

1                                   A bill to be entitled  
2       An act relating to Unemployment Compensation; amending  
3       s. 443.011, F.S.; renaming "unemployment compensation"  
4       as "reemployment assistance"; amending s. 443.012,  
5       F.S.; renaming the Unemployment Appeals Commission to  
6       Reemployment Assistance Appeals Commission; amending  
7       s. 443.036, F.S.; providing definitions; updating  
8       references to conform to changes made by this act;  
9       amending s. 443.091, F.S.; providing for workforce  
10      training to certain eligible claimants; revising work  
11      search requirements for certain claimants; updating  
12      references to conform to changes made by this act;  
13      amending s. 443.101, F.S.; clarifying how a  
14      disqualification for fraud is imposed; updating  
15      references to conform to changes made by this act;  
16      amending s. 443.131, F.S.; authorizing the  
17      Unemployment Compensation Program to noncharge  
18      accounts of employers that are forced to lay off  
19      workers as a result of a man-made disaster of national  
20      significance; amending s. 443.151, F.S.; revising the  
21      statute of limitations related to the collection of  
22      unemployment compensation benefits overpayments;  
23      updating references to conform to changes made by this  
24      act; amending ss. 443.171 and 443.1715, F.S.;  
25      incorporating federal provisions relating to the  
26      release of confidential information related to the  
27      unemployment compensation program; updating references  
28      to conform to changes made by this act; amending ss.

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29 443.051, 443.071, 443.111, 443.1113, 443.1116,  
 30 443.1215, 443.1216, 443.1312, 443.1313, 443.1316,  
 31 443.1317, 443.141, 443.163, 443.17161, 443.181,  
 32 443.221, 20.60, 27.52, 40.24, 45.031, 55.204, 57.082,  
 33 61.046, 61.1824, 61.30, 69.041, 77.041, 110.205,  
 34 110.502, 120.80, 125.9502, 212.096, 213.053, 216.292,  
 35 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,  
 36 288.075, 288.1045, 288.106, 288.1081, 288.1089,  
 37 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,  
 38 440.12, 440.15, 440.381, 440.42, 445.009, 445.016,  
 39 446.50, 448.110, 450.31, 450.33, 468.529, 553.791,  
 40 624.509, 679.4061, 679.4081, 895.02, 896.101,  
 41 921.0022, 946.513, 946.523, 985.618, 1003.496,  
 42 1008.39, and 1008.41, F.S.; updating references to  
 43 conform to changes made by the act; providing an  
 44 effective date.

45

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

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

49 443.011 Short title.—This chapter may be cited as the  
 50 “Reemployment Assistance Program Unemployment Compensation Law.”  
 51

52 Section 2. Subsections (1), (3), (10), and (12) of section  
 53 443.012, Florida Statutes, are amended to read:

54 443.012 Reemployment Assistance Unemployment Appeals  
 55 Commission.—

56 (1) There is created within the Division of Workforce

57 Services of the Department of Economic Opportunity a  
 58 Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The  
 59 commission is composed of a chair and two other members  
 60 appointed by the Governor, subject to confirmation by the  
 61 Senate. Only one appointee may be a representative of employers,  
 62 as demonstrated by his or her previous vocation, employment, or  
 63 affiliation; and only one appointee may be a representative of  
 64 employees, as demonstrated by his or her previous vocation,  
 65 employment, or affiliation.

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

69 (10) The commission shall have a seal for authenticating  
 70 its orders, awards, and proceedings, upon which shall be  
 71 inscribed the words "State of Florida-Reemployment Assistance  
 72 ~~Unemployment~~ Appeals Commission-Seal," and it shall be  
 73 judicially noticed.

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

78 Section 3. Subsections (12), (14), (26), (38) and (39) of  
 79 section 443.036, Florida Statutes, are amended to read:

80 443.036 Definitions.—As used in this chapter, the term:

81 (12) "Commission" means the Reemployment Assistance  
 82 ~~Unemployment~~ Appeals Commission.

83 (14) "Contribution" means a payment of payroll tax to the  
 84 Unemployment Compensation Trust Fund which is required under  
 85 this chapter to finance reemployment assistance ~~unemployment~~  
 86 benefits.

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

92 (38) "Reemployment assistance" means cash benefits payable  
 93 to individuals with respect to their unemployment pursuant to  
 94 the provisions of this chapter. Where the context requires,  
 95 reemployment assistance also means cash benefits payable to  
 96 individuals with respect to their unemployment pursuant to 5  
 97 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.  
 98 501-504, 1101-1110, and 1321-1324, or pursuant to state laws  
 99 which have been certified pursuant to 26 U.S.C. s. 3304 and 42  
 100 U.S.C. s. 503. Any reference to reemployment assistance shall  
 101 mean compensation payable from an unemployment fund as defined  
 102 in 26 U.S.C. s. 3306(f).

103 ~~(39)~~ ~~(38)~~ "Reimbursement" means a payment of money to the  
 104 Unemployment Compensation Trust Fund in lieu of a contribution  
 105 which is required under this chapter to finance reemployment  
 106 assistance ~~unemployment~~ benefits.

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

110 443.051 Benefits not alienable; exception, child support  
 111 intercept.—

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

113 (a) "Reemployment Assistance" or "Unemployment  
 114 compensation" means any compensation payable under state law,  
 115 including amounts payable pursuant to an agreement under any

116 federal law providing for compensation, assistance, or  
 117 allowances for unemployment.

118 (3) EXCEPTION, SUPPORT INTERCEPT.—

119 (b) For support obligations established on or after July 1,  
 120 2006, and for support obligations established before July 1,  
 121 2006, when the support order does not address the withholding of  
 122 reemployment assistance or unemployment compensation, the  
 123 department shall deduct and withhold 40 percent of the  
 124 reemployment assistance or unemployment compensation otherwise  
 125 payable to an individual disclosed under paragraph (a). If  
 126 delinquencies, arrearages, or retroactive support are owed and  
 127 repayment has not been ordered, the unpaid amounts are included  
 128 in the support obligation and are subject to withholding. If the  
 129 amount deducted exceeds the support obligation, the Department  
 130 of Revenue shall promptly refund the amount of the excess  
 131 deduction to the obligor. For support obligations in effect  
 132 before July 1, 2006, if the support order addresses the  
 133 withholding of reemployment assistance or unemployment  
 134 compensation, the department shall deduct and withhold the  
 135 amount ordered by the court or administrative agency that issued  
 136 the support order as disclosed by the Department of Revenue.

137 (d) Any amount deducted and withheld under this subsection  
 138 shall for all purposes be treated as if it were paid to the  
 139 individual as reemployment assistance or unemployment  
 140 compensation and paid by the individual to the Department of  
 141 Revenue for support obligations.

142 Section 5. Subsections (6), (7), and (8) of section  
 143 443.071, Florida Statutes, are amended to read:

144 443.071 Penalties.—

145 (6) The entry into evidence of an application for

146 reemployment assistance ~~unemployment~~ benefits initiated by the  
 147 use of the Internet claims program or the interactive voice  
 148 response system telephone claims program of the Department of  
 149 Economic Opportunity constitutes prima facie evidence of the  
 150 establishment of a personal benefit account by or for an  
 151 individual if the following information is provided: the  
 152 applicant's name, residence address, date of birth, social  
 153 security number, and present or former place of work.

154 (7) The entry into evidence of a transaction history  
 155 generated by a personal identification number establishing that  
 156 a certification or claim for one or more weeks of benefits was  
 157 made against the benefit account of the individual, together  
 158 with documentation that payment was paid by a state warrant made  
 159 to the order of the person or by direct deposit via electronic  
 160 means, constitutes prima facie evidence that the person claimed  
 161 and received reemployment assistance ~~unemployment~~ benefits from  
 162 the state.

163 (8) All records relating to investigations of reemployment  
 164 assistance ~~unemployment compensation~~ fraud in the custody of the  
 165 Department of Economic Opportunity or its tax collection service  
 166 provider are available for examination by the Department of Law  
 167 Enforcement, the state attorneys, or the Office of the Statewide  
 168 Prosecutor in the prosecution of offenses under s. 817.568 or in  
 169 proceedings brought under this chapter.

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

172 443.091 Benefit eligibility conditions.—

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

176 (c) To make continued claims for benefits, she or he is  
 177 reporting to the department in accordance with this paragraph  
 178 and department ~~agency~~ rules, and participating in an initial  
 179 skills review. as directed by the department ~~agency~~. Department  
 180 ~~Agency~~ rules may not conflict with s. 443.111(1)(b) , which  
 181 requires that each claimant continue to report regardless of any  
 182 pending appeal relating to her or his eligibility or  
 183 disqualification for benefits.

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

188 2. The administrator or operator of the initial skills  
 189 review shall notify the department ~~agency~~ when the individual  
 190 completes the initial skills review and report the results of  
 191 the review to the regional workforce board or the one-stop  
 192 career center as directed by the workforce board. The Department  
 193 shall prescribe a numeric score on the initial skills review  
 194 which demonstrates a minimal proficiency in workforce skills.  
 195 The department, workforce board or one-stop career center shall  
 196 use the initial skills review to develop a plan for referring  
 197 individuals to training and employment opportunities. Any  
 198 individual that falls below the minimal proficiency score on the  
 199 initial skills review shall be offered training opportunities  
 200 and encouraged to participate in such training, at no cost to  
 201 the individual in order to improve his or her workforce skills  
 202 to the minimal proficiency level. The failure of the individual  
 203 to comply with this requirement will result in the individual  
 204 being determined ineligible for benefits for the week in which

205 the noncompliance occurred and for any subsequent week of  
 206 unemployment until the requirement is satisfied. However, this  
 207 requirement does not apply if the individual is able to  
 208 affirmatively attest to being unable to complete such review due  
 209 to illiteracy or a language impediment or is exempt from the  
 210 work registration requirement as set forth in paragraph (b).

211 3. The department shall evaluate the use, effectiveness and  
 212 costs associated with the training prescribed in (c)2 of this  
 213 subsection and report its findings and recommendations to the  
 214 Governor, the President of the Senate, and the Speaker of the  
 215 House by January 1, 2013.

216 (d) She or he is able to work and is available for work. In  
 217 order to assess eligibility for a claimed week of unemployment,  
 218 the department shall develop criteria to determine a claimant's  
 219 ability to work and availability for work. A claimant must be  
 220 actively seeking work in order to be considered available for  
 221 work. This means engaging in systematic and sustained efforts to  
 222 find work, including contacting at least five prospective  
 223 employers for each week of unemployment claimed. The department  
 224 ~~agency~~ may require the claimant to provide proof of such efforts  
 225 to the one-stop career center as part of reemployment services.  
 226 The department ~~agency~~ shall conduct random reviews of work  
 227 search information provided by claimants. As an alternative to  
 228 contacting at least five prospective employers for any week of  
 229 unemployment claimed, a claimant may, for that same week, report  
 230 in person to a one-stop career center to meet with a  
 231 representative of the center and access reemployment services of  
 232 the center. The center shall keep a record of the services or  
 233 information provided to the claimant and shall provide the



234 records to the department ~~agency~~ upon request by the department  
 235 ~~agency~~. However:

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

240 443.101(2) relating to failure to apply for, or refusal to  
 241 accept, suitable work. Training may be approved by the  
 242 department in accordance with criteria prescribed by rule. A  
 243 claimant's eligibility during approved training is contingent  
 244 upon satisfying eligibility conditions prescribed by rule.

245 2. Notwithstanding any other provision of this chapter, an  
 246 otherwise eligible individual who is in training approved under  
 247 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
 248 determined ineligible or disqualified for benefits due to  
 249 enrollment in such training or because of leaving work that is  
 250 not suitable employment to enter such training. As used in this  
 251 subparagraph, the term "suitable employment" means work of a  
 252 substantially equal or higher skill level than the worker's past  
 253 adversely affected employment, as defined for purposes of the  
 254 Trade Act of 1974, as amended, the wages for which are at least  
 255 80 percent of the worker's average weekly wage as determined for  
 256 purposes of the Trade Act of 1974, as amended.

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

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

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

268           6. The number of such weekly contacts is reduced to three  
 269 in counties as defined in s. 120.52(19).

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

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

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

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

279           Section 7. Subsections (5), (6), (9), and (11) of section  
 280 443.101, Florida Statutes, are amended to read:

281           443.101 Disqualification for benefits.—An individual shall  
 282 be disqualified for benefits:

283           (5) For any week with respect to which or a part of which  
 284 he or she has received or is seeking reemployment assistance or  
 285 unemployment benefits under an reemployment assistance or  
 286 unemployment compensation law of another state or of the United  
 287 States. For the purposes of this subsection, a reemployment  
 288 assistance or ~~an~~ unemployment compensation law of the United  
 289 States is any law of the United States which provides for  
 290 payment of any type and in any amounts for periods of  
 291 unemployment due to lack of work. However, if the appropriate  
 292 agency of the other state or of the United States finally  
 293 determines that he or she is not entitled to reemployment

294 assistance or unemployment benefits, this disqualification does  
 295 not apply.

296 (6) For a ~~period not to exceed 1 year from the date of the~~  
 297 ~~discovery by the Department of Economic Opportunity of the~~  
 298 ~~making of any false or fraudulent representation for the purpose~~  
 299 ~~of obtaining benefits contrary to this chapter, constituting a~~  
 300 ~~violation under s. 443.071. The disqualification imposed under~~  
 301 ~~this subsection shall begin with the week in which the false or~~  
 302 ~~fraudulent representation is made and shall continue for a~~  
 303 ~~period not to exceed 1 year from the date the Department of~~  
 304 ~~Economic Opportunity discovers the false or fraudulent~~  
 305 ~~representation and until any overpayment of benefits resulting~~  
 306 ~~from such representation has been repaid in full. This~~  
 307 disqualification may be appealed in the same manner as any other  
 308 disqualification imposed under this section. A conviction by any  
 309 court of competent jurisdiction in this state of the offense  
 310 prohibited or punished by s. 443.071 is conclusive upon the  
 311 appeals referee and the commission of the making of the false or  
 312 fraudulent representation for which disqualification is imposed  
 313 under this section.

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

316 (a) If the Department of Economic Opportunity or the  
 317 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds  
 318 that the individual was terminated from work for violation of  
 319 any criminal law, under any jurisdiction, which was in  
 320 connection with his or her work, and the individual was  
 321 convicted, or entered a plea of guilty or nolo contendere, the  
 322 individual is not entitled to reemployment assistance  
 323 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules

324 adopted by the department, and until he or she has earned income  
 325 of at least 17 times his or her weekly benefit amount. If,  
 326 before an adjudication of guilt, an admission of guilt, or a  
 327 plea of nolo contendere, the employer proves by competent  
 328 substantial evidence to the department that the arrest was due  
 329 to a crime against the employer or the employer's business,  
 330 customers, or invitees, the individual is not entitled to  
 331 reemployment assistance ~~unemployment~~ benefits.

332 (b) If the department or the Reemployment Assistance  
 333 ~~Unemployment~~ Appeals Commission finds that the individual was  
 334 terminated from work for any dishonest act in connection with  
 335 his or her work, the individual is not entitled to reemployment  
 336 assistance ~~unemployment~~ benefits for up to 52 weeks, pursuant to  
 337 rules adopted by the department, and until he or she has earned  
 338 income of at least 17 times his or her weekly benefit amount. If  
 339 the employer terminates an individual as a result of a dishonest  
 340 act in connection with his or her work and the department finds  
 341 misconduct in connection with his or her work, the individual is  
 342 not entitled to reemployment assistance ~~unemployment~~ benefits.

343  
 344 If an individual is disqualified for benefits, the account of  
 345 the terminating employer, if the employer is in the base period,  
 346 is noncharged at the time the disqualification is imposed.

347 (11) If an individual is discharged from employment for  
 348 drug use as evidenced by a positive, confirmed drug test as  
 349 provided in paragraph (1) (d), or is rejected for offered  
 350 employment because of a positive, confirmed drug test as  
 351 provided in paragraph (2) (c), test results and chain of custody  
 352 documentation provided to the employer by a licensed and  
 353 approved drug-testing laboratory is self-authenticating and

354 admissible in reemployment assistance ~~unemployment compensation~~  
 355 hearings, and such evidence creates a rebuttable presumption  
 356 that the individual used, or was using, controlled substances,  
 357 subject to the following conditions:

358 (a) To qualify for the presumption described in this  
 359 subsection, an employer must have implemented a drug-free  
 360 workplace program under ss. 440.101 and 440.102, and must submit  
 361 proof that the employer has qualified for the insurance  
 362 discounts provided under s. 627.0915, as certified by the  
 363 insurance carrier or self-insurance unit. In lieu of these  
 364 requirements, an employer who does not fit the definition of  
 365 "employer" in s. 440.102 may qualify for the presumption if the  
 366 employer is in compliance with equivalent or more stringent  
 367 drug-testing standards established by federal law or regulation.

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

372 (c) Disclosure of drug test results and other information  
 373 pertaining to drug testing of individuals who claim or receive  
 374 compensation under this chapter shall be governed by s.  
 375 443.1715.

376 Section 8. Paragraph (b) of subsection (1), subsection  
 377 (2), and paragraph (a) of subsection (5), Florida Statutes, are  
 378 amended to read:

379 443.111 Payment of benefits.—

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

383 (b) As required under s. 443.091(1), each claimant must

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384 report at least biweekly to receive reemployment assistance  
385 ~~unemployment~~ benefits and to attest to the fact that she or he  
386 is able and available for work, has not refused suitable work,  
387 is seeking work and has met the requirements of s.443.091(d).  
388 ~~contacted at least five prospective employers or reported in~~  
389 ~~person to a one-stop career center for reemployment services for~~  
390 ~~each week of unemployment claimed,~~ and, if she or he has worked,  
391 to report earnings from that work. Each claimant must continue  
392 to report regardless of any appeal or pending appeal relating to  
393 her or his eligibility or disqualification for benefits.

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

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

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

402 (5) DURATION OF BENEFITS.—

403 (a) As used in this section, the term "Florida average  
404 unemployment rate" means the average of the 3 months for the  
405 most recent third calendar year quarter of the seasonally  
406 adjusted statewide unemployment rates as published by the  
407 Department of Economic Opportunity ~~Agency for Workforce~~  
408 ~~Innovation.~~

409 Section 9. Section 443.1113, Florida Statutes, is amended  
410 to read:

411 443.1113 Reemployment Assistance ~~Unemployment Compensation~~  
412 Claims and Benefits Information System.—

413 (1) To the extent that funds are appropriated for each

414 phase of the Reemployment Assistance ~~Unemployment Compensation~~  
 415 Claims and Benefits Information System by the Legislature, the  
 416 Department of Economic Opportunity shall replace and enhance the  
 417 functionality provided in the following systems with an  
 418 integrated Internet-based system that is known as the  
 419 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and  
 420 Benefits Information System":

- 421 (a) Claims and benefit mainframe system.
- 422 (b) Florida unemployment Internet direct.
- 423 (c) Florida continued claim Internet directory.
- 424 (d) Call center interactive voice response system.
- 425 (e) Benefit overpayment screening system.
- 426 (f) Internet and Intranet appeals system.

