

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

29 | act; amending s. 443.171, F.S.; deleting an exemption
 30 | from public records requirements for unemployment
 31 | compensation records and reports; revising references
 32 | to conform to changes made by this act; amending s.
 33 | 443.1715, F.S.; revising an exemption from public
 34 | records requirements for unemployment compensation
 35 | records and reports; revising references to conform to
 36 | changes made by this act; amending ss. 20.60, 27.52,
 37 | 40.24, 45.031, 55.204, 57.082, 61.046, 61.1824, 61.30,
 38 | 69.041, 77.041, 110.205, 110.502, 120.80, 125.9502,
 39 | 212.096, 213.053, 216.292, 220.03, 220.181, 220.191,
 40 | 220.194, 222.15, 222.16, 255.20, 288.075, 288.1045,
 41 | 288.106, 288.1081, 288.1089, 334.30, 408.809,
 42 | 409.2563, 409.2576, 414.295, 435.06, 440.12, 440.15,
 43 | 440.381, 440.42, 443.051, 443.071, 443.111, 443.1113,
 44 | 443.1116, 443.1215, 443.1216, 443.1312, 443.1313,
 45 | 443.1315, 443.1316, 443.1317, 443.141, 443.163,
 46 | 443.17161, 443.181, 443.191, 443.221, 445.009,
 47 | 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,
 48 | 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,
 49 | 921.0022, 946.513, 946.523, 985.618, 1003.496,
 50 | 1008.39, and 1008.41, F.S.; revising references to
 51 | conform to changes made by the act; providing an
 52 | effective date.

53 |
 54 | Be It Enacted by the Legislature of the State of Florida:
 55 |

HB 7027

2012

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

58 443.011 Short title.—This chapter may be cited as the
59 "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."

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

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

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

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

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

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

84 law to a judge of the circuit court.

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

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

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

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

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

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

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

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

HB 7027

2012

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

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

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

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

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

HB 7027

2012

140 interagency agreement pursuant to s. 443.1316.

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

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

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

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

152 (3) EXCEPTION, SUPPORT INTERCEPT.—

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

168 compensation, the department shall deduct and withhold the
 169 amount ordered by the court or administrative agency that issued
 170 the support order as disclosed by the Department of Revenue.

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

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

178 443.071 Penalties.—

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

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

196 the state.

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

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

206 443.091 Benefit eligibility conditions.—

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

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

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

223 2. The administrator or operator of the initial skills

HB 7027

2012

224 review shall notify the department ~~agency~~ when the individual
225 completes the initial skills review and report the results of
226 the review to the regional workforce board or the one-stop
227 career center as directed by the workforce board. The department
228 shall prescribe a numeric score on the initial skills review
229 that demonstrates a minimal proficiency in workforce skills. The
230 department, workforce board, or one-stop career center shall use
231 the initial skills review to develop a plan for referring
232 individuals to training and employment opportunities. Any
233 individual that falls below the minimal proficiency score on the
234 initial skills review shall be offered training opportunities
235 and encouraged to participate in such training, at no cost to
236 the individual, in order to improve her or his workforce skills
237 to the minimal proficiency level. The failure of the individual
238 to comply with this requirement will result in the individual
239 being determined ineligible for benefits for the week in which
240 the noncompliance occurred and for any subsequent week of
241 unemployment until the requirement is satisfied. However, this
242 requirement does not apply if the individual is able to
243 affirmatively attest to being unable to complete such review due
244 to illiteracy or a language impediment or is exempt from the
245 work registration requirement pursuant to paragraph (b).

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

251 (d) She or he is able to work and is available for work.

HB 7027

2012

252 In order to assess eligibility for a claimed week of
253 unemployment, the department shall develop criteria to determine
254 a claimant's ability to work and availability for work. A
255 claimant must be actively seeking work in order to be considered
256 available for work. This means engaging in systematic and
257 sustained efforts to find work, including contacting at least
258 five prospective employers for each week of unemployment
259 claimed. The department ~~agency~~ may require the claimant to
260 provide proof of such efforts to the one-stop career center as
261 part of reemployment services. The department ~~agency~~ shall
262 conduct random reviews of work search information provided by
263 claimants. As an alternative to contacting at least five
264 prospective employers for any week of unemployment claimed, a
265 claimant may, for that same week, report in person to a one-stop
266 career center to meet with a representative of the center and
267 access reemployment services of the center. The center shall
268 keep a record of the services or information provided to the
269 claimant and shall provide the records to the department ~~agency~~
270 upon request by the department ~~agency~~. However:

