability information relating to her or him and
3034 authorize the Department of Economic Opportunity to release
3035 reemployment assistance ~~unemployment compensation~~ information
3036 relating to her or him, in accordance with rules to be adopted
3037 by the department prescribing the procedure and manner for
3038 requesting the authorization and for compliance by the employee.
3039 The department or the employer or carrier may not make any
3040 payment of benefits for total disability or those additional
3041 benefits provided by paragraph (1)(f) for any period during
3042 which the employee willfully fails or refuses to authorize the
3043 release of information in the manner and within the time
3044 prescribed by such rules. The authority for release of
3045 disability information granted by an employee under this
3046 paragraph is effective for a period not to exceed 12 months and
3047 such authority may be renewed, as the department prescribes by
3048 rule.

3049 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
3050 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
3051 ~~UNEMPLOYMENT COMPENSATION~~.—

3052 (a) No compensation benefits shall be payable for temporary
3053 total disability or permanent total disability under this
3054 chapter for any week in which the injured employee has received,
3055 or is receiving, reemployment assistance or unemployment
3056 compensation benefits.

3057 (b) If an employee is entitled to temporary partial
3058 benefits pursuant to subsection (4) and reemployment assistance



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3059 or unemployment compensation benefits, such reemployment
3060 assistance or unemployment compensation benefits shall be
3061 primary and the temporary partial benefits shall be supplemental
3062 only, the sum of the two benefits not to exceed the amount of
3063 temporary partial benefits which would otherwise be payable.

3064 Section 68. Subsections (4) and (7) of section 440.381,
3065 Florida Statutes, are amended to read:

3066 440.381 Application for coverage; reporting payroll;
3067 payroll audit procedures; penalties.—

3068 (4) Each employer must submit a copy of the quarterly
3069 earnings report required by chapter 443 at the end of each
3070 quarter to the carrier and submit self-audits supported by the
3071 quarterly earnings reports required by chapter 443 and the rules
3072 adopted by the Department of Economic Opportunity or by the
3073 state agency providing reemployment assistance ~~unemployment~~ tax
3074 collection services under contract with the Department of
3075 Economic Opportunity through an interagency agreement pursuant
3076 to s. 443.1316. The reports must include a sworn statement by an
3077 officer or principal of the employer attesting to the accuracy
3078 of the information contained in the report.

3079 (7) If an employee suffering a compensable injury was not
3080 reported as earning wages on the last quarterly earnings report
3081 filed with the Department of Economic Opportunity or the state
3082 agency providing reemployment assistance ~~unemployment~~ tax
3083 collection services under contract with the Department of
3084 Economic Opportunity through an interagency agreement pursuant
3085 to s. 443.1316 before the accident, the employer shall indemnify
3086 the carrier for all workers' compensation benefits paid to or on
3087 behalf of the employee unless the employer establishes that the



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3088 employee was hired after the filing of the quarterly report, in
3089 which case the employer and employee shall attest to the fact
3090 that the employee was employed by the employer at the time of
3091 the injury. Failure of the employer to indemnify the insurer
3092 within 21 days after demand by the insurer is grounds for the
3093 insurer to immediately cancel coverage. Any action for
3094 indemnification brought by the carrier is cognizable in the
3095 circuit court having jurisdiction where the employer or carrier
3096 resides or transacts business. The insurer is entitled to a
3097 reasonable attorney's fee if it recovers any portion of the
3098 benefits paid in the action.

3099 Section 69. Subsection (2) of section 440.42, Florida
3100 Statutes, is amended to read:

3101 440.42 Insurance policies; liability.—

3102 (2) A workers' compensation insurance policy may require
3103 the employer to release certain employment and wage information
3104 maintained by the state pursuant to federal and state
3105 reemployment assistance ~~unemployment compensation~~ laws except to
3106 the extent prohibited or limited under federal law. By entering
3107 into a workers' compensation insurance policy with such a
3108 provision, the employer consents to the release of the
3109 information. The insurance carrier requiring such consent shall
3110 safeguard the information and maintain its confidentiality. The
3111 carrier shall limit use of the information to verifying
3112 compliance with the terms of the workers' compensation insurance
3113 policy. The department may charge a fee to cover the cost of
3114 disclosing the information.

3115 Section 70. Paragraph (i) of subsection (1) and paragraph
3116 (b) of subsection (9) of section 445.009, Florida Statutes, are



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3117 amended to read:

3118 445.009 One-stop delivery system.—

3119 (1) The one-stop delivery system is the state's primary
3120 customer-service strategy for offering every Floridian access,
3121 through service sites or telephone or computer networks, to the
3122 following services:

3123 (i) Claim filing for reemployment assistance ~~unemployment~~
3124 ~~compensation~~ services.

3125 (9)

3126 (b) The network shall assure that a uniform method is used
3127 to determine eligibility for and management of services provided
3128 by agencies that conduct workforce development activities. The
3129 Department of Management Services shall develop strategies to
3130 allow access to the databases and information management systems
3131 of the following systems in order to link information in those
3132 databases with the one-stop delivery system:

3133 1. The Reemployment Assistance ~~Unemployment Compensation~~
3134 Program under chapter 443.

3135 2. The public employment service described in s. 443.181.

3136 3. The FLORIDA System and the components related to
3137 temporary cash assistance, food assistance, and Medicaid
3138 eligibility.

3139 4. The Student Financial Assistance System of the
3140 Department of Education.

3141 5. Enrollment in the public postsecondary education system.

3142 6. Other information systems determined appropriate by
3143 Workforce Florida, Inc.