427 (2) The Reemployment Assistance ~~Unemployment Compensation~~  
 428 Claims and Benefits System shall accomplish the following main  
 429 business objectives:

- 430 (a) Wherever cost-effective and operationally feasible,  
 431 eliminate or automate existing paper processes and enhance any  
 432 existing automated workflows in order to expedite customer  
 433 transactions and eliminate redundancy.
- 434 (b) Enable online, self-service access to claimant and  
 435 employer information and federal and state reporting.
- 436 (c) Integrate benefit payment control with the adjudication  
 437 program and collection system in order to improve the detection  
 438 of fraud.
- 439 (d) Comply with all requirements established in federal and  
 440 state law for reemployment assistance ~~unemployment compensation~~.
- 441 (e) Integrate with the Department of Revenue's statewide  
 442 unified tax system that collects reemployment assistance  
 443 ~~unemployment compensation~~ taxes.

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

447 (a) Collection of reemployment assistance ~~unemployment~~  
 448 ~~compensation~~ taxes.

449 (b) General ledger, financial management, or budgeting  
 450 capabilities.

451 (c) Human resource planning or management capabilities.

452 (4) The project to implement the Reemployment Assistance  
 453 ~~Unemployment Compensation~~ Claims and Benefits Information System  
 454 shall be comprised of the following phases and corresponding  
 455 implementation timeframes:

456 (a) No later than the end of fiscal year 2009-2010  
 457 completion of the business re-engineering analysis and  
 458 documentation of both the detailed system requirements and the  
 459 overall system architecture.

460 (b) The Reemployment Assistance ~~Unemployment~~ Claims and  
 461 Benefits Internet portal that replaces the Florida Unemployment  
 462 Internet Direct and the Florida Continued Claims Internet  
 463 Directory systems, the Call Center Interactive Voice Response  
 464 System, the Benefit Overpayment Screening System, the Internet  
 465 and Intranet Appeals System, and the Claims and Benefits  
 466 Mainframe System shall be deployed to full operational status no  
 467 later than the end of fiscal year 2012-2013.

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

471 (a) The project sponsor for the Reemployment Assistance  
 472 ~~Unemployment Compensation~~ Claims and Benefits Information System  
 473 project is the department.



474 (b) The project shall be governed by an executive steering  
 475 committee composed of the following voting members or their  
 476 designees:

- 477 1. The executive director of the department.
- 478 2. The executive director of the Department of Revenue.
- 479 3. The director of the Division of Workforce Services  
 480 within the department.
- 481 4. The program director of the General Tax Administration  
 482 Program Office within the Department of Revenue.
- 483 5. The chief information officer of the department.

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

- 487 1. Providing management direction and support to the  
 488 project management team.
- 489 2. Assessing the project's alignment with the strategic  
 490 goals of the department for administering the reemployment  
 491 assistance ~~unemployment compensation~~ program.
- 492 3. Reviewing and approving or disapproving any changes to  
 493 the project's scope, schedule, and costs.
- 494 4. Reviewing, approving or disapproving, and determining  
 495 whether to proceed with any major project deliverables.
- 496 5. Recommending suspension or termination of the project to  
 497 the Governor, the President of the Senate, and the Speaker of  
 498 the House of Representatives if it determines that the primary  
 499 objectives cannot be achieved.

500 (d) The project management team shall work under the  
 501 direction of the executive steering committee and shall be  
 502 minimally comprised of senior managers and stakeholders from the  
 503 department and the Department of Revenue. The project management

- 504 team is responsible for:
- 505 1. Providing daily planning, management, and oversight of
- 506 the project.
- 507 2. Submitting an operational work plan and providing
- 508 quarterly updates to that plan to the executive steering
- 509 committee. The plan must specify project milestones,
- 510 deliverables, and expenditures.
- 511 3. Submitting written monthly project status reports to the
- 512 executive steering committee which include:
- 513 a. Planned versus actual project costs;
- 514 b. An assessment of the status of major milestones and
- 515 deliverables;
- 516 c. Identification of any issues requiring resolution, the
- 517 proposed resolution for these issues, and information regarding
- 518 the status of the resolution;
- 519 d. Identification of risks that must be managed; and
- 520 e. Identification of and recommendations regarding
- 521 necessary changes in the project's scope, schedule, or costs.
- 522 All recommendations must be reviewed by project stakeholders
- 523 before submission to the executive steering committee in order
- 524 to ensure that the recommendations meet required acceptance
- 525 criteria.

526 Section 10. Paragraph (b) of subsection (8) of section

527 443.1116, Florida Statutes, is amended to read:

528 443.1116 Short-time compensation.—

529 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO

530 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

531 (b) An individual who receives all of the short-time

532 compensation or combined reemployment assistance or unemployment

533 compensation and short-time compensation available in a benefit

534 year is considered an exhaustee for purposes of the extended  
 535 benefits program in s. 443.1115 and, if otherwise eligible under  
 536 those provisions, is eligible to receive extended benefits.

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

539 443.1215 Employers.—

540 (3) An employing unit that fails to keep the records of  
 541 employment required by this chapter and by the rules of the  
 542 Department of Economic Opportunity and the state agency  
 543 providing reemployment assistance ~~unemployment~~ tax collection  
 544 services is presumed to be an employer liable for the payment of  
 545 contributions under this chapter, regardless of the number of  
 546 individuals employed by the employing unit. However, the tax  
 547 collection service provider shall make written demand that the  
 548 employing unit keep and maintain required payroll records. The  
 549 demand must be made at least 6 months before assessing  
 550 contributions against an employing unit determined to be an  
 551 employer that is subject to this chapter solely by reason of  
 552 this subsection.

553 Section 12. Paragraphs (a) and (d) of subsection (1),  
 554 subsections (8) and (12), and paragraphs (f), (h), and (p) of  
 555 subsection (13) of section 443.1216, Florida Statutes, are  
 556 amended to read:

557 443.1216 Employment.—Employment, as defined in s. 443.036,  
 558 is subject to this chapter under the following conditions:

559 (1) (a) The employment subject to this chapter includes a  
 560 service performed, including a service performed in interstate  
 561 commerce, by:

- 562 1. An officer of a corporation.
- 563 2. An individual who, under the usual common-law rules

564 applicable in determining the employer-employee relationship, is  
 565 an employee. However, whenever a client, as defined in s.  
 566 443.036(18), which would otherwise be designated as an employing  
 567 unit has contracted with an employee leasing company to supply  
 568 it with workers, those workers are considered employees of the  
 569 employee leasing company. An employee leasing company may lease  
 570 corporate officers of the client to the client and other workers  
 571 to the client, except as prohibited by regulations of the  
 572 Internal Revenue Service. Employees of an employee leasing  
 573 company must be reported under the employee leasing company's  
 574 tax identification number and contribution rate for work  
 575 performed for the employee leasing company.

576 a. In addition to any other report required to be filed by  
 577 law, an employee leasing company shall submit a report to the  
 578 Labor Market Statistics Center within the Department of Economic  
 579 Opportunity which includes each client establishment and each  
 580 establishment of the employee leasing company, or as otherwise  
 581 directed by the department. The report must include the  
 582 following information for each establishment:

- 583 (I) The trade or establishment name;
- 584 (II) The former reemployment assistance ~~unemployment~~  
 585 ~~compensation~~ account number, if available;
- 586 (III) The former federal employer's identification number  
 587 (FEIN), if available;
- 588 (IV) The industry code recognized and published by the  
 589 United States Office of Management and Budget, if available;
- 590 (V) A description of the client's primary business activity  
 591 in order to verify or assign an industry code;
- 592 (VI) The address of the physical location;
- 593 (VII) The number of full-time and part-time employees who

594 worked during, or received pay that was subject to reemployment  
 595 assistance ~~unemployment compensation~~ taxes for, the pay period  
 596 including the 12th of the month for each month of the quarter;

597 (VIII) The total wages subject to reemployment assistance  
 598 ~~unemployment compensation~~ taxes paid during the calendar  
 599 quarter;

600 (IX) An internal identification code to uniquely identify  
 601 each establishment of each client;

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

604 (XI) The month and year that the client terminated the  
 605 contract for services.

606 b. The report shall be submitted electronically or in a  
 607 manner otherwise prescribed by the Department of Economic  
 608 Opportunity in the format specified by the Bureau of Labor  
 609 Statistics of the United States Department of Labor for its  
 610 Multiple Worksite Report for Professional Employer  
 611 Organizations. The report must be provided quarterly to the  
 612 Labor Market Statistics Center within the department, or as  
 613 otherwise directed by the department, and must be filed by the  
 614 last day of the month immediately following the end of the  
 615 calendar quarter. The information required in sub-sub-  
 616 subparagraphs a.(X) and (XI) need be provided only in the  
 617 quarter in which the contract to which it relates was entered  
 618 into or terminated. The sum of the employment data and the sum  
 619 of the wage data in this report must match the employment and  
 620 wages reported in the reemployment assistance ~~unemployment~~  
 621 ~~compensation~~ quarterly tax and wage report. A report is not  
 622 required for any calendar quarter preceding the third calendar  
 623 quarter of 2010.

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

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

631 3. An individual other than an individual who is an  
632 employee under subparagraph 1. or subparagraph 2., who performs  
633 services for remuneration for any person:

634 a. As an agent-driver or commission-driver engaged in  
635 distributing meat products, vegetable products, fruit products,  
636 bakery products, beverages other than milk, or laundry or  
637 drycleaning services for his or her principal.

638 b. As a traveling or city salesperson engaged on a full-  
639 time basis in the solicitation on behalf of, and the  
640 transmission to, his or her principal of orders from  
641 wholesalers, retailers, contractors, or operators of hotels,  
642 restaurants, or other similar establishments for merchandise for  
643 resale or supplies for use in their business operations. This  
644 sub-subparagraph does not apply to an agent-driver or a  
645 commission-driver and does not apply to sideline sales  
646 activities performed on behalf of a person other than the  
647 salesperson's principal.

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

650 a. The contract of service contemplates that substantially  
651 all of the services are to be performed personally by the  
652 individual;

653 b. The individual does not have a substantial investment in

654 facilities used in connection with the services, other than  
 655 facilities used for transportation; and

656 c. The services are not in the nature of a single  
 657 transaction that is not part of a continuing relationship with  
 658 the person for whom the services are performed.

659 (d) If two or more related corporations concurrently employ  
 660 the same individual and compensate the individual through a  
 661 common paymaster, each related corporation is considered to have  
 662 paid wages to the individual only in the amounts actually  
 663 disbursed by that corporation to the individual and is not  
 664 considered to have paid the wages actually disbursed to the  
 665 individual by another of the related corporations. The  
 666 department and the state agency providing unemployment tax  
 667 collection services may adopt rules necessary to administer this  
 668 paragraph.

669 1. As used in this paragraph, the term "common paymaster"  
 670 means a member of a group of related corporations that disburses  
 671 wages to concurrent employees on behalf of the related  
 672 corporations and that is responsible for keeping payroll records  
 673 for those concurrent employees. A common paymaster is not  
 674 required to disburse wages to all the employees of the related  
 675 corporations; however, this subparagraph does not apply to wages  
 676 of concurrent employees which are not disbursed through a common  
 677 paymaster. A common paymaster must pay concurrently employed  
 678 individuals under this subparagraph by one combined paycheck.

679 2. As used in this paragraph, the term "concurrent  
 680 employment" means the existence of simultaneous employment  
 681 relationships between an individual and related corporations.  
 682 Those relationships require the performance of services by the  
 683 employee for the benefit of the related corporations, including

684 the common paymaster, in exchange for wages that, if deductible  
 685 for the purposes of federal income tax, are deductible by the  
 686 related corporations.

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

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

694 b. In the case of a corporation that does not issue stock,  
 695 at least 50 percent of the members of the board of directors or  
 696 other governing body of one corporation are members of the board  
 697 of directors or other governing body of the other corporation or  
 698 the holders of at least 50 percent of the voting power to select  
 699 those members are concurrently the holders of at least 50  
 700 percent of the voting power to select those members of the other  
 701 corporation.

702 c. At least 50 percent of the officers of one corporation  
 703 are concurrently officers of the other corporation.

704 d. At least 30 percent of the employees of one corporation  
 705 are concurrently employees of the other corporation.

706 4. The common paymaster must report to the tax collection  
 707 service provider, as part of the reemployment assistance  
 708 ~~unemployment compensation~~ quarterly tax and wage report, the  
 709 state reemployment assistance ~~unemployment compensation~~ account  
 710 number and name of each related corporation for which concurrent  
 711 employees are being reported. Failure to timely report this  
 712 information shall result in the related corporations being  
 713 denied common paymaster status for that calendar quarter.



714           5. The common paymaster also has the primary responsibility  
 715 for remitting contributions due under this chapter for the wages  
 716 it disburses as the common paymaster. The common paymaster must  
 717 compute these contributions as though it were the sole employer  
 718 of the concurrently employed individuals. If a common paymaster  
 719 fails to timely remit these contributions or reports, in whole  
 720 or in part, the common paymaster remains liable for the full  
 721 amount of the unpaid portion of these contributions. In  
 722 addition, each of the other related corporations using the  
 723 common paymaster is jointly and severally liable for its  
 724 appropriate share of these contributions. Each related  
 725 corporation's share equals the greater of:

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

728           b. The liability under this chapter which, notwithstanding  
 729 this section, would have existed for the wages from the other  
 730 related corporations, reduced by an allocable portion of any  
 731 contributions previously paid by the common paymaster for those  
 732 wages.

733           (8) Services not covered under paragraph (7) (b) which are  
 734 performed entirely outside of this state, and for which  
 735 contributions are not required or paid under a reemployment  
 736 assistance or ~~an~~ unemployment compensation law of any other  
 737 state or of the Federal Government, are deemed to be employment  
 738 subject to this chapter if the individual performing the  
 739 services is a resident of this state and the tax collection  
 740 service provider approves the election of the employing unit for  
 741 whom the services are performed, electing that the entire  
 742 service of the individual is deemed to be employment subject to  
 743 this chapter.

744 (12) The employment subject to this chapter includes  
 745 services covered by a reciprocal arrangement under s. 443.221  
 746 between the Department of Economic Opportunity or its tax  
 747 collection service provider and the agency charged with the  
 748 administration of another state reemployment assistance or  
 749 unemployment compensation law or a federal reemployment  
 750 assistance or unemployment compensation law, under which all  
 751 services performed by an individual for an employing unit are  
 752 deemed to be performed entirely within this state, if the  
 753 department or its tax collection service provider approved an  
 754 election of the employing unit in which all of the services  
 755 performed by the individual during the period covered by the  
 756 election are deemed to be insured work.

757 (13) The following are exempt from coverage under this  
 758 chapter:

759 (f) Service performed in the employ of a public employer as  
 760 defined in s. 443.036, except as provided in subsection (2), and  
 761 service performed in the employ of an instrumentality of a  
 762 public employer as described in s. 443.036(36) ~~443.036(35)~~(b) or  
 763 (c), to the extent that the instrumentality is immune under the  
 764 United States Constitution from the tax imposed by s. 3301 of  
 765 the Internal Revenue Code for that service.

766 (h) Service for which reemployment assistance ~~unemployment~~  
 767 ~~compensation~~ is payable under a reemployment assistance or an  
 768 unemployment compensation system established by the United  
 769 States Congress, of which this chapter is not a part.

770 (p) Service covered by an arrangement between the  
 771 Department of Economic Opportunity, or its tax collection  
 772 service provider, and the agency charged with the administration  
 773 of another state or federal reemployment assistance or

774 unemployment compensation law under which all services performed  
 775 by an individual for an employing unit during the period covered  
 776 by the employing unit's duly approved election is deemed to be  
 777 performed entirely within the other agency's state or under the  
 778 federal law.

779 Section 13. Paragraph (a) of subsection (3) of section  
 780 443.131, Florida Statutes, is amended to read:

781 443.131 Contributions.—

782 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
 783 EXPERIENCE.—

784 (a) *Employment records.*—The regular and short-time  
 785 compensation benefits paid to an eligible individual shall be  
 786 charged to the employment record of each employer who paid the  
 787 individual wages of at least \$100 during the individual's base  
 788 period in proportion to the total wages paid by all employers  
 789 who paid the individual wages during the individual's base  
 790 period. Benefits may not be charged to the employment record of  
 791 an employer who furnishes part-time work to an individual who,  
 792 because of loss of employment with one or more other employers,  
 793 is eligible for partial benefits while being furnished part-time  
 794 work by the employer on substantially the same basis and in  
 795 substantially the same amount as the individual's employment  
 796 during his or her base period, regardless of whether this part-  
 797 time work is simultaneous or successive to the individual's lost  
 798 employment. Further, as provided in s. 443.151(3), benefits may  
 799 not be charged to the employment record of an employer who  
 800 furnishes the Department of Economic Opportunity with notice, as  
 801 prescribed in rules of the department, that any of the following  
 802 apply:

803 1. If an individual leaves his or her work without good

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804 cause attributable to the employer or is discharged by the  
805 employer for misconduct connected with his or her work, benefits  
806 subsequently paid to the individual based on wages paid by the  
807 employer before the separation may not be charged to the  
808 employment record of the employer.

809 2. If an individual is discharged by the employer for  
810 unsatisfactory performance during an initial employment  
811 probationary period, benefits subsequently paid to the  
812 individual based on wages paid during the probationary period by  
813 the employer before the separation may not be charged to the  
814 employer's employment record. As used in this subparagraph, the  
815 term "initial employment probationary period" means an  
816 established probationary plan that applies to all employees or a  
817 specific group of employees and that does not exceed 90 calendar  
818 days following the first day a new employee begins work. The  
819 employee must be informed of the probationary period within the  
820 first 7 days of work. The employer must demonstrate by  
821 conclusive evidence that the individual was separated because of  
822 unsatisfactory work performance and not because of lack of work  
823 due to temporary, seasonal, casual, or other similar employment  
824 that is not of a regular, permanent, and year-round nature.