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

HB 7027

2012

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

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

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

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

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

307 (f) She or he has been unemployed for a waiting period of

HB 7027

2012

308 1 week. A week may ~~not~~ be counted as a waiting week ~~of~~
 309 ~~unemployment~~ under this subsection only if unless:

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

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

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

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

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

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

334 (6) ~~For a period not to exceed 1 year from the date of the~~
 335 ~~discovery by the Department of Economic Opportunity of the~~

HB 7027

2012

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

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

354 (a) If the Department of Economic Opportunity or the
355 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
356 that the individual was terminated from work for violation of
357 any criminal law, under any jurisdiction, which was in
358 connection with his or her work, and the individual was
359 convicted, or entered a plea of guilty or nolo contendere, the
360 individual is not entitled to reemployment assistance
361 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
362 adopted by the department, and until he or she has earned income
363 of at least 17 times his or her weekly benefit amount. If,

HB 7027

2012

364 before an adjudication of guilt, an admission of guilt, or a
365 plea of nolo contendere, the employer proves by competent
366 substantial evidence to the department that the arrest was due
367 to a crime against the employer or the employer's business,
368 customers, or invitees, the individual is not entitled to
369 reemployment assistance ~~unemployment~~ benefits.

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

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

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

389 (b) A temporary or leased employee is deemed to have
390 voluntarily quit employment and is disqualified for benefits
391 under subparagraph (1)(a)1. if, upon conclusion of his or her

392 latest assignment, the temporary or leased employee, without
 393 good cause, failed to contact the temporary help or employee-
 394 leasing firm for reassignment, if the employer advised the
 395 temporary or leased employee at the time of hire and that the
 396 leased employee is notified also at the time of separation that
 397 he or she must report for reassignment upon conclusion of each
 398 assignment, regardless of the duration of the assignment, and
 399 that reemployment assistance ~~unemployment~~ benefits may be denied
 400 for failure to report. For purposes of this section, the time of
 401 hire for a day laborer is upon his or her acceptance of the
 402 first assignment following completion of an employment
 403 application with the labor pool. The labor pool as defined in s.
 404 448.22(1) must provide notice to the temporary employee upon
 405 conclusion of the latest assignment that work is available the
 406 next business day and that the temporary employee must report
 407 for reassignment the next business day. The notice must be given
 408 by means of a notice printed on the paycheck, written notice
 409 included in the pay envelope, or other written notification at
 410 the conclusion of the current assignment.

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

420 that the individual used, or was using, controlled substances,
 421 subject to the following conditions:

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

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

436 (c) Disclosure of drug test results and other information
 437 pertaining to drug testing of individuals who claim or receive
 438 compensation under this chapter shall be governed by s.
 439 443.1715.

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

443 443.111 Payment of benefits.—

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

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

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

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

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

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

466 | (5) DURATION OF BENEFITS.—

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

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

475 | 443.1113 Reemployment Assistance ~~Unemployment Compensation~~

476 Claims and Benefits Information System.—

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

- 485 (a) Claims and benefit mainframe system.
- 486 (b) Florida unemployment Internet direct.
- 487 (c) Florida continued claim Internet directory.
- 488 (d) Call center interactive voice response system.
- 489 (e) Benefit overpayment screening system.
- 490 (f) Internet and Intranet appeals system.

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

- 494 (a) Wherever cost-effective and operationally feasible,
 495 eliminate or automate existing paper processes and enhance any
 496 existing automated workflows in order to expedite customer
 497 transactions and eliminate redundancy.
- 498 (b) Enable online, self-service access to claimant and
 499 employer information and federal and state reporting.
- 500 (c) Integrate benefit payment control with the
 501 adjudication program and collection system in order to improve
 502 the detection of fraud.
- 503 (d) Comply with all requirements established in federal

HB 7027

2012

504 and state law for reemployment assistance ~~unemployment~~
505 ~~compensation~~.

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

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

512 (a) Collection of reemployment assistance ~~unemployment~~
513 ~~compensation~~ taxes.

514 (b) General ledger, financial management, or budgeting
515 capabilities.

516 (c) Human resource planning or management capabilities.