3144 Section 71. Subsection (6) of section 445.016, Florida
3145 Statutes, is amended to read:



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3146 445.016 Untried Worker Placement and Employment Incentive
3147 Act.—

3148 (6) During an untried worker's probationary placement, the
3149 for-profit or not-for-profit agent shall be the employer of
3150 record of that untried worker, and shall provide workers'
3151 compensation and reemployment assistance ~~unemployment~~
3152 ~~compensation~~ coverage as provided by law. The business employing
3153 the untried worker through the agent may be eligible to apply
3154 for any tax credits, wage supplementation, wage subsidy, or
3155 employer payment for that employee that are authorized in law or
3156 by agreement with the employer. After satisfactory completion of
3157 such a probationary period, an untried worker shall not be
3158 considered an untried worker.

3159 Section 72. Paragraph (c) of subsection (2) and paragraph
3160 (a) of subsection (3) of section 446.50, Florida Statutes, are
3161 amended to read:

3162 446.50 Displaced homemakers; multiservice programs; report
3163 to the Legislature; Displaced Homemaker Trust Fund created.—

3164 (2) DEFINITION.—For the purposes of this section, the term
3165 "displaced homemaker" means an individual who:

3166 (c) Is not adequately employed, as defined by rule of the
3167 Department of Economic Opportunity ~~agency~~;

3168 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
3169 OPPORTUNITY.—

3170 (a) The Department of Economic Opportunity, under plans
3171 established by Workforce Florida, Inc., shall establish, or
3172 contract for the establishment of, programs for displaced
3173 homemakers which shall include:

3174 1. Job counseling, by professionals and peers, specifically



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3175 designed for a person entering the job market after a number of
3176 years as a homemaker.

3177 2. Job training and placement services, including:

3178 a. Training programs for available jobs in the public and
3179 private sectors, taking into account the skills and job
3180 experiences of a homemaker and developed by working with public
3181 and private employers.

3182 b. Assistance in locating available employment for
3183 displaced homemakers, some of whom could be employed in existing
3184 job training and placement programs.

3185 c. Utilization of the services of the state employment
3186 service in locating employment opportunities.

3187 3. Financial management services providing information and
3188 assistance with respect to insurance, including, but not limited
3189 to, life, health, home, and automobile insurance, and taxes,
3190 estate and probate problems, mortgages, loans, and other related
3191 financial matters.

3192 4. Educational services, including high school equivalency
3193 degree and such other courses as the department determines would
3194 be of interest and benefit to displaced homemakers.

3195 5. Outreach and information services with respect to
3196 federal and state employment, education, health, and
3197 reemployment ~~unemployment~~ assistance programs that the
3198 department determines would be of interest and benefit to
3199 displaced homemakers.

3200 Section 73. Paragraph (b) of subsection (4) of section
3201 448.110, Florida Statutes, is amended to read:

3202 448.110 State minimum wage; annual wage adjustment;
3203 enforcement.-



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3204 (4)
3205 (b) The Department of Revenue and the Department of
3206 Economic Opportunity shall annually publish the amount of the
3207 adjusted state minimum wage and the effective date. Publication
3208 shall occur by posting the adjusted state minimum wage rate and
3209 the effective date on the Internet home pages of the Department
3210 of Economic Opportunity and the Department of Revenue by October
3211 15 of each year. In addition, to the extent funded in the
3212 General Appropriations Act, the Department of Economic
3213 Opportunity shall provide written notice of the adjusted rate
3214 and the effective date of the adjusted state minimum wage to all
3215 employers registered in the most current reemployment assistance
3216 ~~unemployment compensation~~ database. Such notice shall be mailed
3217 by November 15 of each year using the addresses included in the
3218 database. Employers are responsible for maintaining current
3219 address information in the reemployment assistance ~~unemployment~~
3220 ~~compensation~~ database. The Department of Economic Opportunity is
3221 not responsible for failure to provide notice due to incorrect
3222 or incomplete address information in the database. The
3223 Department of Economic Opportunity shall provide the Department
3224 of Revenue with the adjusted state minimum wage rate information
3225 and effective date in a timely manner.

3226 Section 74. Paragraph (e) of subsection (2) of section
3227 450.31, Florida Statutes, is amended to read:

3228 450.31 Issuance, revocation, and suspension of, and refusal
3229 to issue or renew, certificate of registration.—

3230 (2) The department may revoke, suspend, or refuse to issue
3231 or renew any certificate of registration when it is shown that
3232 the farm labor contractor has:



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3233 (e) Failed to pay reemployment assistance ~~unemployment~~
3234 ~~compensation~~ taxes as determined by the Department of Economic
3235 Opportunity; or

3236 Section 75. Subsection (9) of section 450.33, Florida
3237 Statutes, is amended to read:

3238 450.33 Duties of farm labor contractor.—Every farm labor
3239 contractor must:

3240 (9) Comply with all applicable statutes, rules, and
3241 regulations of the United States and of the State of Florida for
3242 the protection or benefit of labor, including, but not limited
3243 to, those providing for wages, hours, fair labor standards,
3244 social security, workers' compensation, reemployment assistance
3245 or unemployment compensation, child labor, and transportation.

3246 Section 76. Subsections (1) and (3) of section 468.529,
3247 Florida Statutes, are amended to read:

3248 468.529 Licensee's insurance; employment tax; benefit
3249 plans.—

3250 (1) A licensed employee leasing company is the employer of
3251 the leased employees, except that this provision is not intended
3252 to affect the determination of any issue arising under Pub. L.
3253 No. 93-406, the Employee Retirement Income Security Act, as
3254 amended from time to time. An employee leasing company shall be
3255 responsible for timely payment of reemployment assistance
3256 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
3257 responsible for providing workers' compensation coverage
3258 pursuant to chapter 440. However, no licensed employee leasing
3259 company shall sponsor a plan of self-insurance for health
3260 benefits, except as may be permitted by the provisions of the
3261 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,



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3262 the Employee Retirement Income Security Act, as amended from
3263 time to time. For purposes of this section, a "plan of self-
3264 insurance" shall exclude any arrangement where an admitted
3265 insurance carrier has issued a policy of insurance primarily
3266 responsible for the obligations of the health plan.