825 3. Benefits subsequently paid to an individual after his or  
826 her refusal without good cause to accept suitable work from an  
827 employer may not be charged to the employment record of the  
828 employer if any part of those benefits are based on wages paid  
829 by the employer before the individual's refusal to accept  
830 suitable work. As used in this subparagraph, the term "good  
831 cause" does not include distance to employment caused by a  
832 change of residence by the individual. The department shall  
833 adopt rules prescribing for the payment of all benefits whether

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

834 this subparagraph applies regardless of whether a  
 835 disqualification under s. 443.101 applies to the claim.

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

842 5. If an individual is separated from work as a direct  
 843 result of an oil spill, terrorist attack, or other similar  
 844 disaster of national significance not subject to a declaration  
 845 under the Robert T. Stafford Disaster Relief and Emergency  
 846 Assistance Act benefits subsequently paid to the individual  
 847 based on wages paid by the employer before the separation may  
 848 not be charged to the employment record of the employer.

849 Section 14. Paragraph (d) of subsection (2) of section  
 850 443.1312, Florida Statutes, is amended to read:

851 443.1312 Reimbursements; nonprofit organizations.—Benefits  
 852 paid to employees of nonprofit organizations shall be financed  
 853 in accordance with this section.

854 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
 855 REIMBURSEMENT.—A nonprofit organization that is, or becomes,  
 856 subject to this chapter under s. 443.1215(1)(c) or s.  
 857 443.121(3)(a) must pay contributions under s. 443.131 unless it  
 858 elects, in accordance with this subsection, to reimburse the  
 859 Unemployment Compensation Trust Fund for all of the regular  
 860 benefits, short-time compensation benefits, and one-half of the  
 861 extended benefits paid, which are attributable to service in the  
 862 employ of the nonprofit organization, to individuals for weeks  
 863 of unemployment which begin during the effective period of the

864 election.

865 (d) In accordance with rules adopted by the Department of  
 866 Economic Opportunity or the state agency providing reemployment  
 867 assistance ~~unemployment~~ tax collection services, the tax  
 868 collection service provider shall notify each nonprofit  
 869 organization of any determination of the organization's status  
 870 as an employer, the effective date of any election the  
 871 organization makes, and the effective date of any termination of  
 872 the election. Each determination is subject to reconsideration,  
 873 appeal, and review under s. 443.141(2)(c).

874 Section 15. Paragraph (a) of subsection (4) of section  
 875 443.1313, Florida Statutes, is amended to read:

876 443.1313 Public employers; reimbursements; election to pay  
 877 contributions.—Benefits paid to employees of a public employer,  
 878 as defined in s. 443.036, based on service described in s.  
 879 443.1216(2) shall be financed in accordance with this section.

880 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~  
 881 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

882 (a) There is established within the Unemployment  
 883 Compensation Trust Fund a Public Employers Reemployment  
 884 Assistance ~~Unemployment Compensation~~ Benefit Account, which must  
 885 be maintained as a separate account within the trust fund. All  
 886 benefits paid to the employees of a public employer that elects  
 887 to become a contributing employer under paragraph (b) must be  
 888 charged to the Public Employers Unemployment Compensation  
 889 Benefit Account.

890 Section 16. Section 443.1316, Florida Statutes, is amended  
 891 to read:

892 443.1316 Reemployment assistance ~~Unemployment~~ tax  
 893 collection services; interagency agreement.—

894 (1) The Department of Economic Opportunity shall contract  
 895 with the Department of Revenue, through an interagency  
 896 agreement, to perform the duties of the tax collection service  
 897 provider and provide other reemployment assistance ~~unemployment~~  
 898 tax collection services under this chapter. Under the  
 899 interagency agreement, the tax collection service provider may  
 900 only implement:

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

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

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

911 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);  
 912 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;  
 913 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;  
 914 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;  
 915 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and  
 916 213.757 apply to the collection of reemployment assistance  
 917 ~~unemployment~~ contributions and reimbursements by the Department  
 918 of Revenue unless prohibited by federal law.

919 Section 17. Paragraph (a) of subsection (1) and  
 920 subsections (2) and (3) of section 443.1317, Florida Statutes,  
 921 are amended to read:

922 443.1317 Rulemaking authority; enforcement of rules.—

923 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

924 (a) Except as otherwise provided in s. 443.012, the  
 925 Department of Economic Opportunity has ultimate authority over  
 926 the administration of the Reemployment Assistance ~~Unemployment~~  
 927 ~~Compensation~~ Program.

928 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency  
 929 providing reemployment assistance ~~unemployment~~ tax collection  
 930 services under contract with the Department of Economic  
 931 Opportunity through an interagency agreement pursuant to s.  
 932 443.1316 may adopt rules under ss. 120.536(1) and 120.54,  
 933 subject to approval by the department, to administer the  
 934 provisions of law described in s. 443.1316(1) (a) and (b) which  
 935 are within this chapter. These rules must not conflict with the  
 936 rules adopted by the department or with the interagency  
 937 agreement.

938 (3) ENFORCEMENT OF RULES.—The Department of Economic  
 939 Opportunity may enforce any rule adopted by the state agency  
 940 providing reemployment assistance ~~unemployment~~ tax collection  
 941 services to administer this chapter. The tax collection service  
 942 provider may enforce any rule adopted by the department to  
 943 administer the provisions of law described in s. 443.1316(1) (a)  
 944 and (b).

945 Section 18. Paragraphs (b), and (g) of subsection (1),  
 946 paragraph (c) of subsection (2), and paragraph (e) of subsection  
 947 (4) of section 443.141, Florida Statutes, are amended to read:

948 443.141 Collection of contributions and reimbursements.—

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

951 (b) *Penalty for delinquent, erroneous, incomplete, or*  
 952 *insufficient reports.*—

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



954 by the Department of Economic Opportunity or its tax collection  
 955 service provider, in accordance with rules for administering  
 956 this chapter, shall pay to the service provider for each  
 957 delinquent report the sum of \$25 for each 30 days or fraction  
 958 thereof that the employing unit is delinquent, unless the  
 959 department ~~agency~~ or its service provider, whichever required  
 960 the report, finds that the employing unit has good reason for  
 961 failing to file the report. The department or its service  
 962 provider may assess penalties only through the date of the  
 963 issuance of the final assessment notice. However, additional  
 964 penalties accrue if the delinquent report is subsequently filed.

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

971 b. The department or its tax collection service provider  
 972 shall waive the penalty if the employing unit files an accurate,  
 973 complete, and sufficient report within 30 days after a penalty  
 974 notice is issued to the employing unit. The penalty may not be  
 975 waived pursuant to this subparagraph more than one time during a  
 976 12-month period.

977 c. As used in this subsection, the term "erroneous,  
 978 incomplete, or insufficient report" means a report so lacking in  
 979 information, completeness, or arrangement that the report cannot  
 980 be readily understood, verified, or reviewed. Such reports  
 981 include, but are not limited to, reports having missing wage or  
 982 employee information, missing or incorrect social security  
 983 numbers, or illegible entries; reports submitted in a format

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984 that is not approved by the department or its tax collection  
985 service provider; and reports showing gross wages that do not  
986 equal the total of the wages of each employee. However, the term  
987 does not include a report that merely contains inaccurate data  
988 that was supplied to the employer by the employee, if the  
989 employer was unaware of the inaccuracy.

990 3. Penalties imposed pursuant to this paragraph shall be  
991 deposited in the Special Employment Security Administration  
992 Trust Fund.

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

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

1000 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1001 (c) *Appeals.*—The department and the state agency providing  
1002 reemployment assistance ~~unemployment~~ tax collection services  
1003 shall adopt rules prescribing the procedures for an employing  
1004 unit determined to be an employer to file an appeal and be  
1005 afforded an opportunity for a hearing on the determination.  
1006 Pending a hearing, the employing unit must file reports and pay  
1007 contributions in accordance with s. 443.131.

1008 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF  
1009 CONTRIBUTIONS AND REIMBURSEMENTS.—

1010 (e) The tax collection service provider may commence an  
1011 action in any other state to collect reemployment assistance  
1012 ~~unemployment compensation~~ contributions, reimbursements,  
1013 penalties, and interest legally due this state. The officials of

1014 other states that extend a like comity to this state may sue for  
 1015 the collection of contributions, reimbursements, interest, and  
 1016 penalties in the courts of this state. The courts of this state  
 1017 shall recognize and enforce liability for contributions,  
 1018 reimbursements, interest, and penalties imposed by other states  
 1019 that extend a like comity to this state.

1020 Section 19. Paragraph (b) of subsection (1), paragraph (b)  
 1021 of subsection (2), and paragraphs (a) and (b) of subsection (6)  
 1022 of section 443.151, Florida Statutes, are amended to read:

1023 443.151 Procedure concerning claims.—

1024 (1) POSTING OF INFORMATION.—

1025 (b)1. The department shall advise each individual filing a  
 1026 new claim for reemployment assistance ~~unemployment compensation~~,  
 1027 at the time of filing the claim, that:

1028 a. Reemployment assistance ~~unemployment compensation~~ is  
 1029 subject to federal income tax.

1030 b. Requirements exist pertaining to estimated tax payments.

1031 c. The individual may elect to have federal income tax  
 1032 deducted and withheld from the individual's payment of  
 1033 reemployment assistance ~~unemployment compensation~~ at the amount  
 1034 specified in the federal Internal Revenue Code.

1035 d. The individual is not permitted to change a previously  
 1036 elected withholding status more than twice per calendar year.

1037 2. Amounts deducted and withheld from reemployment  
 1038 assistance ~~unemployment compensation~~ must remain in the  
 1039 Unemployment Compensation Trust Fund until transferred to the  
 1040 federal taxing authority as payment of income tax.

1041 3. The department shall follow all procedures specified by  
 1042 the United States Department of Labor and the federal Internal  
 1043 Revenue Service pertaining to the deducting and withholding of

1044 income tax.

1045 4. If more than one authorized request for deduction and  
 1046 withholding is made, amounts must be deducted and withheld in  
 1047 accordance with the following priorities:

1048 a. Reemployment Assistance ~~Unemployment~~ overpayments have  
 1049 first priority;

1050 b. Child support payments have second priority; and

1051 c. Withholding under this subsection has third priority.

1052 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
 1053 CLAIMANTS AND EMPLOYERS.—

1054 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~  
 1055 ~~Compensation~~ Claims and Benefits Information System described in  
 1056 s. 443.1113 is fully operational, the process for filing claims  
 1057 must incorporate the process for registering for work with the  
 1058 workforce information systems established pursuant to s.  
 1059 445.011. A claim for benefits may not be processed until the  
 1060 work registration requirement is satisfied. The department may  
 1061 adopt rules as necessary to administer the work registration  
 1062 requirement set forth in this paragraph.

1063 (6) RECOVERY AND RECOUPMENT.—

1064 (a) Any person who, by reason of her or his fraud, receives  
 1065 benefits under this chapter to which she or he is not entitled  
 1066 is liable for repaying those benefits to the Department of  
 1067 Economic Opportunity on behalf of the trust fund or, in the  
 1068 discretion of the department, to have those benefits deducted  
 1069 from future benefits payable to her or him under this chapter.  
 1070 To enforce this paragraph, the department must find the  
 1071 existence of fraud through a redetermination or decision under  
 1072 this section within 2 years after the fraud was committed. Any  
 1073 recovery or recoupment of benefits must be commenced ~~effected~~

1074 within 7~~5~~ years after the redetermination or decision.

1075 (b) Any person who, by reason other than her or his fraud,  
 1076 receives benefits under this chapter to which, under a  
 1077 redetermination or decision pursuant to this section, she or he  
 1078 is not entitled, is liable for repaying those benefits to the  
 1079 department on behalf of the trust fund or, in the discretion of  
 1080 the department, to have those benefits deducted from any future  
 1081 benefits payable to her or him under this chapter. Any recovery  
 1082 or recoupment of benefits must be commenced ~~effected~~ within 7~~3~~  
 1083 years after the redetermination or decision.

1084 Section 20. Subsection (1) and paragraph (c) of subsection  
 1085 (3) of section 443.163, Florida Statutes, is amended to read:

1086 443.163 Electronic reporting and remitting of contributions  
 1087 and reimbursements.—

1088 (1) An employer may file any report and remit any  
 1089 contributions or reimbursements required under this chapter by  
 1090 electronic means. The Department of Economic Opportunity or the  
 1091 state agency providing reemployment assistance ~~unemployment~~ tax  
 1092 collection services shall adopt rules prescribing the format and  
 1093 instructions necessary for electronically filing reports and  
 1094 remitting contributions and reimbursements to ensure a full  
 1095 collection of contributions and reimbursements due. The  
 1096 acceptable method of transfer, the method, form, and content of  
 1097 the electronic means, and the method, if any, by which the  
 1098 employer will be provided with an acknowledgment shall be  
 1099 prescribed by the department or its tax collection service  
 1100 provider. However, any employer who employed 10 or more  
 1101 employees in any quarter during the preceding state fiscal year  
 1102 must file the Employers Quarterly Reports (UCT-6) for the  
 1103 current calendar year and remit the contributions and

1104 reimbursements due by electronic means approved by the tax  
 1105 collection service provider. A person who prepared and reported  
 1106 for 100 or more employers in any quarter during the preceding  
 1107 state fiscal year must file the Employers Quarterly Reports  
 1108 (UCT-6) for each calendar quarter in the current calendar year,  
 1109 beginning with reports due for the second calendar quarter of  
 1110 2003, by electronic means approved by the tax collection service  
 1111 provider.

1112 (3) The tax collection service provider may waive the  
 1113 requirement to file an Employers Quarterly Report (UCT-6) by  
 1114 electronic means for employers that are unable to comply despite  
 1115 good faith efforts or due to circumstances beyond the employer's  
 1116 reasonable control.

1117 (c) The department or the state agency providing  
 1118 reemployment assistance ~~unemployment~~ tax collection services may  
 1119 establish by rule the length of time a waiver is valid and may  
 1120 determine whether subsequent waivers will be authorized, based  
 1121 on this subsection.

1122 Section 21. Subsections (2) and (5) and paragraphs (a) and  
 1123 (c) of subsection (9) of section 443.171, Florida Statutes, are  
 1124 amended to read:

1125 443.171 Department of Economic Opportunity and commission;  
 1126 powers and duties; records and reports; proceedings; state-  
 1127 federal cooperation.—

1128 (2) PUBLICATION OF ACTS AND RULES.—The Department of  
 1129 Economic Opportunity shall cause to be printed and distributed  
 1130 to the public, or otherwise distributed to the public through  
 1131 the Internet or similar electronic means, the text of this  
 1132 chapter and of the rules for administering this chapter adopted  
 1133 by the department or the state agency providing reemployment

1134 assistance ~~unemployment~~ tax collection services and any other  
 1135 matter relevant and suitable. The department shall furnish this  
 1136 information to any person upon request. However, any pamphlet,  
 1137 rules, circulars, or reports required by this chapter may not  
 1138 contain any matter except the actual data necessary to complete  
 1139 them or the actual language of the rule, together with the  
 1140 proper notices.

1141 (5) RECORDS AND REPORTS.—Each employing unit shall keep  
 1142 true and accurate work records, containing the information  
 1143 required by the Department of Economic Opportunity or its tax  
 1144 collection service provider. These records must be open to  
 1145 inspection and are subject to being copied by the department or  
 1146 its tax collection service provider at any reasonable time and  
 1147 as often as necessary. The department or its tax collection  
 1148 service provider may require from any employing unit any sworn  
 1149 or unsworn reports, for persons employed by the employing unit,  
 1150 necessary for the effective administration of this chapter.  
 1151 However, a state or local governmental agency performing  
 1152 intelligence or counterintelligence functions need not report an  
 1153 employee if the head of that agency determines that reporting  
 1154 the employee could endanger the safety of the employee or  
 1155 compromise an ongoing investigation or intelligence mission.  
 1156 ~~Information revealing the employing unit's or individual's~~  
 1157 ~~identity obtained from the employing unit or from any individual~~  
 1158 ~~through the administration of this chapter, is, except to the~~  
 1159 ~~extent necessary for the proper presentation of a claim or upon~~  
 1160 ~~written authorization of the claimant who has a workers'~~  
 1161 ~~compensation claim pending, confidential and exempt from s.~~  
 1162 ~~119.07(1). This confidential information is available only to~~  
 1163 ~~public employees in the performance of their public duties. Any~~

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1164 ~~claimant, or the claimant's legal representative, at a hearing~~  
1165 ~~before an appeals referee or the commission must be supplied~~  
1166 ~~with information from these records to the extent necessary for~~  
1167 ~~the proper presentation of her or his claim. Any employee or~~  
1168 ~~member of the commission, any employee of the department or its~~  
1169 ~~tax collection service provider, or any other person receiving~~  
1170 ~~confidential information who violates this subsection commits a~~  
1171 ~~misdemeanor of the second degree, punishable as provided in s.~~  
1172 ~~775.082 or s. 775.083. However, the department or its tax~~  
1173 ~~collection service provider may furnish to any employer copies~~  
1174 ~~of any report previously submitted by that employer, upon the~~  
1175 ~~request of the employer. The department or its tax collection~~  
1176 ~~service provider may charge a reasonable fee for copies of~~  
1177 ~~reports, which may not exceed the actual reasonable cost of the~~  
1178 ~~preparation of the copies as prescribed by rules adopted by the~~  
1179 ~~department or the state agency providing tax collection~~  
1180 ~~services. Fees received by the department or its tax collection~~  
1181 ~~service provider for copies furnished under this subsection must~~  
1182 ~~be deposited in the Employment Security Administration Trust~~  
1183 ~~Fund.~~

1184 (9) STATE-FEDERAL COOPERATION.—

1185 (a)1. In the administration of this chapter, the Department  
1186 of Economic Opportunity and its tax collection service provider  
1187 shall cooperate with the United States Department of Labor to  
1188 the fullest extent consistent with this chapter and shall take  
1189 those actions, through the adoption of appropriate rules,  
1190 administrative methods, and standards, necessary to secure for  
1191 this state all advantages available under the provisions of  
1192 federal law relating to reemployment assistance ~~unemployment~~  
1193 ~~compensation.~~

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CODING: Words **stricken** are deletions; words **underlined** are additions.

V



1194           2. In the administration of the provisions in s. 443.1115,  
 1195 which are enacted to conform with the Federal-State Extended  
 1196 Unemployment Compensation Act of 1970, the department shall take  
 1197 those actions necessary to ensure that those provisions are  
 1198 interpreted and applied to meet the requirements of the federal  
 1199 act as interpreted by the United States Department of Labor and  
 1200 to secure for this state the full reimbursement of the federal  
 1201 share of extended benefits paid under this chapter which is  
 1202 reimbursable under the federal act.