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

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

525 (b) The Reemployment Assistance ~~Unemployment~~ Claims and
526 Benefits Internet portal that replaces the Florida Unemployment
527 Internet Direct and the Florida Continued Claims Internet
528 Directory systems, the Call Center Interactive Voice Response
529 System, the Benefit Overpayment Screening System, the Internet
530 and Intranet Appeals System, and the Claims and Benefits
531 Mainframe System shall be deployed to full operational status no

532 later than the end of fiscal year 2012-2013.

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

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

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

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

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

- 552 1. Providing management direction and support to the
 553 project management team.
- 554 2. Assessing the project's alignment with the strategic
 555 goals of the department for administering the reemployment
 556 assistance ~~unemployment compensation~~ program.
- 557 3. Reviewing and approving or disapproving any changes to
 558 the project's scope, schedule, and costs.
- 559 4. Reviewing, approving or disapproving, and determining

HB 7027

2012

560 whether to proceed with any major project deliverables.

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

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

570 1. Providing daily planning, management, and oversight of
571 the project.

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

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

578 a. Planned versus actual project costs;

579 b. An assessment of the status of major milestones and
580 deliverables;

581 c. Identification of any issues requiring resolution, the
582 proposed resolution for these issues, and information regarding
583 the status of the resolution;

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

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

587 All recommendations must be reviewed by project stakeholders

588 before submission to the executive steering committee in order
 589 to ensure that the recommendations meet required acceptance
 590 criteria.

591 Section 10. Paragraph (b) of subsection (8) of section
 592 443.1116, Florida Statutes, is amended to read:

593 443.1116 Short-time compensation.—

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

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

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

604 443.1215 Employers.—

605 (3) An employing unit that fails to keep the records of
 606 employment required by this chapter and by the rules of the
 607 Department of Economic Opportunity and the state agency
 608 providing reemployment assistance ~~unemployment~~ tax collection
 609 services is presumed to be an employer liable for the payment of
 610 contributions under this chapter, regardless of the number of
 611 individuals employed by the employing unit. However, the tax
 612 collection service provider shall make written demand that the
 613 employing unit keep and maintain required payroll records. The
 614 demand must be made at least 6 months before assessing
 615 contributions against an employing unit determined to be an

616 employer that is subject to this chapter solely by reason of
 617 this subsection.

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

622 443.1216 Employment.—Employment, as defined in s. 443.036,
 623 is subject to this chapter under the following conditions:

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

627 1. An officer of a corporation.

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

641 a. In addition to any other report required to be filed by
 642 law, an employee leasing company shall submit a report to the
 643 Labor Market Statistics Center within the Department of Economic

HB 7027

2012

644 Opportunity which includes each client establishment and each
645 establishment of the employee leasing company, or as otherwise
646 directed by the department. The report must include the
647 following information for each establishment:

648 (I) The trade or establishment name;

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

651 (III) The former federal employer's identification number
652 (FEIN), if available;

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

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

657 (VI) The address of the physical location;

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

662 (VIII) The total wages subject to reemployment assistance
663 ~~unemployment compensation~~ taxes paid during the calendar
664 quarter;

665 (IX) An internal identification code to uniquely identify
666 each establishment of each client;

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

669 (XI) The month and year that the client terminated the
670 contract for services.

671 b. The report shall be submitted electronically or in a

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

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

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

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

699 a. As an agent-driver or commission-driver engaged in

HB 7027

2012

700 distributing meat products, vegetable products, fruit products,
701 bakery products, beverages other than milk, or laundry or
702 drycleaning services for his or her principal.

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

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

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

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

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

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

HB 7027

2012

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

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

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

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

755 a. The corporations are members of a "controlled group of

HB 7027

2012

756 corporations" as defined in s. 1563 of the Internal Revenue Code
757 of 1986 or would be members if s. 1563(a)(4) and (b) did not
758 apply.

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

767 c. At least 50 percent of the officers of one corporation
768 are concurrently officers of the other corporation.

769 d. At least 30 percent of the employees of one corporation
770 are concurrently employees of the other corporation.

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

779 5. The common paymaster also has the primary
780 responsibility for remitting contributions due under this
781 chapter for the wages it disburses as the common paymaster. The
782 common paymaster must compute these contributions as though it
783 were the sole employer of the concurrently employed individuals.