3267 (3) A licensed employee leasing company shall within 30
3268 days after initiation or termination notify its workers'
3269 compensation insurance carrier, the Division of Workers'
3270 Compensation of the Department of Financial Services, and the
3271 state agency providing reemployment assistance ~~unemployment~~ tax
3272 collection services under contract with the Department of
3273 Economic Opportunity through an interagency agreement pursuant
3274 to s. 443.1316 of both the initiation or the termination of the
3275 company's relationship with any client company.

3276 Section 77. Subsection (8) of section 553.791, Florida
3277 Statutes, is amended to read:

3278 553.791 Alternative plans review and inspection.—

3279 (8) A private provider performing required inspections
3280 under this section shall inspect each phase of construction as
3281 required by the applicable codes. The private provider shall be
3282 permitted to send a duly authorized representative to the
3283 building site to perform the required inspections, provided all
3284 required reports are prepared by and bear the signature of the
3285 private provider or the private provider's duly authorized
3286 representative. The duly authorized representative must be an
3287 employee of the private provider entitled to receive
3288 reemployment assistance ~~unemployment compensation~~ benefits under
3289 chapter 443. The contractor's contractual or legal obligations
3290 are not relieved by any action of the private provider.



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3291 Section 78. Paragraph (b) of subsection (5) of section
3292 624.509, Florida Statutes, is amended to read:

3293 624.509 Premium tax; rate and computation.—

3294 (5)

3295 (b) For purposes of this subsection:

3296 1. The term "salaries" does not include amounts paid as
3297 commissions.

3298 2. The term "employees" does not include independent
3299 contractors or any person whose duties require that the person
3300 hold a valid license under the Florida Insurance Code, except
3301 adjusters, managing general agents, and service representatives,
3302 as defined in s. 626.015.

3303 3. The term "net tax" means the tax imposed by this section
3304 after applying the calculations and credits set forth in
3305 subsection (4).

3306 4. An affiliated group of corporations that created a
3307 service company within its affiliated group on July 30, 2002,
3308 shall allocate the salary of each service company employee
3309 covered by contracts with affiliated group members to the
3310 companies for which the employees perform services. The salary
3311 allocation is based on the amount of time during the tax year
3312 that the individual employee spends performing services or
3313 otherwise working for each company over the total amount of time
3314 the employee spends performing services or otherwise working for
3315 all companies. The total amount of salary allocated to an
3316 insurance company within the affiliated group shall be included
3317 as that insurer's employee salaries for purposes of this
3318 section.

3319 a. Except as provided in subparagraph (a)2., the term



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3320 "affiliated group of corporations" means two or more
3321 corporations that are entirely owned by a single corporation and
3322 that constitute an affiliated group of corporations as defined
3323 in s. 1504(a) of the Internal Revenue Code.

3324 b. The term "service company" means a separate corporation
3325 within the affiliated group of corporations whose employees
3326 provide services to affiliated group members and which are
3327 treated as service company employees for reemployment assistance
3328 or unemployment compensation and common law purposes. The
3329 holding company of an affiliated group may not qualify as a
3330 service company. An insurance company may not qualify as a
3331 service company.

3332 c. If an insurance company fails to substantiate, whether
3333 by means of adequate records or otherwise, its eligibility to
3334 claim the service company exception under this section, or its
3335 salary allocation under this section, no credit shall be
3336 allowed.

3337 5. A service company that is a subsidiary of a mutual
3338 insurance holding company, which mutual insurance holding
3339 company was in existence on or before January 1, 2000, shall
3340 allocate the salary of each service company employee covered by
3341 contracts with members of the mutual insurance holding company
3342 system to the companies for which the employees perform
3343 services. The salary allocation is based on the ratio of the
3344 amount of time during the tax year which the individual employee
3345 spends performing services or otherwise working for each company
3346 to the total amount of time the employee spends performing
3347 services or otherwise working for all companies. The total
3348 amount of salary allocated to an insurance company within the



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3349 mutual insurance holding company system shall be included as
3350 that insurer's employee salaries for purposes of this section.
3351 However, this subparagraph does not apply for any tax year
3352 unless funds sufficient to offset the anticipated salary credits
3353 have been appropriated to the General Revenue Fund prior to the
3354 due date of the final return for that year.

3355 a. The term "mutual insurance holding company system" means
3356 two or more corporations that are subsidiaries of a mutual
3357 insurance holding company and in compliance with part IV of
3358 chapter 628.

3359 b. The term "service company" means a separate corporation
3360 within the mutual insurance holding company system whose
3361 employees provide services to other members of the mutual
3362 insurance holding company system and are treated as service
3363 company employees for reemployment assistance or unemployment
3364 compensation and common-law purposes. The mutual insurance
3365 holding company may not qualify as a service company.

3366 c. If an insurance company fails to substantiate, whether
3367 by means of adequate records or otherwise, its eligibility to
3368 claim the service company exception under this section, or its
3369 salary allocation under this section, no credit shall be
3370 allowed.

3371 Section 79. Paragraph (c) of subsection (8) of section
3372 679.4061, Florida Statutes, is amended to read:

3373 679.4061 Discharge of account debtor; notification of
3374 assignment; identification and proof of assignment; restrictions
3375 on assignment of accounts, chattel paper, payment intangibles,
3376 and promissory notes ineffective.-

3377 (8) This section is subject to law other than this chapter



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3378 which establishes a different rule for an account debtor who is
3379 an individual and who incurred the obligation primarily for
3380 personal, family, or household purposes. Subsections (4) and (6)
3381 do not apply to the creation, attachment, perfection, or
3382 enforcement of a security interest in:

3383 (c) The interest of a debtor who is a natural person in
3384 reemployment assistance or unemployment, alimony, disability,
3385 pension, or retirement benefits or victim compensation funds.