1203           3. The department and its tax collection service provider  
 1204 shall comply with the regulations of the United States  
 1205 Department of Labor relating to the receipt or expenditure by  
 1206 this state of funds granted under federal law; shall submit the  
 1207 reports in the form and containing the information the United  
 1208 States Department of Labor requires; and shall comply with  
 1209 directions of the United States Department of Labor necessary to  
 1210 assure the correctness and verification of these reports.

1211           (c) The department and its tax collection service provider  
 1212 shall cooperate with the agencies of other states, and shall  
 1213 make every proper effort within their means, to oppose and  
 1214 prevent any further action leading to the complete or  
 1215 substantial federalization of state reemployment assistance  
 1216 ~~unemployment compensation~~ funds or state employment security  
 1217 programs. The department and its tax collection service provider  
 1218 may make, and may cooperate with other appropriate agencies in  
 1219 making, studies as to the practicability and probable cost of  
 1220 possible new state-administered social security programs and the  
 1221 relative desirability of state, rather than federal, action in  
 1222 that field of study.

1223           Section 22. Subsections (1) and (2) of section 443.1715,

1224 Florida Statutes, are amended to read:  
 1225       443.1715 Disclosure of information; confidentiality.-  
 1226       (1) RECORDS AND REPORTS.—Information revealing an employing  
 1227 unit’s or individual’s identity obtained from the employing unit  
 1228 or any individual under the administration of this chapter, and  
 1229 any determination revealing that information, ~~except to the~~  
 1230 ~~extent necessary for the proper presentation of a claim or upon~~  
 1231 ~~written authorization of the claimant who has a workers’~~  
 1232 ~~compensation claim pending or is receiving compensation~~  
 1233 ~~benefits, is confidential and exempt from s. 119.07(1) and s.~~  
 1234 ~~24(a), Art. I of the State Constitution. This confidential~~  
 1235 ~~information may be released in accordance with the provisions in~~  
 1236 ~~20 C.F.R. part 603 only to public employees in the performance~~  
 1237 ~~of their public duties. Except as otherwise provided by law,~~  
 1238 ~~public employees receiving this confidential information must~~  
 1239 ~~maintain the confidentiality of the information. Any claimant,~~  
 1240 ~~or the claimant’s legal representative, at a hearing before an~~  
 1241 ~~appeals referee or the commission is entitled to information~~  
 1242 ~~from these records to the extent necessary for the proper~~  
 1243 ~~presentation of her or his claim. A person receiving~~  
 1244 ~~confidential information who violates this subsection commits a~~  
 1245 ~~misdemeanor of the second degree, punishable as provided in s.~~  
 1246 ~~775.082 or s. 775.083. The Department of Economic Opportunity or~~  
 1247 ~~its tax collection service provider may, however, furnish to any~~  
 1248 ~~employer copies of any report submitted by that employer upon~~  
 1249 ~~the request of the employer and may furnish to any claimant~~  
 1250 ~~copies of any report submitted by that claimant upon the request~~  
 1251 ~~of the claimant. The department or its tax collection service~~  
 1252 ~~provider may charge a reasonable fee for copies of these reports~~  
 1253 ~~as prescribed by rule, which may not exceed the actual~~

1254 reasonable cost of the preparation of the copies. Fees received  
 1255 for copies under this subsection must be deposited in the  
 1256 Employment Security Administration Trust Fund.

1257 (2) DISCLOSURE OF INFORMATION.—

1258 (a) Subject to restrictions the Department of Economic  
 1259 Opportunity or the state agency providing reemployment  
 1260 assistance ~~unemployment~~ tax collection services adopts by rule,  
 1261 information declared confidential under this section is  
 1262 available to any agency of this or any other state, or any  
 1263 federal agency, charged with the administration of any  
 1264 reemployment assistance or unemployment compensation law or the  
 1265 maintenance of the one-stop delivery system, or the Bureau of  
 1266 Internal Revenue of the United States Department of the  
 1267 Treasury, or the Florida Department of Revenue. Information  
 1268 obtained in connection with the administration of the one-stop  
 1269 delivery system may be made available to persons or agencies for  
 1270 purposes appropriate to the operation of a public employment  
 1271 service or a job-preparatory or career education or training  
 1272 program. The department shall, on a quarterly basis, furnish the  
 1273 National Directory of New Hires with information concerning the  
 1274 wages and reemployment assistance ~~unemployment~~ benefits paid to  
 1275 individuals, by the dates, in the format, and containing the  
 1276 information specified in the regulations of the United States  
 1277 Secretary of Health and Human Services. Upon request, the  
 1278 department shall furnish any agency of the United States charged  
 1279 with the administration of public works or assistance through  
 1280 public employment, and may furnish to any state agency similarly  
 1281 charged, the name, address, ordinary occupation, and employment  
 1282 status of each recipient of benefits and the recipient's rights  
 1283 to further benefits under this chapter. Except as otherwise

1284 provided by law, the receiving agency must retain the  
 1285 confidentiality of this information as provided in this section.  
 1286 The tax collection service provider may request the Comptroller  
 1287 of the Currency of the United States to examine the correctness  
 1288 of any return or report of any national banking association  
 1289 rendered under this chapter and may in connection with that  
 1290 request transmit any report or return for examination to the  
 1291 Comptroller of the Currency of the United States as provided in  
 1292 s. 3305(c) of the federal Internal Revenue Code.

1293 (b) The employer or the employer's workers' compensation  
 1294 carrier against whom a claim for benefits under chapter 440 has  
 1295 been made, or a representative of either, may request from the  
 1296 department records of wages of the employee reported to the  
 1297 department by any employer for the quarter that includes the  
 1298 date of the accident that is the subject of such claim and for  
 1299 subsequent quarters.

1300 1. The request must be made with the authorization or  
 1301 consent of the employee or any employer who paid wages to the  
 1302 employee after the date of the accident.

1303 2. The employer or carrier shall make the request on a form  
 1304 prescribed by rule for such purpose by the department ~~agency~~.  
 1305 Such form shall contain a certification by the requesting party  
 1306 that it is a party entitled to the information requested.

1307 3. The department shall provide the most current  
 1308 information readily available within 15 days after receiving the  
 1309 request.

1310 Section 23. Subsections (1), (4), (6), and (7), and  
 1311 paragraph (c) of subsection (2), of Section 443.17161, Florida  
 1312 Statutes, are amended to read:

1313 443.17161 Authorized electronic access to employer

1314 information.-

1315 (1) Notwithstanding any other provision of this chapter,  
 1316 the Department of Economic Opportunity ~~Agency for Workforce~~  
 1317 ~~Innovation~~ shall contract with one or more consumer reporting  
 1318 agencies to provide users with secured electronic access to  
 1319 employer-provided information relating to the quarterly wages  
 1320 report submitted in accordance with the state's reemployment  
 1321 assistance ~~unemployment compensation~~ law. The access is limited  
 1322 to the wage reports for the appropriate amount of time for the  
 1323 purpose the information is requested.

1324 (2) Users must obtain consent in writing or by electronic  
 1325 signature from an applicant for credit, employment, or other  
 1326 permitted purposes. Any written or electronic signature consent  
 1327 from an applicant must be signed and must include the following:

1328 (c) Notice that the files of the Department of Economic  
 1329 Opportunity ~~Agency for Workforce Innovation~~ or its tax  
 1330 collection service provider containing information concerning  
 1331 wage and employment history which is submitted by the applicant  
 1332 or his or her employers may be accessed; and

1333 (4) If a consumer reporting agency or user violates this  
 1334 section, the Department of Economic Opportunity ~~Agency for~~  
 1335 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the  
 1336 consumer reporting agency, terminate the contract established  
 1337 between the Department of Economic Opportunity ~~Agency for~~  
 1338 ~~Workforce Innovation~~ and the consumer reporting agency or  
 1339 require the consumer reporting agency to terminate the contract  
 1340 established between the consumer reporting agency and the user  
 1341 under this section.

1342 (5) The Department of Economic Opportunity ~~Agency for~~  
 1343 ~~Workforce Innovation~~ shall establish minimum audit, security,

1344 net worth, and liability insurance standards, technical  
 1345 requirements, and any other terms and conditions considered  
 1346 necessary in the discretion of the state agency to safeguard the  
 1347 confidentiality of the information released under this section  
 1348 and to otherwise serve the public interest. The Department of  
 1349 Economic Opportunity Agency for Workforce Innovation shall also  
 1350 include, in coordination with any necessary state agencies,  
 1351 necessary audit procedures to ensure that these rules are  
 1352 followed.

1353 (6) In contracting with one or more consumer reporting  
 1354 agencies under this section, any revenues generated by the  
 1355 contract must be used to pay the entire cost of providing access  
 1356 to the information. Further, in accordance with federal  
 1357 regulations, any additional revenues generated by the Department  
 1358 of Economic Opportunity Agency for Workforce Innovation or the  
 1359 state under this section must be paid into the Administrative  
 1360 Trust Fund of the Department of Economic Opportunity Agency for  
 1361 Workforce Innovation for the administration of the unemployment  
 1362 compensation system or be used as program income.

1363 (7) The Department of Economic Opportunity Agency for  
 1364 Workforce Innovation may not provide wage and employment history  
 1365 information to any consumer reporting agency before the consumer  
 1366 reporting agency or agencies under contract with the Department  
 1367 of Economic Opportunity Agency for Workforce Innovation pay all  
 1368 development and other startup costs incurred by the state in  
 1369 connection with the design, installation, and administration of  
 1370 technological systems and procedures for the electronic access  
 1371 program.

1372 Section 24. Subsection (2) of section 443.181, Florida  
 1373 Statutes, is amended to read:

1374 443.181 Public employment service.—  
 1375 (2) All funds received by this state under 29 U.S.C. ss.  
 1376 49-491-1 must be paid into the Employment Security  
 1377 Administration Trust Fund, and these funds are available to the  
 1378 Department of Economic Opportunity for expenditure as provided  
 1379 by this chapter or by federal law. For the purpose of  
 1380 establishing and maintaining one-stop career centers, the  
 1381 department may enter into agreements with the Railroad  
 1382 Retirement Board or any other agency of the United States  
 1383 charged with the administration of a reemployment assistance or  
 1384 ~~an~~ unemployment compensation law, with any political subdivision  
 1385 of this state, or with any private, nonprofit organization. As a  
 1386 part of any such agreement, the department may accept moneys,  
 1387 services, or quarters as a contribution to the Employment  
 1388 Security Administration Trust Fund.

1389 Section 25. Paragraphs (b), (c), and (d) of subsection (1)  
 1390 and subsections (3) and (4) of section 443.221, Florida  
 1391 Statutes, are amended to read:

1392 443.221 Reciprocal arrangements.—  
 1393 (1)

1394 (b) For services to be considered as performed within a  
 1395 state under a reciprocal agreement, the employing unit must have  
 1396 an election in effect for those services, which is approved by  
 1397 the agency charged with the administration of such state's  
 1398 reemployment assistance or unemployment compensation law, under  
 1399 which all the services performed by the individual for the  
 1400 employing unit are deemed to be performed entirely within that  
 1401 state.

1402 (c) The department shall participate in any arrangements  
 1403 for the payment of compensation on the basis of combining an

1404 individual's wages and employment covered under this chapter  
 1405 with her or his wages and employment covered under the  
 1406 reemployment assistance or unemployment compensation laws of  
 1407 other states, which are approved by the United States Secretary  
 1408 of Labor, in consultation with the state reemployment assistance  
 1409 or unemployment compensation agencies, as reasonably calculated  
 1410 to assure the prompt and full payment of compensation in those  
 1411 situations and which include provisions for:

1412 1. Applying the base period of a single state law to a  
 1413 claim involving the combining of an individual's wages and  
 1414 employment covered under two or more state reemployment  
 1415 assistance or unemployment compensation laws; and

1416 2. Avoiding the duplicate use of wages and employment  
 1417 because of the combination.

1418 (d) Contributions or reimbursements due under this chapter  
 1419 with respect to wages for insured work are, for the purposes of  
 1420 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid  
 1421 to the fund as of the date payment was made as contributions or  
 1422 reimbursements therefor under another state or federal  
 1423 reemployment assistance or unemployment compensation law, but an  
 1424 arrangement may not be entered into unless it contains  
 1425 provisions for reimbursement to the fund of the contributions or  
 1426 reimbursements and the actual earnings thereon as the department  
 1427 or its tax collection service provider finds are fair and  
 1428 reasonable as to all affected interests.

1429 (3) The Department of Economic Opportunity or its tax  
 1430 collection service provider may enter into reciprocal  
 1431 arrangements with other states or the Federal Government, or  
 1432 both, for exchanging services, determining and enforcing payment  
 1433 obligations, and making available facilities and information.



1434 The department or its tax collection service provider may  
 1435 conduct investigations, secure and transmit information, make  
 1436 available services and facilities, and exercise other powers  
 1437 provided under this chapter to facilitate the administration of  
 1438 any reemployment assistance or unemployment compensation or  
 1439 public employment service law and, in a similar manner, accept  
 1440 and use information, services, and facilities made available to  
 1441 this state by the agency charged with the administration of any  
 1442 other unemployment compensation or public employment service  
 1443 law.

1444 (4) To the extent permissible under federal law, the  
 1445 Department of Economic Opportunity may enter into or cooperate  
 1446 in arrangements whereby facilities and services provided under  
 1447 this chapter and facilities and services provided under the  
 1448 reemployment assistance or unemployment compensation law of any  
 1449 foreign government may be used for the taking of claims and the  
 1450 payment of benefits under the employment security law of the  
 1451 state or under a similar law of that government.

1452 Section 26. Paragraph (c) of subsection (5) and subsection  
 1453 (8) of section 20.60, Florida Statutes, is amended to read:

1454 20.60 Department of Economic Opportunity; creation; powers  
 1455 and duties.—

1456 (5) The divisions within the department have specific  
 1457 responsibilities to achieve the duties, responsibilities, and  
 1458 goals of the department. Specifically:

1459 (c) The Division of Workforce Services shall:

1460 1. Prepare and submit a unified budget request for  
 1461 workforce in accordance with chapter 216 for, and in conjunction  
 1462 with, Workforce Florida, Inc., and its board.

1463 2. Ensure that the state appropriately administers federal

1464 and state workforce funding by administering plans and policies  
 1465 of Workforce Florida, Inc., under contract with Workforce  
 1466 Florida, Inc. The operating budget and midyear amendments  
 1467 thereto must be part of such contract.

1468 a. All program and fiscal instructions to regional  
 1469 workforce boards shall emanate from the Department of Economic  
 1470 Opportunity pursuant to plans and policies of Workforce Florida,  
 1471 Inc., which shall be responsible for all policy directions to  
 1472 the regional workforce boards.

1473 b. Unless otherwise provided by agreement with Workforce  
 1474 Florida, Inc., administrative and personnel policies of the  
 1475 Department of Economic Opportunity shall apply.

1476 3. Implement the state's unemployment compensation program.  
 1477 The Department of Economic Opportunity shall ensure that the  
 1478 state appropriately administers the reemployment assistance  
 1479 ~~unemployment compensation~~ program pursuant to state and federal  
 1480 law.

1481 4. Assist in developing the 5-year statewide strategic plan  
 1482 required by this section.

1483 (8) The Reemployment Assistance Unemployment Appeals  
 1484 Commission, authorized by s. 443.012, is not subject to control,  
 1485 supervision, or direction by the department in the performance  
 1486 of its powers and duties but shall receive any and all support  
 1487 and assistance from the department which is required for the  
 1488 performance of its duties.

1489 Section 27. Paragraph (a) of subsection (1) of section  
 1490 27.52, Florida Statutes, is amended to read:

1491 27.52 Determination of indigent status.—

1492 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 1493 of a public defender under s. 27.51 based upon an inability to

1494 pay must apply to the clerk of the court for a determination of  
 1495 indigent status using an application form developed by the  
 1496 Florida Clerks of Court Operations Corporation with final  
 1497 approval by the Supreme Court.

1498 (a) The application must include, at a minimum, the  
 1499 following financial information:

1500 1. Net income, consisting of total salary and wages, minus  
 1501 deductions required by law, including court-ordered support  
 1502 payments.

1503 2. Other income, including, but not limited to, social  
 1504 security benefits, union funds, veterans' benefits, workers'  
 1505 compensation, other regular support from absent family members,  
 1506 public or private employee pensions, reemployment assistance or  
 1507 unemployment compensation, dividends, interest, rent, trusts,  
 1508 and gifts.

1509 3. Assets, including, but not limited to, cash, savings  
 1510 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1511 equity in real estate, and equity in a boat or a motor vehicle  
 1512 or in other tangible property.

1513 4. All liabilities and debts.

1514 5. If applicable, the amount of any bail paid for the  
 1515 applicant's release from incarceration and the source of the  
 1516 funds.

1517  
 1518 The application must include a signature by the applicant which  
 1519 attests to the truthfulness of the information provided. The  
 1520 application form developed by the corporation must include  
 1521 notice that the applicant may seek court review of a clerk's  
 1522 determination that the applicant is not indigent, as provided in  
 1523 this section.

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1524 Section 28. Subsection (6) of section 40.24, Florida  
 1525 Statutes, is amended to read:

1526 40.24 Compensation and reimbursement policy.—

1527 (6) A juror who receives reemployment assistance  
 1528 ~~unemployment~~ benefits does not lose such benefits because he or  
 1529 she receives compensation for juror service.

1530 Section 29. Paragraph (a) of subsection (7) of section  
 1531 45.031, Florida Statutes, is amended to read:

1532 45.031 Judicial sales procedure.—In any sale of real or  
 1533 personal property under an order or judgment, the procedures  
 1534 provided in this section and ss. 45.0315-45.035 may be followed  
 1535 as an alternative to any other sale procedure if so ordered by  
 1536 the court.

1537 (7) DISBURSEMENTS OF PROCEEDS.—

1538 (a) On filing a certificate of title, the clerk shall  
 1539 disburse the proceeds of the sale in accordance with the order  
 1540 or final judgment and shall file a report of such disbursements  
 1541 and serve a copy of it on each party, and on the Department of  
 1542 Revenue if the department was named as a defendant in the action  
 1543 or if the Department of Economic Opportunity or the former  
 1544 Agency for Workforce Innovation was named as a defendant while  
 1545 the Department of Revenue was providing reemployment assistance  
 1546 ~~unemployment~~ tax collection services under contract with the  
 1547 Department of Economic Opportunity or the former Agency for  
 1548 Workforce Innovation through an interagency agreement pursuant  
 1549 to s. 443.1316.