HB 7027

2012

784 If a common paymaster fails to timely remit these contributions
 785 or reports, in whole or in part, the common paymaster remains
 786 liable for the full amount of the unpaid portion of these
 787 contributions. In addition, each of the other related
 788 corporations using the common paymaster is jointly and severally
 789 liable for its appropriate share of these contributions. Each
 790 related corporation's share equals the greater of:

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

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

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

809 (12) The employment subject to this chapter includes
 810 services covered by a reciprocal arrangement under s. 443.221
 811 between the Department of Economic Opportunity or its tax

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

822 (13) The following are exempt from coverage under this
 823 chapter:

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

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

835 (p) Service covered by an arrangement between the
 836 Department of Economic Opportunity, or its tax collection
 837 service provider, and the agency charged with the administration
 838 of another state or federal reemployment assistance or
 839 unemployment compensation law under which all services performed

HB 7027

2012

840 by an individual for an employing unit during the period covered
841 by the employing unit's duly approved election is deemed to be
842 performed entirely within the other agency's state or under the
843 federal law.

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

846 443.131 Contributions.—

847 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
848 EXPERIENCE.—

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

HB 7027

2012

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

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

890 3. Benefits subsequently paid to an individual after his
891 or her refusal without good cause to accept suitable work from
892 an employer may not be charged to the employment record of the
893 employer if any part of those benefits are based on wages paid
894 by the employer before the individual's refusal to accept
895 suitable work. As used in this subparagraph, the term "good

HB 7027

2012

896 cause" does not include distance to employment caused by a
897 change of residence by the individual. The department shall
898 adopt rules prescribing for the payment of all benefits whether
899 this subparagraph applies regardless of whether a
900 disqualification under s. 443.101 applies to the claim.

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

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

914 (f) Transfer of employment records.—

915 1. For the purposes of this subsection, two or more
916 employers who are parties to a transfer of business or the
917 subject of a merger, consolidation, or other form of
918 reorganization, effecting a change in legal identity or form,
919 are deemed a single employer and are considered to be one
920 employer with a continuous employment record if the tax
921 collection service provider finds that the successor employer
922 continues to carry on the employing enterprises of all of the
923 predecessor employers and that the successor employer has paid

HB 7027

2012

924 all contributions required of and due from all of the
925 predecessor employers and has assumed liability for all
926 contributions that may become due from all of the predecessor
927 employers. In addition, an employer may not be considered a
928 successor under this subparagraph if the employer purchases a
929 company with a lower rate into which employees with job
930 functions unrelated to the business endeavors of the predecessor
931 are transferred for the purpose of acquiring the low rate and
932 avoiding payment of contributions. As used in this paragraph,
933 notwithstanding s. 443.036(14), the term "contributions" means
934 all indebtedness to the tax collection service provider,
935 including, but not limited to, interest, penalty, collection
936 fee, and service fee. A successor employer must accept the
937 transfer of all of the predecessor employers' employment records
938 within 30 days after the date of the official notification of
939 liability by succession. If a predecessor employer has unpaid
940 contributions or outstanding quarterly reports, the successor
941 employer must pay the total amount with certified funds within
942 30 days after the date of the notice listing the total amount
943 due. After the total indebtedness is paid, the tax collection
944 service provider shall transfer the employment records of all of
945 the predecessor employers to the successor employer's employment
946 record. The tax collection service provider shall determine the
947 contribution rate of the combined successor and predecessor
948 employers upon the transfer of the employment records, as
949 prescribed by rule, in order to calculate any change in the
950 contribution rate resulting from the transfer of the employment
951 records.

Page 34 of 122

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

hb7027-00

HB 7027

2012

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

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

980 with the transferred portion of the predecessor employer's
 981 employment record. These rules may also prescribe what
 982 contribution rates are payable by the predecessor and successor
 983 employers for the period between the date of the transfer of the
 984 transferred portion of the predecessor employer's employment
 985 record in the records of the tax collection service provider and
 986 the first day of the next calendar year.

987 4. This paragraph does not apply to an employee leasing
 988 company and client contractual agreement as defined in s.
 989 443.036. The tax collection service provider shall, if the
 990 contractual agreement is terminated or the employee leasing
 991 company fails to submit reports or pay contributions as required
 992 by the service provider, treat the client as a new employer
 993 without previous employment record unless the client is
 994 otherwise eligible for a variation from the standard rate.

995 Section 14. Paragraph (d) of subsection (2) of section
 996 443.1312, Florida Statutes, is amended to read:

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

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

HB 7027

2012

1008 employ of the nonprofit organization, to individuals for weeks
 1009 of unemployment which begin during the effective period of the
 1010 election.