3386 Section 80. Paragraph (c) of subsection (6) of section
3387 679.4081, Florida Statutes, is amended to read:

3388 679.4081 Restrictions on assignment of promissory notes,
3389 health-care-insurance receivables, and certain general
3390 intangibles ineffective.—

3391 (6) Subsections (1) and (3) do not apply to the creation,
3392 attachment, perfection, or enforcement of a security interest
3393 in:

3394 (c) The interest of a debtor who is a natural person in
3395 reemployment assistance or unemployment, alimony, disability,
3396 pension, or retirement benefits or victim compensation funds.

3397 Section 81. Paragraph (a) of subsection (1) of section
3398 895.02, Florida Statutes, is amended to read:

3399 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

3400 (1) "Racketeering activity" means to commit, to attempt to
3401 commit, to conspire to commit, or to solicit, coerce, or
3402 intimidate another person to commit:

3403 (a) Any crime that is chargeable by petition, indictment,
3404 or information under the following provisions of the Florida
3405 Statutes:

3406 1. Section 210.18, relating to evasion of payment of



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3407 cigarette taxes.

3408 2. Section 316.1935, relating to fleeing or attempting to

3409 elude a law enforcement officer and aggravated fleeing or

3410 eluding.

3411 3. Section 403.727(3)(b), relating to environmental

3412 control.

3413 4. Section 409.920 or s. 409.9201, relating to Medicaid

3414 fraud.

3415 5. Section 414.39, relating to public assistance fraud.

3416 6. Section 440.105 or s. 440.106, relating to workers'

3417 compensation.

3418 7. Section 443.071(4), relating to creation of a fictitious

3419 employer scheme to commit reemployment assistance ~~unemployment~~

3420 ~~compensation~~ fraud.

3421 8. Section 465.0161, relating to distribution of medicinal

3422 drugs without a permit as an Internet pharmacy.

3423 9. Section 499.0051, relating to crimes involving

3424 contraband and adulterated drugs.

3425 10. Part IV of chapter 501, relating to telemarketing.

3426 11. Chapter 517, relating to sale of securities and

3427 investor protection.

3428 12. Section 550.235 or s. 550.3551, relating to dogracing

3429 and horseracing.

3430 13. Chapter 550, relating to jai alai frontons.

3431 14. Section 551.109, relating to slot machine gaming.

3432 15. Chapter 552, relating to the manufacture, distribution,

3433 and use of explosives.

3434 16. Chapter 560, relating to money transmitters, if the

3435 violation is punishable as a felony.



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- 3436 17. Chapter 562, relating to beverage law enforcement.
- 3437 18. Section 624.401, relating to transacting insurance
- 3438 without a certificate of authority, s. 624.437(4)(c)1., relating
- 3439 to operating an unauthorized multiple-employer welfare
- 3440 arrangement, or s. 626.902(1)(b), relating to representing or
- 3441 aiding an unauthorized insurer.
- 3442 19. Section 655.50, relating to reports of currency
- 3443 transactions, when such violation is punishable as a felony.
- 3444 20. Chapter 687, relating to interest and usurious
- 3445 practices.
- 3446 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 3447 real estate timeshare plans.
- 3448 22. Section 775.13(5)(b), relating to registration of
- 3449 persons found to have committed any offense for the purpose of
- 3450 benefiting, promoting, or furthering the interests of a criminal
- 3451 gang.
- 3452 23. Section 777.03, relating to commission of crimes by
- 3453 accessories after the fact.
- 3454 24. Chapter 782, relating to homicide.
- 3455 25. Chapter 784, relating to assault and battery.
- 3456 26. Chapter 787, relating to kidnapping or human
- 3457 trafficking.
- 3458 27. Chapter 790, relating to weapons and firearms.
- 3459 28. Chapter 794, relating to sexual battery, but only if
- 3460 such crime was committed with the intent to benefit, promote, or
- 3461 further the interests of a criminal gang, or for the purpose of
- 3462 increasing a criminal gang member's own standing or position
- 3463 within a criminal gang.
- 3464 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.



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3465 796.05, or s. 796.07, relating to prostitution and sex
3466 trafficking.
3467 30. Chapter 806, relating to arson and criminal mischief.
3468 31. Chapter 810, relating to burglary and trespass.
3469 32. Chapter 812, relating to theft, robbery, and related
3470 crimes.
3471 33. Chapter 815, relating to computer-related crimes.
3472 34. Chapter 817, relating to fraudulent practices, false
3473 pretenses, fraud generally, and credit card crimes.
3474 35. Chapter 825, relating to abuse, neglect, or
3475 exploitation of an elderly person or disabled adult.
3476 36. Section 827.071, relating to commercial sexual
3477 exploitation of children.
3478 37. Chapter 831, relating to forgery and counterfeiting.
3479 38. Chapter 832, relating to issuance of worthless checks
3480 and drafts.
3481 39. Section 836.05, relating to extortion.
3482 40. Chapter 837, relating to perjury.
3483 41. Chapter 838, relating to bribery and misuse of public
3484 office.
3485 42. Chapter 843, relating to obstruction of justice.
3486 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
3487 s. 847.07, relating to obscene literature and profanity.
3488 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
3489 849.25, relating to gambling.
3490 45. Chapter 874, relating to criminal gangs.
3491 46. Chapter 893, relating to drug abuse prevention and
3492 control.
3493 47. Chapter 896, relating to offenses related to financial



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3494 transactions.

3495 48. Sections 914.22 and 914.23, relating to tampering with
3496 or harassing a witness, victim, or informant, and retaliation
3497 against a witness, victim, or informant.

3498 49. Sections 918.12 and 918.13, relating to tampering with
3499 jurors and evidence.