1550 Section 30. Subsection (2) of section 55.204, Florida  
 1551 Statutes, is amended to read:

1552 55.204 Duration and continuation of judgment lien;  
 1553 destruction of records.—

1554 (2) Liens securing the payment of child support or tax  
 1555 obligations under s. 95.091(1)(b) lapse 20 years after the date  
 1556 of the original filing of the warrant or other document required  
 1557 by law to establish a lien. Liens securing the payment of  
 1558 reemployment assistance ~~unemployment~~ tax obligations lapse 10  
 1559 years after the date of the original filing of the notice of  
 1560 lien. A second lien based on the original filing may not be  
 1561 obtained.

1562 Section 31. Paragraph (a) of subsection (1) of section  
 1563 57.082, Florida Statutes, is amended to read:

1564 57.082 Determination of civil indigent status.—

1565 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 1566 of an attorney in a civil case eligible for court-appointed  
 1567 counsel, or seeking relief from payment of filing fees and  
 1568 prepayment of costs under s. 57.081, based upon an inability to  
 1569 pay must apply to the clerk of the court for a determination of  
 1570 civil indigent status using an application form developed by the  
 1571 Florida Clerks of Court Operations Corporation with final  
 1572 approval by the Supreme Court.

1573 (a) The application must include, at a minimum, the  
 1574 following financial information:

1575 1. Net income, consisting of total salary and wages, minus  
 1576 deductions required by law, including court-ordered support  
 1577 payments.

1578 2. Other income, including, but not limited to, social  
 1579 security benefits, union funds, veterans' benefits, workers'  
 1580 compensation, other regular support from absent family members,  
 1581 public or private employee pensions, reemployment assistance or  
 1582 unemployment compensation, dividends, interest, rent, trusts,  
 1583 and gifts.

1584           3. Assets, including, but not limited to, cash, savings  
 1585 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1586 equity in real estate, and equity in a boat or a motor vehicle  
 1587 or in other tangible property.

1588           4. All liabilities and debts.

1589  
 1590 The application must include a signature by the applicant which  
 1591 attests to the truthfulness of the information provided. The  
 1592 application form developed by the corporation must include  
 1593 notice that the applicant may seek court review of a clerk's  
 1594 determination that the applicant is not indigent, as provided in  
 1595 this section.

1596           Section 32. Subsection (8) of section 61.046, Florida  
 1597 Statutes, is amended to read:

1598           61.046 Definitions.—As used in this chapter, the term:

1599           (8) "Income" means any form of payment to an individual,  
 1600 regardless of source, including, but not limited to: wages,  
 1601 salary, commissions and bonuses, compensation as an independent  
 1602 contractor, worker's compensation, disability benefits, annuity  
 1603 and retirement benefits, pensions, dividends, interest,  
 1604 royalties, trusts, and any other payments, made by any person,  
 1605 private entity, federal or state government, or any unit of  
 1606 local government. United States Department of Veterans Affairs  
 1607 disability benefits and reemployment assistance or unemployment  
 1608 compensation, as defined in chapter 443, are excluded from this  
 1609 definition of income except for purposes of establishing an  
 1610 amount of support.

1611           Section 33. Paragraph (a) of subsection (3) of section  
 1612 61.1824, Florida Statutes, is amended to read:

1613           61.1824 State Disbursement Unit.—

1614 (3) The State Disbursement Unit shall perform the following  
 1615 functions:

1616 (a) Disburse all receipts from intercepts, including, but  
 1617 not limited to, United States Internal Revenue Service,  
 1618 reemployment assistance or unemployment compensation, lottery,  
 1619 and administrative offset intercepts.

1620 Section 34. Paragraph (a) of subsection (2) of section  
 1621 61.30, Florida Statutes, is amended to read:

1622 61.30 Child support guidelines; retroactive child support.—

1623 (2) Income shall be determined on a monthly basis for each  
 1624 parent as follows:

1625 (a) Gross income shall include, but is not limited to, the  
 1626 following:

- 1627 1. Salary or wages.
- 1628 2. Bonuses, commissions, allowances, overtime, tips, and  
 1629 other similar payments.
- 1630 3. Business income from sources such as self-employment,  
 1631 partnership, close corporations, and independent contracts.  
 1632 "Business income" means gross receipts minus ordinary and  
 1633 necessary expenses required to produce income.
- 1634 4. Disability benefits.
- 1635 5. All workers' compensation benefits and settlements.
- 1636 6. Reemployment assistance or unemployment compensation.
- 1637 7. Pension, retirement, or annuity payments.
- 1638 8. Social security benefits.
- 1639 9. Spousal support received from a previous marriage or  
 1640 court ordered in the marriage before the court.
- 1641 10. Interest and dividends.
- 1642 11. Rental income, which is gross receipts minus ordinary  
 1643 and necessary expenses required to produce the income.

1644 12. Income from royalties, trusts, or estates.  
 1645 13. Reimbursed expenses or in kind payments to the extent  
 1646 that they reduce living expenses.  
 1647 14. Gains derived from dealings in property, unless the  
 1648 gain is nonrecurring.

1649 Section 35. Paragraph (a) of subsection (4) of section  
 1650 69.041, Florida Statutes, is amended to read:

1651 69.041 State named party; lien foreclosure, suit to quiet  
 1652 title.—

1653 (4) (a) The Department of Revenue has the right to  
 1654 participate in the disbursement of funds remaining in the  
 1655 registry of the court after distribution pursuant to s.  
 1656 45.031(7). The department shall participate in accordance with  
 1657 applicable procedures in any mortgage foreclosure action in  
 1658 which the department has a duly filed tax warrant, or interests  
 1659 under a lien arising from a judgment, order, or decree for  
 1660 support, as defined in s. 409.2554, or interest in an  
 1661 reemployment assistance ~~unemployment compensation~~ tax lien under  
 1662 contract with the Department of Economic Opportunity through an  
 1663 interagency agreement pursuant to s. 443.1316, against the  
 1664 subject property and with the same priority, regardless of  
 1665 whether a default against the department, the Department of  
 1666 Economic Opportunity, or the former Agency for Workforce  
 1667 Innovation has been entered for failure to file an answer or  
 1668 other responsive pleading.

1669 Section 36. Subsection (1) of section 77.041, Florida  
 1670 Statutes, is amended to read:

1671 77.041 Notice to individual defendant for claim of  
 1672 exemption from garnishment; procedure for hearing.—

1673 (1) Upon application for a writ of garnishment by a



1674 plaintiff, if the defendant is an individual, the clerk of the  
 1675 court shall attach to the writ the following "Notice to  
 1676 Defendant":

1677  
 1678 NOTICE TO DEFENDANT OF RIGHT AGAINST  
 1679 GARNISHMENT OF WAGES, MONEY,  
 1680 AND OTHER PROPERTY  
 1681

1682 The Writ of Garnishment delivered to you with this Notice  
 1683 means that wages, money, and other property belonging to you  
 1684 have been garnished to pay a court judgment against you.  
 1685 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,  
 1686 OR PROPERTY. READ THIS NOTICE CAREFULLY.

1687 State and federal laws provide that certain wages, money,  
 1688 and property, even if deposited in a bank, savings and loan, or  
 1689 credit union, may not be taken to pay certain types of court  
 1690 judgments. Such wages, money, and property are exempt from  
 1691 garnishment. The major exemptions are listed below on the form  
 1692 for Claim of Exemption and Request for Hearing. This list does  
 1693 not include all possible exemptions. You should consult a lawyer  
 1694 for specific advice.

1695 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM  
 1696 BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY  
 1697 TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION  
 1698 AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE  
 1699 THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE  
 1700 CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU  
 1701 RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS.  
 1702 YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO  
 1703 THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES

1704 LISTED ON THE WRIT OF GARNISHMENT.

1705 If you request a hearing, it will be held as soon as  
 1706 possible after your request is received by the court. The  
 1707 plaintiff must file any objection within 3 business days if you  
 1708 hand delivered to the plaintiff a copy of the form for Claim of  
 1709 Exemption and Request for Hearing or, alternatively, 8 business  
 1710 days if you mailed a copy of the form for claim and request to  
 1711 the plaintiff. If the plaintiff files an objection to your Claim  
 1712 of Exemption and Request for Hearing, the clerk will notify you  
 1713 and the other parties of the time and date of the hearing. You  
 1714 may attend the hearing with or without an attorney. If the  
 1715 plaintiff fails to file an objection, no hearing is required,  
 1716 the writ of garnishment will be dissolved and your wages, money,  
 1717 or property will be released.

1718 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION  
 1719 IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY  
 1720 FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK  
 1721 CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL  
 1722 ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT  
 1723 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE  
 1724 AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK  
 1725 THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN  
 1726 YOUR AREA.

1727  
 1728 CLAIM OF EXEMPTION AND  
 1729 REQUEST FOR HEARING

1730  
 1731 I claim exemptions from garnishment under the following  
 1732 categories as checked:

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

1733

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

1734

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

1735

.... 2. Social Security benefits.

1736

.... 3. Supplemental Security Income benefits.

1737

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

1738

.... 5. Workers' Compensation.

1739

.... 6. Reemployment assistance or unemployment compensation.

1740

.... 7. Veterans' benefits.

1741

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

1742

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

1743

.... 10. Disability income benefits.

1744

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

1745

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

PCB BCAS 12-02

ORIGINAL

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

Address: .....

Telephone number:.....

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

.....

Defendant's signature

Date.....

STATE OF FLORIDA  
COUNTY OF

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

Notary Public/Deputy Clerk

Personally Known .....OR Produced Identification....

Type of Identification Produced.....

Section 37. Paragraph (n) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.-

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

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

1776 designate a maximum of 20 policymaking or managerial positions,  
 1777 as defined by the department and approved by the Administration  
 1778 Commission, as being exempt from the Career Service System.  
 1779 Career service employees who occupy a position designated as a  
 1780 position in the Selected Exempt Service under this paragraph  
 1781 shall have the right to remain in the Career Service System by  
 1782 opting to serve in a position not exempted by the employing  
 1783 agency. Unless otherwise fixed by law, the department shall set  
 1784 the salary and benefits of these positions in accordance with  
 1785 the rules of the Selected Exempt Service; provided, however,  
 1786 that if the agency head determines that the general counsel,  
 1787 chief Cabinet aide, public information administrator or  
 1788 comparable position for a Cabinet officer, inspector general, or  
 1789 legislative affairs director has both policymaking and  
 1790 managerial responsibilities and if the department determines  
 1791 that any such position has both policymaking and managerial  
 1792 responsibilities, the salary and benefits for each such position  
 1793 shall be established by the department in accordance with the  
 1794 rules of the Senior Management Service.

1795         b. In addition, each department may designate one  
 1796 additional position in the Senior Management Service if that  
 1797 position reports directly to the agency head or to a position in  
 1798 the Senior Management Service and if any additional costs are  
 1799 absorbed from the existing budget of that department.

1800         2. If otherwise exempt, employees of the Public Employees  
 1801 Relations Commission, the Commission on Human Relations, and the  
 1802 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon  
 1803 the certification of their respective commission heads, may be  
 1804 provided for under this paragraph as members of the Senior  
 1805 Management Service, if otherwise qualified. However, the deputy

1806 general counsel of the Public Employees Relations Commission  
 1807 shall be compensated as members of the Selected Exempt Service.

1808 Section 38. Subsection (4) of section 110.502, Florida  
 1809 Statutes, is amended to read:

1810 110.502 Scope of act; status of volunteers.—

1811 (4) Persons working with state agencies pursuant to this  
 1812 part shall be considered as unpaid independent volunteers and  
 1813 shall not be entitled to reemployment assistance ~~unemployment~~  
 1814 ~~compensation~~.

1815 Section 39. Subsection (10) of section 120.80, Florida  
 1816 Statutes, is amended to read:

1817 120.80 Exceptions and special requirements; agencies.—

1818 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1819 (a) Notwithstanding s. 120.54, the rulemaking provisions of  
 1820 this chapter do not apply to reemployment assistance  
 1821 ~~unemployment~~ appeals referees.

1822 (b) Notwithstanding s. 120.54(5), the uniform rules of  
 1823 procedure do not apply to appeal proceedings conducted under  
 1824 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals  
 1825 Commission, special deputies, or reemployment assistance  
 1826 ~~unemployment~~ appeals referees.

1827 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter  
 1828 443 may not be conducted by an administrative law judge assigned  
 1829 by the division, but instead shall be conducted by the  
 1830 Reemployment Assistance ~~Unemployment~~ Appeals Commission in  
 1831 reemployment assistance ~~unemployment compensation~~ appeals,  
 1832 reemployment assistance ~~unemployment~~ appeals referees, and the  
 1833 Department of Economic Opportunity or its special deputies under  
 1834 s. 443.141.

1835 Section 41. Subsection (4) of section 125.9502, Florida

1836 Statutes, is amended to read:

1837 125.9502 Scope of ss. 125.9501-125.9506; status of  
1838 volunteers.—

1839 (4) Persons working with a unit of county government or a  
1840 constitutional county officer pursuant to ss. 125.9501-125.9506  
1841 are considered unpaid independent volunteers and are not  
1842 entitled to reemployment assistance ~~unemployment compensation~~.

1843 Section 40. Paragraph (d) of subsection (1) and paragraph  
1844 (b) of subsection (2) of section 212.096, Florida Statutes, is  
1845 amended to read:

1846 212.096 Sales, rental, storage, use tax; enterprise zone  
1847 jobs credit against sales tax.—

1848 (1) For the purposes of the credit provided in this  
1849 section:

1850 (d) "Job" means a full-time position, as consistent with  
1851 terms used by the Department of Economic Opportunity Agency ~~for~~  
1852 ~~Workforce Innovation~~ and the United States Department of Labor  
1853 for purposes of reemployment assistance ~~unemployment~~  
1854 ~~compensation~~ tax administration and employment estimation  
1855 resulting directly from a business operation in this state. This  
1856 term may not include a temporary construction job involved with  
1857 the construction of facilities or any job that has previously  
1858 been included in any application for tax credits under s.  
1859 220.181(1). The term also includes employment of an employee  
1860 leased from an employee leasing company licensed under chapter  
1861 468 if such employee has been continuously leased to the  
1862 employer for an average of at least 36 hours per week for more  
1863 than 6 months.

1864  
1865 A person shall be deemed to be employed if the person performs

1866 duties in connection with the operations of the business on a  
 1867 regular, full-time basis, provided the person is performing such  
 1868 duties for an average of at least 36 hours per week each month.  
 1869 The person must be performing such duties at a business site  
 1870 located in the enterprise zone.

1871 (2)

1872 (b) The credit shall be computed as 20 percent of the  
 1873 actual monthly wages paid in this state to each new employee  
 1874 hired when a new job has been created, unless the business is  
 1875 located within a rural enterprise zone pursuant to s. 290.004,  
 1876 in which case the credit shall be 30 percent of the actual  
 1877 monthly wages paid. If no less than 20 percent of the employees  
 1878 of the business are residents of an enterprise zone, excluding  
 1879 temporary and part-time employees, the credit shall be computed  
 1880 as 30 percent of the actual monthly wages paid in this state to  
 1881 each new employee hired when a new job has been created, unless  
 1882 the business is located within a rural enterprise zone, in which  
 1883 case the credit shall be 45 percent of the actual monthly wages  
 1884 paid. If the new employee hired when a new job is created is a  
 1885 participant in the welfare transition program, the following  
 1886 credit shall be a percent of the actual monthly wages paid: 40  
 1887 percent for \$4 above the hourly federal minimum wage rate; 41  
 1888 percent for \$5 above the hourly federal minimum wage rate; 42  
 1889 percent for \$6 above the hourly federal minimum wage rate; 43  
 1890 percent for \$7 above the hourly federal minimum wage rate; and  
 1891 44 percent for \$8 above the hourly federal minimum wage rate.  
 1892 For purposes of this paragraph, monthly wages shall be computed  
 1893 as one-twelfth of the expected annual wages paid to such  
 1894 employee. The amount paid as wages to a new employee is the  
 1895 compensation paid to such employee that is subject to



1896 reemployment assistance ~~unemployment~~ tax. The credit shall be  
 1897 allowed for up to 24 consecutive months, beginning with the  
 1898 first tax return due pursuant to s. 212.11 after approval by the  
 1899 department.

1900 Section 41. Subsection (4) of section 213.053, Florida  
 1901 Statutes, is amended to read:

1902 213.053 Confidentiality and information sharing.—

1903 (4) The department, while providing reemployment assistance  
 1904 ~~unemployment~~ tax collection services under contract with the  
 1905 Department of Economic Opportunity through an interagency  
 1906 agreement pursuant to s. 443.1316, may release reemployment  
 1907 assistance ~~unemployment~~ tax rate information to the agent of an  
 1908 employer who provides payroll services for more than 100  
 1909 employers, pursuant to the terms of a memorandum of  
 1910 understanding. The memorandum of understanding must state that  
 1911 the agent affirms, subject to the criminal penalties contained  
 1912 in ss. 443.171 and 443.1715, that the agent will retain the  
 1913 confidentiality of the information, that the agent has in effect  
 1914 a power of attorney from the employer which permits the agent to  
 1915 obtain reemployment assistance ~~unemployment~~ tax rate  
 1916 information, and that the agent shall provide the department  
 1917 with a copy of the employer's power of attorney upon request.

1918 Section 42. Paragraph (a) of subsection (6) of section  
 1919 216.292, Florida Statutes, is amended to read:

1920 216.292 Appropriations nontransferable; exceptions.—

1921 (6) The Chief Financial Officer shall transfer from any  
 1922 available funds of an agency or the judicial branch the  
 1923 following amounts and shall report all such transfers and the  
 1924 reasons therefor to the legislative appropriations committees  
 1925 and the Executive Office of the Governor:

1926 (a) The amount due to the Unemployment Compensation Trust  
 1927 Fund which is more than 90 days delinquent on reimbursements due  
 1928 to the Unemployment Compensation Trust Fund. The amount  
 1929 transferred shall be that certified by the state agency  
 1930 providing reemployment assistance ~~unemployment~~ tax collection  
 1931 services under contract with the Department of Economic  
 1932 Opportunity through an interagency agreement pursuant to s.  
 1933 443.1316.

1934 Section 43. Paragraph (b) of subsection (1) of section  
 1935 220.181, Florida Statutes, is amended to read:

1936 220.181 Enterprise zone jobs credit.—

1937 (1)

1938 (b) This credit applies only with respect to wages subject  
 1939 to reemployment assistance ~~unemployment~~ tax. The credit provided  
 1940 in this section does not apply:

1941 1. For any employee who is an owner, partner, or majority  
 1942 stockholder of an eligible business.