1011 (d) In accordance with rules adopted by the Department of
 1012 Economic Opportunity or the state agency providing reemployment
 1013 assistance ~~unemployment~~ tax collection services, the tax
 1014 collection service provider shall notify each nonprofit
 1015 organization of any determination of the organization's status
 1016 as an employer, the effective date of any election the
 1017 organization makes, and the effective date of any termination of
 1018 the election. Each determination is subject to reconsideration,
 1019 appeal, and review under s. 443.141(2)(c).

1020 Section 15. Subsection (3) and paragraph (a) of subsection
 1021 (4) of section 443.1313, Florida Statutes, are amended to read:

1022 443.1313 Public employers; reimbursements; election to pay
 1023 contributions.—Benefits paid to employees of a public employer,
 1024 as defined in s. 443.036, based on service described in s.
 1025 443.1216(2) shall be financed in accordance with this section.

1026 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
 1027 or contributing employer under this section, a public employer
 1028 may not change this election for at least 2 calendar years. This
 1029 subsection does not prevent a public employer subject to this
 1030 subsection from changing its election after completing 2
 1031 calendar years under another financing method if the new
 1032 election is timely filed. The state agency providing
 1033 reemployment assistance ~~unemployment~~ tax collection services may
 1034 adopt rules prescribing procedures for changing methods of
 1035 reporting.

1036 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
 1037 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1038 (a) There is established within the Unemployment
 1039 Compensation Trust Fund a Public Employers Reemployment
 1040 Assistance ~~Unemployment—Compensation~~ Benefit Account, which must
 1041 be maintained as a separate account within the trust fund. All
 1042 benefits paid to the employees of a public employer that elects
 1043 to become a contributing employer under paragraph (b) must be
 1044 charged to the Public Employers Unemployment Compensation
 1045 Benefit Account.

1046 Section 16. Subsection (7) of section 443.1315, Florida
 1047 Statutes, is amended to read:

1048 443.1315 Treatment of Indian tribes.—

1049 (7) The Department of Economic Opportunity and the state
 1050 agency providing reemployment assistance ~~unemployment~~ tax
 1051 collection services shall adopt rules necessary to administer
 1052 this section.

1053 Section 17. Section 443.1316, Florida Statutes, is amended
 1054 to read:

1055 443.1316 Reemployment assistance ~~Unemployment~~ tax
 1056 collection services; interagency agreement.—

1057 (1) The Department of Economic Opportunity shall contract
 1058 with the Department of Revenue, through an interagency
 1059 agreement, to perform the duties of the tax collection service
 1060 provider and provide other reemployment assistance ~~unemployment~~
 1061 tax collection services under this chapter. Under the
 1062 interagency agreement, the tax collection service provider may
 1063 only implement:

1064 (a) The provisions of this chapter conferring duties upon
 1065 the tax collection service provider.

1066 (b) The provisions of law conferring duties upon the
 1067 department which are specifically delegated to the tax
 1068 collection service provider in the interagency agreement.

1069 (2) (a) The Department of Revenue is considered to be
 1070 administering a revenue law of this state when the department
 1071 implements this chapter, or otherwise provides reemployment
 1072 assistance ~~unemployment~~ tax collection services, under contract
 1073 with the department through the interagency agreement.

1074 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
 1075 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
 1076 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
 1077 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
 1078 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
 1079 213.757 apply to the collection of reemployment assistance
 1080 ~~unemployment~~ contributions and reimbursements by the Department
 1081 of Revenue unless prohibited by federal law.

1082 Section 18. Paragraph (a) of subsection (1) and
 1083 subsections (2) and (3) of section 443.1317, Florida Statutes,
 1084 are amended to read:

1085 443.1317 Rulemaking authority; enforcement of rules.—

1086 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1087 (a) Except as otherwise provided in s. 443.012, the
 1088 Department of Economic Opportunity has ultimate authority over
 1089 the administration of the Reemployment Assistance ~~Unemployment~~
 1090 ~~Compensation~~ Program.

1091 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency

1092 providing reemployment assistance ~~unemployment~~ tax collection
 1093 services under contract with the Department of Economic
 1094 Opportunity through an interagency agreement pursuant to s.
 1095 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
 1096 subject to approval by the department, to administer the
 1097 provisions of law described in s. 443.1316(1) (a) and (b) which
 1098 are within this chapter. These rules must not conflict with the
 1099 rules adopted by the department or with the interagency
 1100 agreement.