3500 Section 82. Paragraph (g) of subsection (8) of section
3501 896.101, Florida Statutes, is amended to read:

3502 896.101 Florida Money Laundering Act; definitions;
3503 penalties; injunctions; seizure warrants; immunity.-

3504 (8)

3505 (g)1. Upon service of the temporary order served pursuant
3506 to this section, the petitioner shall immediately notify by
3507 certified mail, return receipt requested, or by personal
3508 service, both the person or entity in possession of the monetary
3509 instruments or funds and the owner of the monetary instruments
3510 or funds if known, of the order entered pursuant to this section
3511 and that the lawful owner of the monetary instruments or funds
3512 being enjoined may request a hearing to contest and modify the
3513 order entered pursuant to this section by petitioning the court
3514 that issued the order, so that such notice is received within 72
3515 hours.

3516 2. The notice shall advise that the hearing shall be held
3517 within 3 days of the request, and the notice must state that the
3518 hearing will be set and noticed by the person against whom the
3519 order is served.

3520 3. The notice shall specifically state that the lawful
3521 owner has the right to produce evidence of legitimate business
3522 expenses, obligations, and liabilities, including but not



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3523 limited to, employee payroll expenses verified by current
3524 reemployment assistance ~~unemployment compensation~~ records,
3525 employee workers' compensation insurance, employee health
3526 insurance, state and federal taxes, and regulatory or licensing
3527 fees only as may become due before the expiration of the
3528 temporary order.

3529 4. Upon determination by the court that the expenses are
3530 valid, payment of such expenses may be effected by the owner of
3531 the enjoined monetary instruments or funds only to the court-
3532 ordered payees through court-reviewed checks, issued by the
3533 owner of, and the person or entity in possession of, the
3534 enjoined monetary instruments or funds. Upon presentment, the
3535 person or entity in possession of the enjoined funds or monetary
3536 instruments shall only honor the payment of the check to the
3537 court-ordered payee.

3538 Section 83. Paragraph (a) of subsection (3) of section
3539 921.0022, Florida Statutes, is amended to read:

3540 921.0022 Criminal Punishment Code; offense severity ranking
3541 chart.-

3542 (3) OFFENSE SEVERITY RANKING CHART

3543 (a) LEVEL 1

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3548 FloridaStatute

3549 FelonyDegree

3550 Description

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24.118(3)(a)

3rd

Counterfeit or altered state lottery ticket.

212.054(2)(b)

3rd

Discretionary sales surtax; limitations, administration,
and collection.

212.15(2)(b)

3rd

Failure to remit sales taxes, amount greater than \$300 but
less than \$20,000.

316.1935(1)

3rd

Fleeing or attempting to elude law enforcement officer.



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319.30(5)

3rd

Sell, exchange, give away certificate of title or
identification number plate.

319.35(1)(a)

3rd

Tamper, adjust, change, etc., an odometer.

320.26(1)(a)

3rd

Counterfeit, manufacture, or sell registration license
plates or validation stickers.

322.212 (1)(a)-(c)

3rd



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3610 Possession of forged, stolen, counterfeit, or unlawfully
3611 issued driver's license; possession of simulated identification.
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322.212 (4)

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3618 Supply or aid in supplying unauthorized driver's license or
3619 identification card.
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322.212 (5) (a)

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3626 False application for driver's license or identification
3627 card.
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414.39 (2)

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3634 Unauthorized use, possession, forgery, or alteration of
3635 food assistance program, Medicaid ID, value greater than \$200.
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414.39(3)(a)

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Fraudulent misappropriation of public assistance funds by
employee/official, value more than \$200.

443.071(1)

3rd

False statement or representation to obtain or increase
reemployment assistance ~~unemployment compensation~~ benefits.

509.151(1)

3rd

Defraud an innkeeper, food or lodging value greater than
\$300.

517.302(1)

3rd

Violation of the Florida Securities and Investor Protection
Act.



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562.27(1)

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Possess still or still apparatus.

713.69

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

812.014(3)(c)

3rd

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

812.081(2)

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3697 Unlawfully makes or causes to be made a reproduction of a
3698 trade secret.

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3703 815.04(4)(a)

3704 3rd

3705 Offense against intellectual property (i.e., computer
3706 programs, data).

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817.52(2)

3712 3rd

3713 Hiring with intent to defraud, motor vehicle services.

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3718 817.569(2)

3719 3rd

3720 Use of public record or public records information to
3721 facilitate commission of a felony.

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3726 826.01
3727 3rd
3728 Bigamy.
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3733 828.122 (3)
3734 3rd
3735 Fighting or baiting animals.
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3740 831.04 (1)
3741 3rd
3742 Any erasure, alteration, etc., of any replacement deed,
3743 map, plat, or other document listed in s. 92.28.
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3748 831.31 (1) (a)
3749 3rd
3750 Sell, deliver, or possess counterfeit controlled
3751 substances, all but s. 893.03 (5) drugs.
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832.041(1)

3rd

Stopping payment with intent to defraud \$150 or more.

832.05(2)(b) & (4)(c)

3rd

Knowing, making, issuing worthless checks \$150 or more or
obtaining property in return for worthless check \$150 or more.

838.15(2)

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Commercial bribe receiving.

838.16

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Commercial bribery.



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843.18

3rd

Fleeing by boat to elude a law enforcement officer.

847.011(1)(a)

3rd

Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).

849.01

3rd

Keeping gambling house.

849.09(1)(a)-(d)

3rd

Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.



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849.23

3rd

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

849.25(2)

3rd

Engaging in bookmaking.

860.08

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Interfere with a railroad signal.

860.13(1)(a)

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Operate aircraft while under the influence.



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893.13(2)(a)2.

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Purchase of cannabis.

893.13(6)(a)

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Possession of cannabis (more than 20 grams).

934.03(1)(a)

3rd

Intercepts, or procures any other person to intercept, any wire or oral communication.

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

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

(2) No inmate is eligible for reemployment assistance benefits ~~unemployment compensation~~, whether employed by the corporation or by any other private enterprise operating on the



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3871 grounds of a correctional institution or elsewhere, when such
3872 employment is part of a correctional work program or work-
3873 release program of either the corporation or the department.