1943 2. For any new employee who is employed for any period less  
 1944 than 3 months.

1945 Section 44. Paragraph (e) of subsection (1) of section  
 1946 220.191, Florida Statutes, is amended to read:

1947 220.191 Capital investment tax credit.—

1948 (1) DEFINITIONS.—For purposes of this section:

1949 (e) "Jobs" means full-time equivalent positions, as that  
 1950 term is consistent with terms used by the Department of Economic  
 1951 Opportunity and the United States Department of Labor for  
 1952 purposes of reemployment assistance ~~unemployment~~ tax  
 1953 administration and employment estimation, resulting directly  
 1954 from a project in this state. The term does not include  
 1955 temporary construction jobs involved in the construction of the

1956 project facility.

1957 Section 45. Paragraph (d) of subsection (3) of section

1958 220.194, Florida Statutes, is amended to read:

1959 220.194 Corporate income tax credits for spaceflight

1960 projects.—

1961 (3) DEFINITIONS.—As used in this section, the term:

1962 (d) "New job" means the full-time employment of an employee

1963 in a manner that is consistent with terms used by the Department

1964 of Economic Opportunity Agency for Workforce Innovation and the

1965 United States Department of Labor for purposes of reemployment

1966 assistance ~~unemployment compensation~~ tax administration and

1967 employment estimation. In order to meet the requirement for

1968 certification specified in paragraph (5) (b), a new job must:

1969 1. Pay new employees at least 115 percent of the statewide

1970 or countywide average annual private sector wage for the 3

1971 taxable years immediately preceding filing an application for

1972 certification;

1973 2. Require a new employee to perform duties on a regular

1974 full-time basis in this state for an average of at least 36

1975 hours per week each month for the 3 taxable years immediately

1976 preceding filing an application for certification; and

1977 3. Not be held by a person who has previously been included

1978 as a new employee on an application for any credit authorized

1979 under this section.

1980 Section 46. Section 222.15, Florida Statutes, is amended

1981 to read:

1982 222.15 Wages or reemployment assistance or unemployment

1983 compensation payments due deceased employee may be paid spouse

1984 or certain relatives.—

1985 (1) It is lawful for any employer, in case of the death of

1986 an employee, to pay to the wife or husband, and in case there is  
 1987 no wife or husband, then to the child or children, provided the  
 1988 child or children are over the age of 18 years, and in case  
 1989 there is no child or children, then to the father or mother, any  
 1990 wages or travel expenses that may be due such employee at the  
 1991 time of his or her death.

1992 (2) It is also lawful for the Department of Economic  
 1993 Opportunity, in case of death of any unemployed individual, to  
 1994 pay to those persons referred to in subsection (1) any  
 1995 reemployment assistance or unemployment compensation payments  
 1996 that may be due to the individual at the time of his or her  
 1997 death.

1998 Section 47. Section 222.16, Florida Statutes, is amended  
 1999 to read:

2000 222.16 Wages or reemployment assistance or unemployment  
 2001 compensation payments so paid not subject to administration.—Any  
 2002 wages, travel expenses, or reemployment assistance or  
 2003 unemployment compensation payments so paid under the authority  
 2004 of s. 222.15 shall not be considered as assets of the estate and  
 2005 subject to administration; provided, however, that the travel  
 2006 expenses so exempted from administration shall not exceed the  
 2007 sum of \$300.

2008 Section 48. Paragraph (m) of subsection (1) of section  
 2009 255.20, Florida Statutes, is amended to read:

2010 255.20 Local bids and contracts for public construction  
 2011 works; specification of state-produced lumber.—

2012 (1) A county, municipality, special district as defined in  
 2013 chapter 189, or other political subdivision of the state seeking  
 2014 to construct or improve a public building, structure, or other  
 2015 public construction works must competitively award to an

2016 appropriately licensed contractor each project that is estimated  
 2017 in accordance with generally accepted cost-accounting principles  
 2018 to cost more than \$300,000. For electrical work, the local  
 2019 government must competitively award to an appropriately licensed  
 2020 contractor each project that is estimated in accordance with  
 2021 generally accepted cost-accounting principles to cost more than  
 2022 \$75,000. As used in this section, the term "competitively award"  
 2023 means to award contracts based on the submission of sealed bids,  
 2024 proposals submitted in response to a request for proposal,  
 2025 proposals submitted in response to a request for qualifications,  
 2026 or proposals submitted for competitive negotiation. This  
 2027 subsection expressly allows contracts for construction  
 2028 management services, design/build contracts, continuation  
 2029 contracts based on unit prices, and any other contract  
 2030 arrangement with a private sector contractor permitted by any  
 2031 applicable municipal or county ordinance, by district  
 2032 resolution, or by state law. For purposes of this section, cost  
 2033 includes the cost of all labor, except inmate labor, and the  
 2034 cost of equipment and materials to be used in the construction  
 2035 of the project. Subject to the provisions of subsection (3), the  
 2036 county, municipality, special district, or other political  
 2037 subdivision may establish, by municipal or county ordinance or  
 2038 special district resolution, procedures for conducting the  
 2039 bidding process.

2040 (m) Any contractor may be considered ineligible to bid by  
 2041 the governmental entity if the contractor has been found guilty  
 2042 by a court of any violation of federal labor or employment tax  
 2043 laws regarding subjects such as safety, tax withholding,  
 2044 workers' compensation, reemployment assistance or unemployment  
 2045 tax, social security and Medicare tax, wage or hour, or

2046 prevailing rate laws within the past 5 years.

2047 Section 49. Subsection (5) of section 288.075, Florida  
 2048 Statutes, is amended to read:

2049 288.075 Confidentiality of records.—

2050 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A  
 2051 federal employer identification number, reemployment assistance  
 2052 ~~unemployment compensation~~ account number, or Florida sales tax  
 2053 registration number held by an economic development agency is  
 2054 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 2055 of the State Constitution.

2056 Section 50. Paragraph (c) of subsection (1) of section  
 2057 288.1045, Florida Statutes, is amended to read:

2058 288.1045 Qualified defense contractor and space flight  
 2059 business tax refund program.—

2060 (1) DEFINITIONS.—As used in this section:

2061 (c) "Business unit" means an employing unit, as defined in  
 2062 s. 443.036, that is registered with the department for  
 2063 reemployment assistance ~~unemployment compensation~~ purposes or  
 2064 means a subcategory or division of an employing unit that is  
 2065 accepted by the department as a reporting unit.

2066 Section 51. Paragraph (d) of subsection (2) of section  
 2067 288.106, Florida Statutes, is amended to read:

2068 288.106 Tax refund program for qualified target industry  
 2069 businesses.—

2070 (2) DEFINITIONS.—As used in this section:

2071 (d) "Business" means an employing unit, as defined in s.  
 2072 443.036, that is registered for reemployment assistance  
 2073 ~~unemployment compensation~~ purposes with the state agency  
 2074 providing reemployment assistance ~~unemployment~~ tax collection  
 2075 services under an interagency agreement pursuant to s. 443.1316,

2076 or a subcategory or division of an employing unit that is  
 2077 accepted by the state agency providing reemployment assistance  
 2078 ~~unemployment~~ tax collection services as a reporting unit.

2079 Section 52. Paragraph (b) of subsection (3) of section  
 2080 288.1081, Florida Statutes, is amended to read:

2081 288.1081 Economic Gardening Business Loan Pilot Program.—

2082 (3)

2083 (b) A loan applicant must submit a written application to  
 2084 the loan administrator in the format prescribed by the loan  
 2085 administrator. The application must include:

2086 1. The applicant's federal employer identification number,  
 2087 reemployment assistance ~~unemployment~~ account number, and sales  
 2088 or other tax registration number.

2089 2. The street address of the applicant's principal place of  
 2090 business in this state.

2091 3. A description of the type of economic activity, product,  
 2092 or research and development undertaken by the applicant,  
 2093 including the six-digit North American Industry Classification  
 2094 System code for each type of economic activity conducted by the  
 2095 applicant.

2096 4. The applicant's annual revenue, number of employees,  
 2097 number of full-time equivalent employees, and other information  
 2098 necessary to verify the applicant's eligibility for the pilot  
 2099 program under s. 288.1082(4)(a).

2100 5. The projected investment in the business, if any, which  
 2101 the applicant proposes in conjunction with the loan.

2102 6. The total investment in the business from all sources,  
 2103 if any, which the applicant proposes in conjunction with the  
 2104 loan.

2105 7. The number of net new full-time equivalent jobs that, as

2106 a result of the loan, the applicant proposes to create in this  
 2107 state as of December 31 of each year and the average annual wage  
 2108 of the proposed jobs.

2109 8. The total number of full-time equivalent employees the  
 2110 applicant currently employs in this state.

2111 9. The date that the applicant anticipates it needs the  
 2112 loan.

2113 10. A detailed explanation of why the loan is needed to  
 2114 assist the applicant in expanding jobs in the state.

2115 11. A statement that all of the applicant's available  
 2116 corporate assets are pledged as collateral for the amount of the  
 2117 loan.

2118 12. A statement that the applicant, upon receiving the  
 2119 loan, agrees not to seek additional long-term debt without prior  
 2120 approval of the loan administrator.

2121 13. A statement that the loan is a joint obligation of the  
 2122 business and of each person who owns at least 20 percent of the  
 2123 business.

2124 14. Any additional information requested by the department  
 2125 or the loan administrator.

2126 Section 53. Paragraph (a) of subsection (3) of section  
 2127 288.1089, Florida Statutes, is amended to read:

2128 288.1089 Innovation Incentive Program.—

2129 (3) To be eligible for consideration for an innovation  
 2130 incentive award, an innovation business, a research and  
 2131 development entity, or an alternative and renewable energy  
 2132 company must submit a written application to the department  
 2133 before making a decision to locate new operations in this state  
 2134 or expand an existing operation in this state. The application  
 2135 must include, but not be limited to:



2136 (a) The applicant's federal employer identification number,  
 2137 reemployment assistance ~~unemployment~~ account number, and state  
 2138 sales tax registration number. If such numbers are not available  
 2139 at the time of application, they must be submitted to the  
 2140 department in writing before the disbursement of any payments  
 2141 under this section.

2142 Section 54. (1) of section 334.30, Florida Statutes, is  
 2143 amended to read:

2144 334.30 Public-private transportation facilities.—The  
 2145 Legislature finds and declares that there is a public need for  
 2146 the rapid construction of safe and efficient transportation  
 2147 facilities for the purpose of traveling within the state, and  
 2148 that it is in the public's interest to provide for the  
 2149 construction of additional safe, convenient, and economical  
 2150 transportation facilities.

2151 (1) The department may receive or solicit proposals and,  
 2152 with legislative approval as evidenced by approval of the  
 2153 project in the department's work program, enter into agreements  
 2154 with private entities, or consortia thereof, for the building,  
 2155 operation, ownership, or financing of transportation facilities.  
 2156 The department may advance projects programmed in the adopted 5-  
 2157 year work program or projects increasing transportation capacity  
 2158 and greater than \$500 million in the 10-year Strategic  
 2159 Intermodal Plan using funds provided by public-private  
 2160 partnerships or private entities to be reimbursed from  
 2161 department funds for the project as programmed in the adopted  
 2162 work program. The department shall by rule establish an  
 2163 application fee for the submission of unsolicited proposals  
 2164 under this section. The fee must be sufficient to pay the costs  
 2165 of evaluating the proposals. The department may engage the

2166 services of private consultants to assist in the evaluation.  
 2167 Before approval, the department must determine that the proposed  
 2168 project:

- 2169 (a) Is in the public's best interest;
- 2170 (b) Would not require state funds to be used unless the  
 2171 project is on the State Highway System;
- 2172 (c) Would have adequate safeguards in place to ensure that  
 2173 no additional costs or service disruptions would be realized by  
 2174 the traveling public and residents of the state in the event of  
 2175 default or cancellation of the agreement by the department;
- 2176 (d) Would have adequate safeguards in place to ensure that  
 2177 the department or the private entity has the opportunity to add  
 2178 capacity to the proposed project and other transportation  
 2179 facilities serving similar origins and destinations; and
- 2180 (e) Would be owned by the department upon completion or  
 2181 termination of the agreement.

2182  
 2183 The department shall ensure that all reasonable costs to the  
 2184 state, related to transportation facilities that are not part of  
 2185 the State Highway System, are borne by the private entity. The  
 2186 department shall also ensure that all reasonable costs to the  
 2187 state and substantially affected local governments and  
 2188 utilities, related to the private transportation facility, are  
 2189 borne by the private entity for transportation facilities that  
 2190 are owned by private entities. For projects on the State Highway  
 2191 System, the department may use state resources to participate in  
 2192 funding and financing the project as provided for under the  
 2193 department's enabling legislation. Because the Legislature  
 2194 recognizes that private entities or consortia thereof would  
 2195 perform a governmental or public purpose or function when they

2196 enter into agreements with the department to design, build,  
 2197 operate, own, or finance transportation facilities, the  
 2198 transportation facilities, including leasehold interests  
 2199 thereof, are exempt from ad valorem taxes as provided in chapter  
 2200 196 to the extent property is owned by the state or other  
 2201 government entity, and from intangible taxes as provided in  
 2202 chapter 199 and special assessments of the state, any city,  
 2203 town, county, special district, political subdivision of the  
 2204 state, or any other governmental entity. The private entities or  
 2205 consortia thereof are exempt from tax imposed by chapter 201 on  
 2206 all documents or obligations to pay money which arise out of the  
 2207 agreements to design, build, operate, own, lease, or finance  
 2208 transportation facilities. Any private entities or consortia  
 2209 thereof must pay any applicable corporate taxes as provided in  
 2210 chapter 220, and reemployment assistance ~~unemployment~~  
 2211 ~~compensation~~ taxes as provided in chapter 443, and sales and use  
 2212 tax as provided in chapter 212 shall be applicable. The private  
 2213 entities or consortia thereof must also register and collect the  
 2214 tax imposed by chapter 212 on all their direct sales and leases  
 2215 that are subject to tax under chapter 212. The agreement between  
 2216 the private entity or consortia thereof and the department  
 2217 establishing a transportation facility under this chapter  
 2218 constitutes documentation sufficient to claim any exemption  
 2219 under this section.

2220 Section 55. Subsection (8) of section 408.809, Florida  
 2221 Statutes, is amended to read:

2222 408.809 Background screening; prohibited offenses.—

2223 (8) There is no reemployment assistance ~~unemployment~~  
 2224 ~~compensation~~ or other monetary liability on the part of, and no  
 2225 cause of action for damages arising against, an employer that,

2226 upon notice of a disqualifying offense listed under chapter 435  
 2227 or this section, terminates the person against whom the report  
 2228 was issued, whether or not that person has filed for an  
 2229 exemption with the Department of Health or the agency.

2230 Section 56. Paragraph (e) of subsection (7) of section  
 2231 409.2563, Florida Statutes, is amended to read:

2232 409.2563 Administrative establishment of child support  
 2233 obligations.—

2234 (7) ADMINISTRATIVE SUPPORT ORDER.—

2235 (e) An administrative support order must comply with ss.  
 2236 61.13(1) and 61.30. The department shall develop a standard form  
 2237 or forms for administrative support orders. An administrative  
 2238 support order must provide and state findings, if applicable,  
 2239 concerning:

- 2240 1. The full name and date of birth of the child or  
 2241 children;
- 2242 2. The name of the parent from whom support is being sought  
 2243 and the other parent or caregiver;
- 2244 3. The parent's duty and ability to provide support;
- 2245 4. The amount of the parent's monthly support obligation;
- 2246 5. Any obligation to pay retroactive support;
- 2247 6. The parent's obligation to provide for the health care  
 2248 needs of each child, whether through health insurance,  
 2249 contribution toward the cost of health insurance, payment or  
 2250 reimbursement of health care expenses for the child, or any  
 2251 combination thereof;
- 2252 7. The beginning date of any required monthly payments and  
 2253 health insurance;
- 2254 8. That all support payments ordered must be paid to the  
 2255 Florida State Disbursement Unit as provided by s. 61.1824;

2256 9. That the parents, or caregiver if applicable, must file  
 2257 with the department when the administrative support order is  
 2258 rendered, if they have not already done so, and update as  
 2259 appropriate the information required pursuant to paragraph  
 2260 (13) (b);

2261 10. That both parents, or parent and caregiver if  
 2262 applicable, are required to promptly notify the department of  
 2263 any change in their mailing addresses pursuant to paragraph  
 2264 (13) (c); and

2265 11. That if the parent ordered to pay support receives  
 2266 reemployment assistance or unemployment compensation benefits,  
 2267 the payor shall withhold, and transmit to the department, 40  
 2268 percent of the benefits for payment of support, not to exceed  
 2269 the amount owed.

2270  
 2271 An income deduction order as provided by s. 61.1301 must be  
 2272 incorporated into the administrative support order or, if not  
 2273 incorporated into the administrative support order, the  
 2274 department or the Division of Administrative Hearings shall  
 2275 render a separate income deduction order.

2276 Section 57. Paragraph (a) of subsection (3), subsection  
 2277 (8), and paragraph (a) of subsection (9) of section 409.2576,  
 2278 Florida Statutes, is amended to read:

2279 409.2576 State Directory of New Hires.—

2280 (3) EMPLOYERS TO FURNISH REPORTS.—

2281 (a) Each employer subject to the reporting requirements of  
 2282 chapter 443 with 250 or more employees, shall provide to the  
 2283 State Directory of New Hires, a report listing the employer's  
 2284 legal name, address, and reemployment assistance ~~unemployment~~  
 2285 ~~compensation~~ identification number. The report must also provide

2286 the name and social security number of each new employee or  
 2287 rehired employee at the end of the first pay period following  
 2288 employment or reemployment.

2289 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State  
 2290 Directory of New Hires must furnish information regarding newly  
 2291 hired or rehired employees to the National Directory of New  
 2292 Hires for matching with the records of other state case  
 2293 registries within 3 business days of entering such information  
 2294 from the employer into the State Directory of New Hires. The  
 2295 State Directory of New Hires shall enter into an agreement with  
 2296 the Department of Economic Opportunity or its tax collection  
 2297 service provider for the quarterly reporting to the National  
 2298 Directory of New Hires information on wages and reemployment  
 2299 assistance ~~unemployment compensation~~ taken from the quarterly  
 2300 report to the Secretary of Labor, now required by Title III of  
 2301 the Social Security Act, except that no report shall be filed  
 2302 with respect to an employee of a state or local agency  
 2303 performing intelligence or counterintelligence functions, if the  
 2304 head of such agency has determined that filing such a report  
 2305 could endanger the safety of the employee or compromise an  
 2306 ongoing investigation or intelligence mission.