1101 (3) ENFORCEMENT OF RULES.—The Department of Economic
 1102 Opportunity may enforce any rule adopted by the state agency
 1103 providing reemployment assistance ~~unemployment~~ tax collection
 1104 services to administer this chapter. The tax collection service
 1105 provider may enforce any rule adopted by the department to
 1106 administer the provisions of law described in s. 443.1316(1) (a)
 1107 and (b).

1108 Section 19. Paragraphs (b) and (g) of subsection (1),
 1109 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
 1110 subsection (4) of section 443.141, Florida Statutes, are amended
 1111 to read:

1112 443.141 Collection of contributions and reimbursements.—

1113 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 1114 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1115 (b) *Penalty for delinquent, erroneous, incomplete, or*
 1116 *insufficient reports.*—

1117 1. An employing unit that fails to file any report
 1118 required by the Department of Economic Opportunity or its tax
 1119 collection service provider, in accordance with rules for

HB 7027

2012

1120 administering this chapter, shall pay to the service provider
1121 for each delinquent report the sum of \$25 for each 30 days or
1122 fraction thereof that the employing unit is delinquent, unless
1123 the department ~~agency~~ or its service provider, whichever
1124 required the report, finds that the employing unit has good
1125 reason for failing to file the report. The department or its
1126 service provider may assess penalties only through the date of
1127 the issuance of the final assessment notice. However, additional
1128 penalties accrue if the delinquent report is subsequently filed.

1129 2.a. An employing unit that files an erroneous,
1130 incomplete, or insufficient report with the department or its
1131 tax collection service provider shall pay a penalty. The amount
1132 of the penalty is \$50 or 10 percent of any tax due, whichever is
1133 greater, but no more than \$300 per report. The penalty shall be
1134 added to any tax, penalty, or interest otherwise due.

1135 b. The department or its tax collection service provider
1136 shall waive the penalty if the employing unit files an accurate,
1137 complete, and sufficient report within 30 days after a penalty
1138 notice is issued to the employing unit. The penalty may not be
1139 waived pursuant to this subparagraph more than one time during a
1140 12-month period.

1141 c. As used in this subsection, the term "erroneous,
1142 incomplete, or insufficient report" means a report so lacking in
1143 information, completeness, or arrangement that the report cannot
1144 be readily understood, verified, or reviewed. Such reports
1145 include, but are not limited to, reports having missing wage or
1146 employee information, missing or incorrect social security
1147 numbers, or illegible entries; reports submitted in a format

1148 that is not approved by the department or its tax collection
 1149 service provider; and reports showing gross wages that do not
 1150 equal the total of the wages of each employee. However, the term
 1151 does not include a report that merely contains inaccurate data
 1152 that was supplied to the employer by the employee, if the
 1153 employer was unaware of the inaccuracy.

1154 3. Penalties imposed pursuant to this paragraph shall be
 1155 deposited in the Special Employment Security Administration
 1156 Trust Fund.

1157 4. The penalty and interest for a delinquent, erroneous,
 1158 incomplete, or insufficient report may be waived if the penalty
 1159 or interest is inequitable. The provisions of s. 213.24(1) apply
 1160 to any penalty or interest that is imposed under this section.

1161 (g) *Adoption of rules.*—The department and the state agency
 1162 providing reemployment assistance ~~unemployment~~ tax collection
 1163 services may adopt rules to administer this subsection.

1164 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1165 (c) *Appeals.*—The department and the state agency providing
 1166 reemployment assistance ~~unemployment~~ tax collection services
 1167 shall adopt rules prescribing the procedures for an employing
 1168 unit determined to be an employer to file an appeal and be
 1169 afforded an opportunity for a hearing on the determination.
 1170 Pending a hearing, the employing unit must file reports and pay
 1171 contributions in accordance with s. 443.131.

1172 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
 1173 CONTRIBUTIONS AND REIMBURSEMENTS.—

1174 (c) Any agent or employee designated by the Department of
 1175 Economic Opportunity or its tax collection service provider may

HB 7027

2012

1176 administer an oath to any person for any return or report
 1177 required by this chapter or by the rules of the department or
 1178 the state agency providing reemployment assistance ~~unemployment~~
 1179 tax collection services, and an oath made before the department
 1180 or its service provider or any authorized agent or employee has
 1181 the same effect as an oath made before any judicial officer or
 1182 notary public of the state.