3874 Section 85. Subsection (2) of section 946.523, Florida
3875 Statutes, is amended to read:

3876 946.523 Prison industry enhancement (PIE) programs.—

3877 (2) Notwithstanding any other law to the contrary,
3878 including s. 440.15(8), private sector employers shall provide
3879 workers' compensation coverage to inmates who participate in
3880 prison industry enhancement (PIE) programs under subsection (1).
3881 However, inmates are not entitled to reemployment assistance
3882 benefits ~~unemployment compensation~~.

3883 Section 86. Paragraph (c) of subsection (5) of section
3884 985.618, Florida Statutes, is amended to read:

3885 985.618 Educational and career-related programs.—

3886 (5)

3887 (c) Notwithstanding any other law to the contrary,
3888 including s. 440.15(8), private sector employers shall provide
3889 juveniles participating in juvenile work programs under
3890 paragraph (b) with workers' compensation coverage, and juveniles
3891 shall be entitled to the benefits of such coverage. Nothing in
3892 this subsection shall be construed to allow juveniles to
3893 participate in reemployment assistance ~~unemployment compensation~~
3894 benefits.

3895 Section 87. Subsection (3) of section 1003.496, Florida
3896 Statutes, is amended to read:

3897 1003.496 High School to Business Career Enhancement
3898 Program.—

3899 (3) Employment under this section of a student intern who



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3900 meets the criteria of s. 443.1216(13)(q) is not employment for
3901 purposes of reemployment assistance ~~unemployment compensation~~
3902 under chapter 443.

3903 Section 88. Subsection (3) of section 1008.39, Florida
3904 Statutes, is amended to read:

3905 1008.39 Florida Education and Training Placement
3906 Information Program.—

3907 (3) The Florida Education and Training Placement
3908 Information Program must not make public any information that
3909 could identify an individual or the individual's employer. The
3910 Department of Education must ensure that the purpose of
3911 obtaining placement information is to evaluate and improve
3912 public programs or to conduct research for the purpose of
3913 improving services to the individuals whose social security
3914 numbers are used to identify their placement. If an agreement
3915 assures that this purpose will be served and that privacy will
3916 be protected, the Department of Education shall have access to
3917 the reemployment assistance ~~unemployment insurance~~ wage reports
3918 maintained by the Department of Economic Opportunity, the files
3919 of the Department of Children and Family Services that contain
3920 information about the distribution of public assistance, the
3921 files of the Department of Corrections that contain records of
3922 incarcerations, and the files of the Department of Business and
3923 Professional Regulation that contain the results of licensure
3924 examination.

3925 Section 89. Paragraph (b) of subsection (1) of section
3926 1008.41, Florida Statutes, is amended to read:

3927 1008.41 Workforce education; management information
3928 system.—



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3929 (1) The Commissioner of Education shall coordinate uniform
3930 program structures, common definitions, and uniform management
3931 information systems for workforce education for all divisions
3932 within the department. In performing these functions, the
3933 commissioner shall designate deadlines after which data elements
3934 may not be changed for the coming fiscal or school year. School
3935 districts and Florida College System institutions shall be
3936 notified of data element changes at least 90 days prior to the
3937 start of the subsequent fiscal or school year. Such systems must
3938 provide for:

3939 (b) Compliance with state and federal confidentiality
3940 requirements, except that the department shall have access to
3941 the reemployment assistance ~~unemployment insurance~~ wage reports
3942 to collect and report placement information about former
3943 students. Such placement reports must not disclose the
3944 individual identities of former students.

3945 Section 90. Notwithstanding the expiration date contained
3946 in section 13 of chapter 2011-235, Laws of Florida, operating
3947 retroactive to January 4, 2012, and expiring January 5, 2013,
3948 section 443.1117, Florida Statutes, is revived, readopted, and
3949 amended to read:

3950 443.1117 Temporary extended benefits.—

3951 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if
3952 the result is inconsistent with other provisions of this
3953 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
3954 claims covered by this section.

3955 (2) DEFINITIONS.—As used in this section, the term:

3956 (a) "Regular benefits" and "extended benefits" have the
3957 same meaning as in s. 443.1115.



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3958 (b) "Eligibility period" means the weeks in an individual's
3959 benefit year or emergency benefit period which begin in an
3960 extended benefit period and, if the benefit year or emergency
3961 benefit period ends within that extended benefit period, any
3962 subsequent weeks beginning in that period.

3963 (c) "Emergency benefits" means benefits ~~Emergency~~
3964 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
3965 and any subsequent federal law that provides for the payment of
3966 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
3967 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
3968 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
3969 ~~No. 111-312.~~

3970 (d) "Extended benefit period" means a period that:
3971 1. Begins with the third week after a week for which there
3972 is a state "on" indicator; and

3973 2. Ends with any of the following weeks, whichever occurs
3974 later:

3975 a. The third week after the first week for which there is a
3976 state "off" indicator; or

3977 b. The 13th consecutive week of that period.

3978 However, an extended benefit period may not begin by reason
3979 of a state "on" indicator before the 14th week after the end of
3980 a prior extended benefit period that was in effect for this
3981 state.

3982 (e) "Emergency benefit period" means the period during
3983 which an individual receives emergency benefits.

3984 (f) "Exhaustee" means an individual who, for any week of
3985 unemployment in her or his eligibility period:

3986 1. Has received, before that week, all of the regular



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3987 benefits and emergency benefits, if any, available under this
3988 chapter or any other law, including dependents' allowances and
3989 benefits payable to federal civilian employees and ex-
3990 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
3991 benefit year or emergency benefit period that includes that
3992 week. For the purposes of this subparagraph, an individual has
3993 received all of the regular benefits and emergency benefits, if
3994 any, available even if, as a result of a pending appeal for
3995 wages paid for insured work which were not considered in the
3996 original monetary determination in the benefit year, she or he
3997 may subsequently be determined to be entitled to added regular
3998 benefits;

3999 2. Had a benefit year that expired before that week, and
4000 was paid no, or insufficient, wages for insured work on the
4001 basis of which she or he could establish a new benefit year that
4002 includes that week; and

4003 3.a. Has no right to unemployment benefits or allowances
4004 under the Railroad Unemployment Insurance Act or other federal
4005 laws as specified in regulations issued by the United States
4006 Secretary of Labor; and

4007 b. Has not received and is not seeking unemployment
4008 benefits under the unemployment compensation law of Canada; but
4009 if an individual is seeking those benefits and the appropriate
4010 agency finally determines that she or he is not entitled to
4011 benefits under that law, she or he is considered an exhaustee.