2307 (9) DISCLOSURE OF INFORMATION.—

2308 (a) New hire information shall be disclosed to the state  
 2309 agency administering the following programs for the purposes of  
 2310 determining eligibility under those programs:

- 2311 1. Any state program funded under part A of Title IV of the  
 2312 Social Security Act;
- 2313 2. The Medicaid program under Title XIX of the Social  
 2314 Security Act;
- 2315 3. The reemployment assistance or unemployment compensation

2316 program under s. 3304 of the Internal Revenue Code of 1954;  
 2317 4. The food assistance program under the Food and Nutrition  
 2318 Act of 2008; and

2319 5. Any state program under a plan approved under Title I  
 2320 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),  
 2321 Title XIV (Aid to the Permanently and Totally Disabled), or  
 2322 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental  
 2323 Security Income for the Aged, Blind, and Disabled) of the Social  
 2324 Security Act.

2325 Section 58. Paragraph (f) of subsection (1) of section  
 2326 414.295, Florida Statutes, is amended to read:

2327 414.295 Temporary cash assistance programs; public records  
 2328 exemption.—

2329 (1) Personal identifying information of a temporary cash  
 2330 assistance program participant, a participant's family, or a  
 2331 participant's family or household member, except for information  
 2332 identifying a parent who does not live in the same home as the  
 2333 child, held by the department, the Office of Early Learning,  
 2334 Workforce Florida, Inc., the Department of Health, the  
 2335 Department of Revenue, the Department of Education, or a  
 2336 regional workforce board or local committee created pursuant to  
 2337 s. 445.007 is confidential and exempt from s. 119.07(1) and s.  
 2338 24(a), Art. I of the State Constitution. Such confidential and  
 2339 exempt information may be released for purposes directly  
 2340 connected with:

2341 (f) The administration of the reemployment assistance  
 2342 ~~unemployment compensation~~ program.

2343 Section 59. Subsection (4) of section 435.06, Florida  
 2344 Statutes, is amended to read:

2345 435.06 Exclusion from employment.—

2346 (4) There is no reemployment assistance ~~unemployment~~  
 2347 ~~compensation~~ or other monetary liability on the part of, and no  
 2348 cause of action for damages against, an employer that, upon  
 2349 notice of a conviction or arrest for a disqualifying offense  
 2350 listed under this chapter, terminates the person against whom  
 2351 the report was issued or who was arrested, regardless of whether  
 2352 or not that person has filed for an exemption pursuant to this  
 2353 chapter.

2354 Section 60. Subsection (2) of section 440.12, Florida  
 2355 Statutes, is amended to read:

2356 440.12 Time for commencement and limits on weekly rate of  
 2357 compensation.—

2358 (2) Compensation for disability resulting from injuries  
 2359 which occur after December 31, 1974, shall not be less than \$20  
 2360 per week. However, if the employee's wages at the time of injury  
 2361 are less than \$20 per week, he or she shall receive his or her  
 2362 full weekly wages. If the employee's wages at the time of the  
 2363 injury exceed \$20 per week, compensation shall not exceed an  
 2364 amount per week which is:

2365 (a) Equal to 100 percent of the statewide average weekly  
 2366 wage, determined as hereinafter provided for the year in which  
 2367 the injury occurred; however, the increase to 100 percent from  
 2368 66 2/3 percent of the statewide average weekly wage shall apply  
 2369 only to injuries occurring on or after August 1, 1979; and

2370 (b) Adjusted to the nearest dollar.

2371  
 2372 For the purpose of this subsection, the "statewide average  
 2373 weekly wage" means the average weekly wage paid by employers  
 2374 subject to the Florida Reemployment Assistance ~~Unemployment~~  
 2375 ~~Compensation~~ Law as reported to the Department of Economic



2376 Opportunity for the four calendar quarters ending each June 30,  
 2377 which average weekly wage shall be determined by the Department  
 2378 of Economic Opportunity on or before November 30 of each year  
 2379 and shall be used in determining the maximum weekly compensation  
 2380 rate with respect to injuries occurring in the calendar year  
 2381 immediately following. The statewide average weekly wage  
 2382 determined by the Department of Economic Opportunity shall be  
 2383 reported annually to the Legislature.

2384 Section 61. Paragraph (c) of subsection (9) and subsection  
 2385 (10) of section 440.15, Florida Statutes, is amended to read:

2386 440.15 Compensation for disability.—Compensation for  
 2387 disability shall be paid to the employee, subject to the limits  
 2388 provided in s. 440.12(2), as follows:

2389 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
 2390 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2391 (c) Disability compensation benefits payable for any week,  
 2392 including those benefits provided by paragraph (1)(f), may not  
 2393 be reduced pursuant to this subsection until the Social Security  
 2394 Administration determines the amount otherwise payable to the  
 2395 employee under 42 U.S.C. ss. 402 and 423 and the employee has  
 2396 begun receiving such social security benefit payments. The  
 2397 employee shall, upon demand by the department, the employer, or  
 2398 the carrier, authorize the Social Security Administration to  
 2399 release disability information relating to her or him and  
 2400 authorize the Department of Economic Opportunity to release  
 2401 reemployment assistance ~~unemployment compensation~~ information  
 2402 relating to her or him, in accordance with rules to be adopted  
 2403 by the department prescribing the procedure and manner for  
 2404 requesting the authorization and for compliance by the employee.  
 2405 The department or the employer or carrier may not make any

2406 payment of benefits for total disability or those additional  
 2407 benefits provided by paragraph (1)(f) for any period during  
 2408 which the employee willfully fails or refuses to authorize the  
 2409 release of information in the manner and within the time  
 2410 prescribed by such rules. The authority for release of  
 2411 disability information granted by an employee under this  
 2412 paragraph is effective for a period not to exceed 12 months and  
 2413 such authority may be renewed, as the department prescribes by  
 2414 rule.

2415 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO  
 2416 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE  
 2417 ~~UNEMPLOYMENT COMPENSATION.~~—

2418 (a) No compensation benefits shall be payable for temporary  
 2419 total disability or permanent total disability under this  
 2420 chapter for any week in which the injured employee has received,  
 2421 or is receiving, reemployment assistance or unemployment  
 2422 compensation benefits.

2423 (b) If an employee is entitled to temporary partial  
 2424 benefits pursuant to subsection (4) and reemployment assistance  
 2425 or unemployment compensation benefits, such reemployment  
 2426 assistance or unemployment compensation benefits shall be  
 2427 primary and the temporary partial benefits shall be supplemental  
 2428 only, the sum of the two benefits not to exceed the amount of  
 2429 temporary partial benefits which would otherwise be payable.

2430 Section 62. Subsections (4) and (7) of section 440.381,  
 2431 Florida Statutes, are amended to read:

2432 440.381 Application for coverage; reporting payroll;  
 2433 payroll audit procedures; penalties.—

2434 (4) Each employer must submit a copy of the quarterly  
 2435 earnings report required by chapter 443 at the end of each

2436 quarter to the carrier and submit self-audits supported by the  
 2437 quarterly earnings reports required by chapter 443 and the rules  
 2438 adopted by the Department of Economic Opportunity or by the  
 2439 state agency providing reemployment assistance ~~unemployment~~ tax  
 2440 collection services under contract with the Department of  
 2441 Economic Opportunity through an interagency agreement pursuant  
 2442 to s. 443.1316. The reports must include a sworn statement by an  
 2443 officer or principal of the employer attesting to the accuracy  
 2444 of the information contained in the report.

2445 (7) If an employee suffering a compensable injury was not  
 2446 reported as earning wages on the last quarterly earnings report  
 2447 filed with the Department of Economic Opportunity or the state  
 2448 agency providing reemployment assistance ~~unemployment~~ tax  
 2449 collection services under contract with the Department of  
 2450 Economic Opportunity through an interagency agreement pursuant  
 2451 to s. 443.1316 before the accident, the employer shall indemnify  
 2452 the carrier for all workers' compensation benefits paid to or on  
 2453 behalf of the employee unless the employer establishes that the  
 2454 employee was hired after the filing of the quarterly report, in  
 2455 which case the employer and employee shall attest to the fact  
 2456 that the employee was employed by the employer at the time of  
 2457 the injury. Failure of the employer to indemnify the insurer  
 2458 within 21 days after demand by the insurer is grounds for the  
 2459 insurer to immediately cancel coverage. Any action for  
 2460 indemnification brought by the carrier is cognizable in the  
 2461 circuit court having jurisdiction where the employer or carrier  
 2462 resides or transacts business. The insurer is entitled to a  
 2463 reasonable attorney's fee if it recovers any portion of the  
 2464 benefits paid in the action.

2465 Section 63. Subsection (2) of section 440.42, Florida

2466 Statutes, is amended to read:

2467 440.42 Insurance policies; liability.—

2468 (2) A workers' compensation insurance policy may require  
 2469 the employer to release certain employment and wage information  
 2470 maintained by the state pursuant to federal and state  
 2471 reemployment assistance ~~unemployment compensation~~ laws except to  
 2472 the extent prohibited or limited under federal law. By entering  
 2473 into a workers' compensation insurance policy with such a  
 2474 provision, the employer consents to the release of the  
 2475 information. The insurance carrier requiring such consent shall  
 2476 safeguard the information and maintain its confidentiality. The  
 2477 carrier shall limit use of the information to verifying  
 2478 compliance with the terms of the workers' compensation insurance  
 2479 policy. The department may charge a fee to cover the cost of  
 2480 disclosing the information.

2481 Section 64. Paragraph (i) of subsection (1) and paragraph  
 2482 (b) of subsection (9) of section 445.009, Florida Statutes, is  
 2483 amended to read:

2484 445.009 One-stop delivery system.—

2485 (1) The one-stop delivery system is the state's primary  
 2486 customer-service strategy for offering every Floridian access,  
 2487 through service sites or telephone or computer networks, to the  
 2488 following services:

2489 (i) Claim filing for reemployment assistance ~~unemployment~~  
 2490 ~~compensation~~ services.

2491 (9)

2492 (b) The network shall assure that a uniform method is used  
 2493 to determine eligibility for and management of services provided  
 2494 by agencies that conduct workforce development activities. The  
 2495 Department of Management Services shall develop strategies to

2496 allow access to the databases and information management systems  
 2497 of the following systems in order to link information in those  
 2498 databases with the one-stop delivery system:

- 2499 1. The Reemployment Assistance ~~Unemployment Compensation~~  
 2500 Program under chapter 443.
- 2501 2. The public employment service described in s. 443.181.
- 2502 3. The FLORIDA System and the components related to  
 2503 temporary cash assistance, food assistance, and Medicaid  
 2504 eligibility.
- 2505 4. The Student Financial Assistance System of the  
 2506 Department of Education.
- 2507 5. Enrollment in the public postsecondary education system.
- 2508 6. Other information systems determined appropriate by  
 2509 Workforce Florida, Inc.

2510 Section 65. Subsection (6) of section 445.016, Florida  
 2511 Statutes, is amended to read:

2512 445.016 Untried Worker Placement and Employment Incentive  
 2513 Act.—

2514 (6) During an untried worker's probationary placement, the  
 2515 for-profit or not-for-profit agent shall be the employer of  
 2516 record of that untried worker, and shall provide workers'  
 2517 compensation and reemployment assistance ~~unemployment~~  
 2518 ~~compensation~~ coverage as provided by law. The business employing  
 2519 the untried worker through the agent may be eligible to apply  
 2520 for any tax credits, wage supplementation, wage subsidy, or  
 2521 employer payment for that employee that are authorized in law or  
 2522 by agreement with the employer. After satisfactory completion of  
 2523 such a probationary period, an untried worker shall not be  
 2524 considered an untried worker.

2525 Section 66. Paragraph (c) of subsection (2) and paragraph

2526 (a) of subsection (3) of section 446.50, Florida Statutes, are  
 2527 amended to read:

2528 446.50 Displaced homemakers; multiservice programs; report  
 2529 to the Legislature; Displaced Homemaker Trust Fund created.—

2530 (2) DEFINITION.—For the purposes of this section, the term  
 2531 “displaced homemaker” means an individual who:

2532 (c) Is not adequately employed, as defined by rule of the  
 2533 Department of Economic Opportunity ~~agency~~;

2534 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 2535 OPPORTUNITY.—

2536 (a) The Department of Economic Opportunity, under plans  
 2537 established by Workforce Florida, Inc., shall establish, or  
 2538 contract for the establishment of, programs for displaced  
 2539 homemakers which shall include:

2540 1. Job counseling, by professionals and peers, specifically  
 2541 designed for a person entering the job market after a number of  
 2542 years as a homemaker.

2543 2. Job training and placement services, including:

2544 a. Training programs for available jobs in the public and  
 2545 private sectors, taking into account the skills and job  
 2546 experiences of a homemaker and developed by working with public  
 2547 and private employers.

2548 b. Assistance in locating available employment for  
 2549 displaced homemakers, some of whom could be employed in existing  
 2550 job training and placement programs.

2551 c. Utilization of the services of the state employment  
 2552 service in locating employment opportunities.

2553 3. Financial management services providing information and  
 2554 assistance with respect to insurance, including, but not limited  
 2555 to, life, health, home, and automobile insurance, and taxes,

2556 estate and probate problems, mortgages, loans, and other related  
 2557 financial matters.

2558 4. Educational services, including high school equivalency  
 2559 degree and such other courses as the department determines would  
 2560 be of interest and benefit to displaced homemakers.

2561 5. Outreach and information services with respect to  
 2562 federal and state employment, education, health, and  
 2563 reemployment ~~unemployment~~ assistance programs that the  
 2564 department determines would be of interest and benefit to  
 2565 displaced homemakers.

2566 Section 67. Paragraph (b) of subsection (4) of section  
 2567 448.110, Florida Statutes, is amended to read:

2568 448.110 State minimum wage; annual wage adjustment;  
 2569 enforcement.—

2570 (4)

2571 (b) The Department of Revenue and the Department of  
 2572 Economic Opportunity shall annually publish the amount of the  
 2573 adjusted state minimum wage and the effective date. Publication  
 2574 shall occur by posting the adjusted state minimum wage rate and  
 2575 the effective date on the Internet home pages of the Department  
 2576 of Economic Opportunity and the Department of Revenue by October  
 2577 15 of each year. In addition, to the extent funded in the  
 2578 General Appropriations Act, the Department of Economic  
 2579 Opportunity shall provide written notice of the adjusted rate  
 2580 and the effective date of the adjusted state minimum wage to all  
 2581 employers registered in the most current unemployment  
 2582 compensation database. Such notice shall be mailed by November  
 2583 15 of each year using the addresses included in the database.  
 2584 Employers are responsible for maintaining current address  
 2585 information in the reemployment assistance ~~unemployment~~

2586 ~~compensation~~ database. The Department of Economic Opportunity is  
 2587 not responsible for failure to provide notice due to incorrect  
 2588 or incomplete address information in the database. The  
 2589 Department of Economic Opportunity shall provide the Department  
 2590 of Revenue with the adjusted state minimum wage rate information  
 2591 and effective date in a timely manner.

2592 Section 68. Paragraph (e) of subsection (2) of section  
 2593 450.31, Florida Statutes, is amended to read:

2594 450.31 Issuance, revocation, and suspension of, and refusal  
 2595 to issue or renew, certificate of registration.—

2596 (2) The department may revoke, suspend, or refuse to issue  
 2597 or renew any certificate of registration when it is shown that  
 2598 the farm labor contractor has:

2599 (e) Failed to pay reemployment assistance ~~unemployment~~  
 2600 ~~compensation~~ taxes as determined by the Department of Economic  
 2601 Opportunity; or

2602 Section 69. Subsection (9) of section 450.33, Florida  
 2603 Statutes, is amended to read:

2604 450.33 Duties of farm labor contractor.—Every farm labor  
 2605 contractor must:

2606 (9) Comply with all applicable statutes, rules, and  
 2607 regulations of the United States and of the State of Florida for  
 2608 the protection or benefit of labor, including, but not limited  
 2609 to, those providing for wages, hours, fair labor standards,  
 2610 social security, workers' compensation, reemployment assistance  
 2611 or unemployment compensation, child labor, and transportation.

2612 Section 70. Subsections (1) and (3) of section 468.529,  
 2613 Florida Statutes, are amended to read:

2614 468.529 Licensee's insurance; employment tax; benefit  
 2615 plans.—



2616 (1) A licensed employee leasing company is the employer of  
 2617 the leased employees, except that this provision is not intended  
 2618 to affect the determination of any issue arising under Pub. L.  
 2619 No. 93-406, the Employee Retirement Income Security Act, as  
 2620 amended from time to time. An employee leasing company shall be  
 2621 responsible for timely payment of reemployment assistance  
 2622 ~~unemployment~~ taxes pursuant to chapter 443, and shall be  
 2623 responsible for providing workers' compensation coverage  
 2624 pursuant to chapter 440. However, no licensed employee leasing  
 2625 company shall sponsor a plan of self-insurance for health  
 2626 benefits, except as may be permitted by the provisions of the  
 2627 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,  
 2628 the Employee Retirement Income Security Act, as amended from  
 2629 time to time. For purposes of this section, a "plan of self-  
 2630 insurance" shall exclude any arrangement where an admitted  
 2631 insurance carrier has issued a policy of insurance primarily  
 2632 responsible for the obligations of the health plan.

2633 (3) A licensed employee leasing company shall within 30  
 2634 days after initiation or termination notify its workers'  
 2635 compensation insurance carrier, the Division of Workers'  
 2636 Compensation of the Department of Financial Services, and the  
 2637 state agency providing reemployment assistance ~~unemployment~~ tax  
 2638 collection services under contract with the Department of  
 2639 Economic Opportunity through an interagency agreement pursuant  
 2640 to s. 443.1316 of both the initiation or the termination of the  
 2641 company's relationship with any client company.

2642 Section 71. Subsection (8) of section 553.791, Florida  
 2643 Statutes, is amended to read:

2644 553.791 Alternative plans review and inspection.—

2645 (8) A private provider performing required inspections

2646 under this section shall inspect each phase of construction as  
 2647 required by the applicable codes. The private provider shall be  
 2648 permitted to send a duly authorized representative to the  
 2649 building site to perform the required inspections, provided all  
 2650 required reports are prepared by and bear the signature of the  
 2651 private provider or the private provider's duly authorized  
 2652 representative. The duly authorized representative must be an  
 2653 employee of the private provider entitled to receive  
 2654 reemployment assistance ~~unemployment compensation~~ benefits under  
 2655 chapter 443. The contractor's contractual or legal obligations  
 2656 are not relieved by any action of the private provider.