1183 (e) The tax collection service provider may commence an
 1184 action in any other state to collect reemployment assistance
 1185 ~~unemployment compensation~~ contributions, reimbursements,
 1186 penalties, and interest legally due this state. The officials of
 1187 other states that extend a like comity to this state may sue for
 1188 the collection of contributions, reimbursements, interest, and
 1189 penalties in the courts of this state. The courts of this state
 1190 shall recognize and enforce liability for contributions,
 1191 reimbursements, interest, and penalties imposed by other states
 1192 that extend a like comity to this state.

1193 Section 20. Paragraph (b) of subsection (1), paragraph (b)
 1194 of subsection (2), paragraph (c) of subsection (3), and
 1195 paragraphs (a) and (b) of subsection (6) of section 443.151,
 1196 Florida Statutes, are amended to read:

1197 443.151 Procedure concerning claims.—

1198 (1) POSTING OF INFORMATION.—

1199 (b)1. The department shall advise each individual filing a
 1200 new claim for reemployment assistance ~~unemployment compensation~~,
 1201 at the time of filing the claim, that:

1202 a. Reemployment assistance ~~unemployment compensation~~ is
 1203 subject to federal income tax.

HB 7027

2012

1204 b. Requirements exist pertaining to estimated tax
1205 payments.

1206 c. The individual may elect to have federal income tax
1207 deducted and withheld from the individual's payment of
1208 reemployment assistance ~~unemployment compensation~~ at the amount
1209 specified in the federal Internal Revenue Code.

1210 d. The individual is not permitted to change a previously
1211 elected withholding status more than twice per calendar year.

1212 2. Amounts deducted and withheld from reemployment
1213 assistance ~~unemployment compensation~~ must remain in the
1214 Unemployment Compensation Trust Fund until transferred to the
1215 federal taxing authority as payment of income tax.

1216 3. The department shall follow all procedures specified by
1217 the United States Department of Labor and the federal Internal
1218 Revenue Service pertaining to the deducting and withholding of
1219 income tax.

1220 4. If more than one authorized request for deduction and
1221 withholding is made, amounts must be deducted and withheld in
1222 accordance with the following priorities:

1223 a. Reemployment assistance ~~Unemployment~~ overpayments have
1224 first priority;

1225 b. Child support payments have second priority; and

1226 c. Withholding under this subsection has third priority.

1227 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
1228 CLAIMANTS AND EMPLOYERS.—

1229 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
1230 ~~Compensation~~ Claims and Benefits Information System described in
1231 s. 443.1113 is fully operational, the process for filing claims

1232 must incorporate the process for registering for work with the
 1233 workforce information systems established pursuant to s.
 1234 445.011. A claim for benefits may not be processed until the
 1235 work registration requirement is satisfied. The department may
 1236 adopt rules as necessary to administer the work registration
 1237 requirement set forth in this paragraph.

1238 (3) DETERMINATION OF ELIGIBILITY.—

1239 (c) Nonmonetary determinations.—If the department receives
 1240 information that may result in a denial of benefits, the
 1241 department must complete an investigation of the claim required
 1242 by subsection (2) and provide notice of a nonmonetary
 1243 determination to the claimant and the employer from whom the
 1244 claimant's reason for separation affects his or her entitlement
 1245 to benefits. The determination must state the reason for the
 1246 determination and whether the reemployment assistance
 1247 ~~unemployment~~ tax account of the contributing employer is charged
 1248 for benefits paid on the claim. The nonmonetary determination is
 1249 final unless within 20 days after the mailing of the notices to
 1250 the parties' last known addresses, or in lieu of mailing, within
 1251 20 days after the delivery of the notices, an appeal or written
 1252 request for reconsideration is filed by the claimant or other
 1253 party entitled to notice. The department may adopt rules as
 1254 necessary to implement the processes described in this paragraph
 1255 relating to notices of nonmonetary determination and the appeals
 1256 or reconsideration requests filed in response to such notices,
 1257 and may adopt rules prescribing the manner and procedure by
 1258 which employers within the base period of a claimant become
 1259 entitled to notice of nonmonetary determination.

1260 (6) RECOVERY AND RECOUPMENT.—

1261 (a) Any person who, by reason of her or his fraud,
 1262 receives benefits under this chapter to which she or he is not
 1263 entitled is liable for repaying those benefits to the Department
 1264 of Economic Opportunity on behalf of the trust fund or, in the
 1265 discretion of the department, to have those benefits deducted
 1266 from future benefits payable to her or him under this chapter.
 1267 To enforce this paragraph, the department must find the
 1268 existence of fraud through a redetermination or decision under
 1269 this section within 2 years after the fraud was committed. Any
 1270 recovery or recoupment of benefits must be commenced ~~effected~~
 1271 within 7 ~~5~~ years after the redetermination or decision.