4012 (g) "State 'on' indicator" means, with respect to weeks of
4013 unemployment ending on or before December 8, 2012 ~~December 10,~~
4014 ~~2011~~, the occurrence of a week in which the average total
4015 unemployment rate, seasonally adjusted, as determined by the



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4016 United States Secretary of Labor, for the most recent 3 months
4017 for which data for all states are published by the United States
4018 Department of Labor:

4019 1. Equals or exceeds 110 percent of the average of those
4020 rates for the corresponding 3-month period ending in any or all
4021 of the preceding 3 calendar years; and

4022 2. Equals or exceeds 6.5 percent.

4023 (h) "High unemployment period" means, with respect to weeks
4024 of unemployment ending on or before December 8, 2012 ~~December~~
4025 ~~10, 2011~~, any week in which the average total unemployment rate,
4026 seasonally adjusted, as determined by the United States
4027 Secretary of Labor, for the most recent 3 months for which data
4028 for all states are published by the United States Department of
4029 Labor:

4030 1. Equals or exceeds 110 percent of the average of those
4031 rates for the corresponding 3-month period ending in any or all
4032 of the preceding 3 calendar years; and

4033 2. Equals or exceeds 8 percent.

4034 (i) "State 'off' indicator" means the occurrence of a week
4035 in which there is no state "on" indicator or which does not
4036 constitute a high unemployment period.

4037 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
4038 subsection (4):

4039 (a) For any week for which there is an "on" indicator
4040 pursuant to paragraph (2) (g), the total extended benefit amount
4041 payable to an eligible individual for her or his applicable
4042 benefit year is the lesser of:

4043 1. Fifty percent of the total regular benefits payable
4044 under this chapter in the applicable benefit year; or



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4045 2. Thirteen times the weekly benefit amount payable under
4046 this chapter for a week of total unemployment in the applicable
4047 benefit year.

4048 (b) For any high unemployment period, the total extended
4049 benefit amount payable to an eligible individual for her or his
4050 applicable benefit year is the lesser of:

4051 1. Eighty percent of the total regular benefits payable
4052 under this chapter in the applicable benefit year; or

4053 2. Twenty times the weekly benefit amount payable under
4054 this chapter for a week of total unemployment in the applicable
4055 benefit year.

4056 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
4057 provision of this chapter, if the benefit year of an individual
4058 ends within an extended benefit period, the number of weeks of
4059 extended benefits the individual is entitled to receive in that
4060 extended benefit period for weeks of unemployment beginning
4061 after the end of the benefit year, except as provided in this
4062 section, is reduced, but not to below zero, by the number of
4063 weeks for which the individual received, within that benefit
4064 year, trade readjustment allowances under the Trade Act of 1974,
4065 as amended.

4066 Section 91. The provisions of s. 443.1117, Florida
4067 Statutes, as revived, readopted, and amended by this act, apply
4068 only to claims for weeks of unemployment in which an exhaustee
4069 establishes entitlement to extended benefits pursuant to that
4070 section which are established for the period between January 4,
4071 2012, and January 5, 2013.

4072 Section 92. The Department of Economic Opportunity shall
4073 convene a work group to study Florida's reemployment assistance



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4074 contribution calculation as specified in s. 443.131, Florida
4075 Statutes, and other related law.

4076 (1) The work group shall consist of 10 members as follows:

4077 (a) The executive director of the Department of Economic
4078 Opportunity, or his or her designee, who shall serve as the
4079 chair of the work group.

4080 (b) The executive director of the Department of Revenue, or
4081 his or her designee.

4082 (c) Four representatives of the business community, two of
4083 whom shall represent small businesses, to be appointed by joint
4084 agreement of the executive directors of the departments.

4085 (d) The director of the Division of Workforce Services
4086 within the Department of Economic Opportunity, or his or her
4087 designee.

4088 (e) The program director of the General Tax Administration
4089 Program Office within the Department of Revenue, or his or her
4090 designee.

4091 (f) A member of the Senate designated by the President of
4092 the Senate.

4093 (g) A member of the House of Representatives designated by
4094 the Speaker of the House of Representatives.

4095 (2) The work group shall convene its first meeting by July
4096 15, 2012. Thereafter, the chair of the work group shall call a
4097 meeting as often as necessary to carry out the provisions of
4098 this section. The Department of Economic Opportunity shall keep
4099 a complete record of the proceedings of each meeting, which
4100 includes the names of the members present at each meeting and
4101 the actions taken. The records shall be public records pursuant
4102 to chapter 119, Florida Statutes. A quorum shall consist of a



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4103 majority of the group members. Members of the group shall not
4104 receive compensation.

4105 (3) The purpose of the work group is to study Florida's
4106 reemployment assistance contribution calculation and provide
4107 recommendations to the Legislature for changes to the
4108 calculation designed to ensure the long-term solvency of the
4109 reemployment assistance program while promoting equitable,
4110 minimal tax burdens on Florida employers. The recommendations
4111 shall be limited to changes to the calculation and related law
4112 and shall not include changes to eligibility for benefits or any
4113 other portion of the reemployment assistance program. The work
4114 group may review the laws of other states to develop
4115 recommendations appropriate to Florida.