2657 Section 72. Paragraph (b) of subsection (5) of section  
 2658 624.509, Florida Statutes, is amended to read:

2659 624.509 Premium tax; rate and computation.—

2660 (5)

2661 (b) For purposes of this subsection:

2662 1. The term "salaries" does not include amounts paid as  
 2663 commissions.

2664 2. The term "employees" does not include independent  
 2665 contractors or any person whose duties require that the person  
 2666 hold a valid license under the Florida Insurance Code, except  
 2667 adjusters, managing general agents, and service representatives,  
 2668 as defined in s. 626.015.

2669 3. The term "net tax" means the tax imposed by this section  
 2670 after applying the calculations and credits set forth in  
 2671 subsection (4).

2672 4. An affiliated group of corporations that created a  
 2673 service company within its affiliated group on July 30, 2002,  
 2674 shall allocate the salary of each service company employee  
 2675 covered by contracts with affiliated group members to the

2676 companies for which the employees perform services. The salary  
 2677 allocation is based on the amount of time during the tax year  
 2678 that the individual employee spends performing services or  
 2679 otherwise working for each company over the total amount of time  
 2680 the employee spends performing services or otherwise working for  
 2681 all companies. The total amount of salary allocated to an  
 2682 insurance company within the affiliated group shall be included  
 2683 as that insurer's employee salaries for purposes of this  
 2684 section.

2685 a. Except as provided in subparagraph (a)2., the term  
 2686 "affiliated group of corporations" means two or more  
 2687 corporations that are entirely owned by a single corporation and  
 2688 that constitute an affiliated group of corporations as defined  
 2689 in s. 1504(a) of the Internal Revenue Code.

2690 b. The term "service company" means a separate corporation  
 2691 within the affiliated group of corporations whose employees  
 2692 provide services to affiliated group members and which are  
 2693 treated as service company employees for reemployment assistance  
 2694 or unemployment compensation and common law purposes. The  
 2695 holding company of an affiliated group may not qualify as a  
 2696 service company. An insurance company may not qualify as a  
 2697 service company.

2698 c. If an insurance company fails to substantiate, whether  
 2699 by means of adequate records or otherwise, its eligibility to  
 2700 claim the service company exception under this section, or its  
 2701 salary allocation under this section, no credit shall be  
 2702 allowed.

2703 5. A service company that is a subsidiary of a mutual  
 2704 insurance holding company, which mutual insurance holding  
 2705 company was in existence on or before January 1, 2000, shall

2706 allocate the salary of each service company employee covered by  
 2707 contracts with members of the mutual insurance holding company  
 2708 system to the companies for which the employees perform  
 2709 services. The salary allocation is based on the ratio of the  
 2710 amount of time during the tax year which the individual employee  
 2711 spends performing services or otherwise working for each company  
 2712 to the total amount of time the employee spends performing  
 2713 services or otherwise working for all companies. The total  
 2714 amount of salary allocated to an insurance company within the  
 2715 mutual insurance holding company system shall be included as  
 2716 that insurer's employee salaries for purposes of this section.  
 2717 However, this subparagraph does not apply for any tax year  
 2718 unless funds sufficient to offset the anticipated salary credits  
 2719 have been appropriated to the General Revenue Fund prior to the  
 2720 due date of the final return for that year.

2721 a. The term "mutual insurance holding company system" means  
 2722 two or more corporations that are subsidiaries of a mutual  
 2723 insurance holding company and in compliance with part IV of  
 2724 chapter 628.

2725 b. The term "service company" means a separate corporation  
 2726 within the mutual insurance holding company system whose  
 2727 employees provide services to other members of the mutual  
 2728 insurance holding company system and are treated as service  
 2729 company employees for reemployment assistance or unemployment  
 2730 compensation and common-law purposes. The mutual insurance  
 2731 holding company may not qualify as a service company.

2732 c. If an insurance company fails to substantiate, whether  
 2733 by means of adequate records or otherwise, its eligibility to  
 2734 claim the service company exception under this section, or its  
 2735 salary allocation under this section, no credit shall be

2736 allowed.

2737 Section 73. Paragraph (c) of subsection (8) of section  
2738 679.4061, Florida Statutes, is amended to read:

2739 679.4061 Discharge of account debtor; notification of  
2740 assignment; identification and proof of assignment; restrictions  
2741 on assignment of accounts, chattel paper, payment intangibles,  
2742 and promissory notes ineffective.—

2743 (8) This section is subject to law other than this chapter  
2744 which establishes a different rule for an account debtor who is  
2745 an individual and who incurred the obligation primarily for  
2746 personal, family, or household purposes. Subsections (4) and (6)  
2747 do not apply to the creation, attachment, perfection, or  
2748 enforcement of a security interest in:

2749 (c) The interest of a debtor who is a natural person in  
2750 reemployment assistance or unemployment, alimony, disability,  
2751 pension, or retirement benefits or victim compensation funds.

2752 Section 74. Paragraph (c) of subsection (6) of section  
2753 679.4081, Florida Statutes, is amended to read:

2754 679.4081 Restrictions on assignment of promissory notes,  
2755 health-care-insurance receivables, and certain general  
2756 intangibles ineffective.—

2757 (6) Subsections (1) and (3) do not apply to the creation,  
2758 attachment, perfection, or enforcement of a security interest  
2759 in:

2760 (c) The interest of a debtor who is a natural person in  
2761 reemployment assistance or unemployment, alimony, disability,  
2762 pension, or retirement benefits or victim compensation funds.

2763 Section 75. Paragraph (a) of subsection (1) of section  
2764 895.02, Florida Statutes, is amended to read:

2765 895.02 Definitions.—As used in ss. 895.01–895.08, the term:

2766 (1) "Racketeering activity" means to commit, to attempt to  
 2767 commit, to conspire to commit, or to solicit, coerce, or  
 2768 intimidate another person to commit:

2769 (a) Any crime that is chargeable by petition, indictment,  
 2770 or information under the following provisions of the Florida  
 2771 Statutes:

2772 1. Section 210.18, relating to evasion of payment of  
 2773 cigarette taxes.

2774 2. Section 316.1935, relating to fleeing or attempting to  
 2775 elude a law enforcement officer and aggravated fleeing or  
 2776 eluding.

2777 3. Section 403.727(3)(b), relating to environmental  
 2778 control.

2779 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 2780 fraud.

2781 5. Section 414.39, relating to public assistance fraud.

2782 6. Section 440.105 or s. 440.106, relating to workers'  
 2783 compensation.

2784 7. Section 443.071(4), relating to creation of a fictitious  
 2785 employer scheme to commit reemployment assistance ~~unemployment~~  
 2786 ~~compensation~~ fraud.

2787 8. Section 465.0161, relating to distribution of medicinal  
 2788 drugs without a permit as an Internet pharmacy.

2789 9. Section 499.0051, relating to crimes involving  
 2790 contraband and adulterated drugs.

2791 10. Part IV of chapter 501, relating to telemarketing.

2792 11. Chapter 517, relating to sale of securities and  
 2793 investor protection.

2794 12. Section 550.235 or s. 550.3551, relating to dogracing  
 2795 and horseracing.

- 2796           13. Chapter 550, relating to jai alai frontons.
- 2797           14. Section 551.109, relating to slot machine gaming.
- 2798           15. Chapter 552, relating to the manufacture, distribution,
- 2799 and use of explosives.
- 2800           16. Chapter 560, relating to money transmitters, if the
- 2801 violation is punishable as a felony.
- 2802           17. Chapter 562, relating to beverage law enforcement.
- 2803           18. Section 624.401, relating to transacting insurance
- 2804 without a certificate of authority, s. 624.437(4)(c)1., relating
- 2805 to operating an unauthorized multiple-employer welfare
- 2806 arrangement, or s. 626.902(1)(b), relating to representing or
- 2807 aiding an unauthorized insurer.
- 2808           19. Section 655.50, relating to reports of currency
- 2809 transactions, when such violation is punishable as a felony.
- 2810           20. Chapter 687, relating to interest and usurious
- 2811 practices.
- 2812           21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 2813 real estate timeshare plans.
- 2814           22. Section 775.13(5)(b), relating to registration of
- 2815 persons found to have committed any offense for the purpose of
- 2816 benefiting, promoting, or furthering the interests of a criminal
- 2817 gang.
- 2818           23. Section 777.03, relating to commission of crimes by
- 2819 accessories after the fact.
- 2820           24. Chapter 782, relating to homicide.
- 2821           25. Chapter 784, relating to assault and battery.
- 2822           26. Chapter 787, relating to kidnapping or human
- 2823 trafficking.
- 2824           27. Chapter 790, relating to weapons and firearms.
- 2825           28. Chapter 794, relating to sexual battery, but only if

2826 such crime was committed with the intent to benefit, promote, or  
 2827 further the interests of a criminal gang, or for the purpose of  
 2828 increasing a criminal gang member's own standing or position  
 2829 within a criminal gang.

2830 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
 2831 796.05, or s. 796.07, relating to prostitution and sex  
 2832 trafficking.

2833 30. Chapter 806, relating to arson and criminal mischief.

2834 31. Chapter 810, relating to burglary and trespass.

2835 32. Chapter 812, relating to theft, robbery, and related  
 2836 crimes.

2837 33. Chapter 815, relating to computer-related crimes.

2838 34. Chapter 817, relating to fraudulent practices, false  
 2839 pretenses, fraud generally, and credit card crimes.

2840 35. Chapter 825, relating to abuse, neglect, or  
 2841 exploitation of an elderly person or disabled adult.

2842 36. Section 827.071, relating to commercial sexual  
 2843 exploitation of children.

2844 37. Chapter 831, relating to forgery and counterfeiting.

2845 38. Chapter 832, relating to issuance of worthless checks  
 2846 and drafts.

2847 39. Section 836.05, relating to extortion.

2848 40. Chapter 837, relating to perjury.

2849 41. Chapter 838, relating to bribery and misuse of public  
 2850 office.

2851 42. Chapter 843, relating to obstruction of justice.

2852 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
 2853 s. 847.07, relating to obscene literature and profanity.

2854 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
 2855 849.25, relating to gambling.



2856 45. Chapter 874, relating to criminal gangs.

2857 46. Chapter 893, relating to drug abuse prevention and  
 2858 control.

2859 47. Chapter 896, relating to offenses related to financial  
 2860 transactions.

2861 48. Sections 914.22 and 914.23, relating to tampering with  
 2862 or harassing a witness, victim, or informant, and retaliation  
 2863 against a witness, victim, or informant.

2864 49. Sections 918.12 and 918.13, relating to tampering with  
 2865 jurors and evidence.

2866 Section 76. Paragraph (g) of subsection (8) of section  
 2867 896.101, Florida Statutes, is amended to read:

2868 896.101 Florida Money Laundering Act; definitions;  
 2869 penalties; injunctions; seizure warrants; immunity.-

2870 (8)

2871 (g)1. Upon service of the temporary order served pursuant  
 2872 to this section, the petitioner shall immediately notify by  
 2873 certified mail, return receipt requested, or by personal  
 2874 service, both the person or entity in possession of the monetary  
 2875 instruments or funds and the owner of the monetary instruments  
 2876 or funds if known, of the order entered pursuant to this section  
 2877 and that the lawful owner of the monetary instruments or funds  
 2878 being enjoined may request a hearing to contest and modify the  
 2879 order entered pursuant to this section by petitioning the court  
 2880 that issued the order, so that such notice is received within 72  
 2881 hours.

2882 2. The notice shall advise that the hearing shall be held  
 2883 within 3 days of the request, and the notice must state that the  
 2884 hearing will be set and noticed by the person against whom the  
 2885 order is served.

2886           3. The notice shall specifically state that the lawful  
 2887 owner has the right to produce evidence of legitimate business  
 2888 expenses, obligations, and liabilities, including but not  
 2889 limited to, employee payroll expenses verified by current  
 2890 reemployment assistance ~~unemployment compensation~~ records,  
 2891 employee workers' compensation insurance, employee health  
 2892 insurance, state and federal taxes, and regulatory or licensing  
 2893 fees only as may become due before the expiration of the  
 2894 temporary order.

2895           4. Upon determination by the court that the expenses are  
 2896 valid, payment of such expenses may be effected by the owner of  
 2897 the enjoined monetary instruments or funds only to the court-  
 2898 ordered payees through court-reviewed checks, issued by the  
 2899 owner of, and the person or entity in possession of, the  
 2900 enjoined monetary instruments or funds. Upon presentment, the  
 2901 person or entity in possession of the enjoined funds or monetary  
 2902 instruments shall only honor the payment of the check to the  
 2903 court-ordered payee.

2904           Section 77. Paragraph (a) of subsection (3) of section  
 2905 921.0022, Florida Statutes, is amended to read:

2906           921.0022 Criminal Punishment Code; offense severity ranking  
 2907 chart.—

2908           (3) OFFENSE SEVERITY RANKING CHART

2909           (a) LEVEL 1

2910

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

2911

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2912	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2913	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
2914	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2915	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2916	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2917	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2918	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
2919	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
2920	322.212 (5) (a)	3rd	False application for driver's license or identification card.
2921	414.39 (2)	3rd	Unauthorized use, possession, forgery, or

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2922			alteration of food assistance program, Medicaid ID, value greater than \$200.
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2923			
	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment assistance</u> <del>unemployment compensation</del> benefits.
2924			
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2925			
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2926			
	562.27 (1)	3rd	Possess still or still apparatus.
2927			
	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
2928			
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2929			
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2930			
	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).

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2931	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2932	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
2933	826.01	3rd	Bigamy.
2934	828.122 (3)	3rd	Fighting or baiting animals.
2935	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2936	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2937	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2938	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.
2939	838.15 (2)	3rd	Commercial bribe receiving.
2940	838.16	3rd	Commercial bribery.
2941	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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2942	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2943	849.01	3rd	Keeping gambling house.
2944	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.
2945	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2946	849.25(2)	3rd	Engaging in bookmaking.
2947	860.08	3rd	Interfere with a railroad signal.
2948	860.13(1)(a)	3rd	Operate aircraft while under the influence.
2949	893.13(2)(a)2.	3rd	Purchase of cannabis.
2950	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
2951	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

2952  
 2953  
 2954 Section 78. Subsection (2) of section 946.513, Florida  
 2955 Statutes, is amended to read:

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2956 946.513 Private employment of inmates; disposition of  
 2957 compensation received.—

2958 (2) No inmate is eligible for reemployment assistance  
 2959 benefits ~~unemployment compensation~~, whether employed by the  
 2960 corporation or by any other private enterprise operating on the  
 2961 grounds of a correctional institution or elsewhere, when such  
 2962 employment is part of a correctional work program or work-  
 2963 release program of either the corporation or the department.

2964 Section 79. Subsection (2) of section 946.523, Florida  
 2965 Statutes, is amended to read:

2966 946.523 Prison industry enhancement (PIE) programs.—

2967 (2) Notwithstanding any other law to the contrary,  
 2968 including s. 440.15(8), private sector employers shall provide  
 2969 workers' compensation coverage to inmates who participate in  
 2970 prison industry enhancement (PIE) programs under subsection (1).  
 2971 However, inmates are not entitled to reemployment assistance  
 2972 benefits ~~unemployment compensation~~.

2973 Section 80. Paragraph (c) of subsection (5) of section  
 2974 985.618, Florida Statutes, is amended to read:

2975 985.618 Educational and career-related programs.—

2976 (5)

2977 (c) Notwithstanding any other law to the contrary,  
 2978 including s. 440.15(8), private sector employers shall provide  
 2979 juveniles participating in juvenile work programs under  
 2980 paragraph (b) with workers' compensation coverage, and juveniles  
 2981 shall be entitled to the benefits of such coverage. Nothing in  
 2982 this subsection shall be construed to allow juveniles to  
 2983 participate in reemployment assistance ~~unemployment compensation~~  
 2984 benefits.

2985 Section 81. Subsection (3) of section 1003.496, Florida

2986 Statutes, is amended to read:

2987 1003.496 High School to Business Career Enhancement  
2988 Program.—

2989 (3) Employment under this section of a student intern who  
2990 meets the criteria of s. 443.1216(13)(q) is not employment for  
2991 purposes of reemployment assistance ~~unemployment compensation~~  
2992 under chapter 443.

2993 Section 82. Subsection (3) of section 1008.39, Florida  
2994 Statutes, is amended to read:

2995 1008.39 Florida Education and Training Placement  
2996 Information Program.—

2997 (3) The Florida Education and Training Placement  
2998 Information Program must not make public any information that  
2999 could identify an individual or the individual's employer. The  
3000 Department of Education must ensure that the purpose of  
3001 obtaining placement information is to evaluate and improve  
3002 public programs or to conduct research for the purpose of  
3003 improving services to the individuals whose social security  
3004 numbers are used to identify their placement. If an agreement  
3005 assures that this purpose will be served and that privacy will  
3006 be protected, the Department of Education shall have access to  
3007 the reemployment assistance ~~unemployment insurance~~ wage reports  
3008 maintained by the Department of Economic Opportunity, the files  
3009 of the Department of Children and Family Services that contain  
3010 information about the distribution of public assistance, the  
3011 files of the Department of Corrections that contain records of  
3012 incarcerations, and the files of the Department of Business and  
3013 Professional Regulation that contain the results of licensure  
3014 examination.

3015 Section 83. Paragraph (b) of subsection (1) of section



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3016 1008.41, Florida Statutes, is amended to read:

3017 1008.41 Workforce education; management information  
 3018 system.—

3019 (1) The Commissioner of Education shall coordinate uniform  
 3020 program structures, common definitions, and uniform management  
 3021 information systems for workforce education for all divisions  
 3022 within the department. In performing these functions, the  
 3023 commissioner shall designate deadlines after which data elements  
 3024 may not be changed for the coming fiscal or school year. School  
 3025 districts and Florida College System institutions shall be  
 3026 notified of data element changes at least 90 days prior to the  
 3027 start of the subsequent fiscal or school year. Such systems must  
 3028 provide for:

3029 (b) Compliance with state and federal confidentiality  
 3030 requirements, except that the department shall have access to  
 3031 the reemployment assistance ~~unemployment insurance~~ wage reports  
 3032 to collect and report placement information about former  
 3033 students. Such placement reports must not disclose the  
 3034 individual identities of former students.

3035 Section 84. This act shall take effect July 1, 2012.