4116 (4) Relevant staff from the Department of Economic
4117 Opportunity and the Department of Revenue who are knowledgeable
4118 in the subject area may be assigned to assist the work group.
4119 The President of the Senate and the Speaker of the House of
4120 Representatives may also assign their respective staff to
4121 provide technical guidance and assistance to the work group in
4122 the development of alternative proposals.

4123 (5) Members of the work group are entitled to reimbursement
4124 for travel and per diem expenses, as provided in s. 112.061,
4125 Florida Statutes, while performing their duties under this
4126 section. Travel and per diem expenses of work group members and
4127 other staff who are state employees shall be reimbursed by the
4128 respective state agency employing the member or staff. The
4129 Department of Economic Opportunity and the Department of Revenue
4130 shall jointly provide administrative support for the work group,
4131 shall pay equally for travel and per diem expenses of work group



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4132 members who are not state employees, and shall pay equally any
4133 other operational expenses of the work group as deemed
4134 reasonable and appropriate by joint agreement of the executive
4135 directors of the departments.

4136 (6) The findings and recommendations of the work group
4137 shall be submitted to the Legislature by December 31, 2012.

4138 (7) This section expires January 31, 2013.

4139 Section 93. If any provision of this act or its application
4140 to any person or circumstance is held invalid, the invalidity
4141 does not affect other provisions or applications of the act
4142 which can be given effect without the invalid provision or
4143 application, and to this end the provision of the act are
4144 severable.

4145 Section 94. The Legislature finds that this act fulfills an
4146 important state interest.

4147 Section 95. There is appropriated to the Department of
4148 Economic Opportunity from the Employment Security Administration
4149 Trust Fund \$346,463 for the 2011-2012 fiscal year and \$100,884
4150 for the 2012-2013 fiscal year, which funds shall be used to
4151 contract with the Department of Revenue to implement the
4152 provisions of this act. There is appropriated to the Department
4153 of Revenue from the Federal Grants Fund \$346,463 for the 2011-
4154 2012 fiscal year and \$100,884 for the 2012-2013 fiscal year to
4155 implement the provisions of this act. This section shall be
4156 effective upon this act becoming a law.

4157 Section 96. Except as otherwise expressly provided in this
4158 act and except for this section, which shall take effect upon
4159 this act becoming a law, this act shall take effect July 1,
4160 2012.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to unemployment compensation; amending
s. 443.011, F.S.; revising a short title to rename
"unemployment compensation" as "reemployment
assistance"; amending s. 443.012, F.S.; renaming the
Unemployment Appeals Commission as the Reemployment
Assistance Appeals Commission; amending s. 443.036,
F.S.; providing a definition for the term
"reemployment assistance"; revising references to
conform to changes made by the act; amending s.
443.071, F.S.; specifying what constitutes prima facie
evidence that the person claimed and received
reemployment assistance from the state through
transaction history and payment; revising references
to conform to changes made by the act; amending s.
443.091, F.S.; providing scoring requirements relating
to initial skills reviews; providing for workforce
training for certain eligible claimants; requiring the
development and use of best practices; providing
reporting requirements; providing work search
requirements for certain claimants; revising
references to conform to changes made by the act;
providing for the applicability of certain exceptions



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4190 relating to benefits based on employment with a
4191 private employer under contract with an educational
4192 institution; amending s. 443.101, F.S.; clarifying how
4193 a disqualification for benefits for fraud is imposed;
4194 revising references to conform to changes made by the
4195 act; amending s. 443.1216, F.S.; providing that
4196 employee leasing companies may make a one-time
4197 election to report leased employees under the
4198 respective unemployment account of each leasing
4199 company client; providing procedures and application
4200 for such election; revising references to conform to
4201 the changes made by this act; amending s. 443.1217,
4202 F.S.; reducing the amount of an employee's wages that
4203 are exempt from the employer's contribution to the
4204 Unemployment Compensation Trust Fund for a certain
4205 period of time; amending s. 443.131, F.S.; revising
4206 the rate and recoupment period for computing the
4207 employer contribution to the trust fund until January
4208 1, 2018; providing for retroactive application;
4209 prohibiting benefits from being charged to the
4210 employment record of an employer that is forced to lay
4211 off workers as a result of a manmade disaster of
4212 national significance; revising references to conform
4213 to changes made by the act; amending s. 443.151, F.S.;
4214 revising the statute of limitations related to the
4215 collection of unemployment compensation benefits
4216 overpayments; revising references to conform to
4217 changes made by the act; amending s. 443.171, F.S.;
4218 deleting an exemption from public records requirements



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4219 for unemployment compensation records and reports;
4220 revising references to conform to changes made by the
4221 act; amending s. 443.1715, F.S.; revising an exemption
4222 from public records requirements for unemployment
4223 compensation records and reports; revising references
4224 to conform to changes made by the act; amending ss.
4225 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046,
4226 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,
4227 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,
4228 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,
4229 288.075, 288.1045, 288.106, 288.1081, 288.1089,
4230 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,
4231 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,
4232 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,
4233 443.1315, 443.1316, 443.1317, 443.141, 443.163,
4234 443.17161, 443.181, 443.191, 443.221, 445.009,
4235 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
4236 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
4237 921.0022, 946.513, 946.523, 985.618, 1003.496,
4238 1008.39, and 1008.41, F.S.; revising references to
4239 conform to changes made by the act; reviving,
4240 readopting, and amending s. 443.1117, F.S., relating
4241 to temporary extended benefits; providing for
4242 retroactive application; providing for applicability
4243 relating to extended benefits for certain weeks and
4244 for periods of high unemployment; providing for
4245 applicability; creating a work group to study
4246 Florida's reemployment assistance contribution
4247 calculation and provide recommendations; providing for



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4248 membership; providing for reimbursement; providing for
4249 future expiration; providing for severability;
4250 providing that the act fulfills an important state
4251 interest; providing appropriations for purposes of
4252 implementation; providing effective dates.
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