1272 (b) Any person who, by reason other than her or his fraud,
 1273 receives benefits under this chapter to which, under a
 1274 redetermination or decision pursuant to this section, she or he
 1275 is not entitled, is liable for repaying those benefits to the
 1276 department on behalf of the trust fund or, in the discretion of
 1277 the department, to have those benefits deducted from any future
 1278 benefits payable to her or him under this chapter. Any recovery
 1279 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~
 1280 years after the redetermination or decision.

1281 Section 21. Subsection (1) and paragraph (c) of subsection
 1282 (3) of section 443.163, Florida Statutes, are amended to read:

1283 443.163 Electronic reporting and remitting of
 1284 contributions and reimbursements.—

1285 (1) An employer may file any report and remit any
 1286 contributions or reimbursements required under this chapter by
 1287 electronic means. The Department of Economic Opportunity or the

1288 state agency providing reemployment assistance ~~unemployment~~ tax
 1289 collection services shall adopt rules prescribing the format and
 1290 instructions necessary for electronically filing reports and
 1291 remitting contributions and reimbursements to ensure a full
 1292 collection of contributions and reimbursements due. The
 1293 acceptable method of transfer, the method, form, and content of
 1294 the electronic means, and the method, if any, by which the
 1295 employer will be provided with an acknowledgment shall be
 1296 prescribed by the department or its tax collection service
 1297 provider. However, any employer who employed 10 or more
 1298 employees in any quarter during the preceding state fiscal year
 1299 must file the Employers Quarterly Reports (UCT-6) for the
 1300 current calendar year and remit the contributions and
 1301 reimbursements due by electronic means approved by the tax
 1302 collection service provider. A person who prepared and reported
 1303 for 100 or more employers in any quarter during the preceding
 1304 state fiscal year must file the Employers Quarterly Reports
 1305 (UCT-6) for each calendar quarter in the current calendar year,
 1306 beginning with reports due for the second calendar quarter of
 1307 2003, by electronic means approved by the tax collection service
 1308 provider.

1309 (3) The tax collection service provider may waive the
 1310 requirement to file an Employers Quarterly Report (UCT-6) by
 1311 electronic means for employers that are unable to comply despite
 1312 good faith efforts or due to circumstances beyond the employer's
 1313 reasonable control.

1314 (c) The department or the state agency providing
 1315 reemployment assistance ~~unemployment~~ tax collection services may

1316 establish by rule the length of time a waiver is valid and may
 1317 determine whether subsequent waivers will be authorized, based
 1318 on this subsection.

1319 Section 22. Subsections (2) and (5) and paragraphs (a) and
 1320 (c) of subsection (9) of section 443.171, Florida Statutes, are
 1321 amended to read:

1322 443.171 Department of Economic Opportunity and commission;
 1323 powers and duties; records and reports; proceedings; state-
 1324 federal cooperation.—

1325 (2) PUBLICATION OF ACTS AND RULES.—The Department of
 1326 Economic Opportunity shall cause to be printed and distributed
 1327 to the public, or otherwise distributed to the public through
 1328 the Internet or similar electronic means, the text of this
 1329 chapter and of the rules for administering this chapter adopted
 1330 by the department or the state agency providing reemployment
 1331 assistance ~~unemployment~~ tax collection services and any other
 1332 matter relevant and suitable. The department shall furnish this
 1333 information to any person upon request. However, any pamphlet,
 1334 rules, circulars, or reports required by this chapter may not
 1335 contain any matter except the actual data necessary to complete
 1336 them or the actual language of the rule, together with the
 1337 proper notices.

1338 (5) RECORDS AND REPORTS.—Each employing unit shall keep
 1339 true and accurate work records, containing the information
 1340 required by the Department of Economic Opportunity or its tax
 1341 collection service provider. These records must be open to
 1342 inspection and are subject to being copied by the department or
 1343 its tax collection service provider at any reasonable time and

HB 7027

2012

1344 as often as necessary. The department or its tax collection
 1345 service provider may require from any employing unit any sworn
 1346 or unsworn reports, for persons employed by the employing unit,
 1347 necessary for the effective administration of this chapter.
 1348 However, a state or local governmental agency performing
 1349 intelligence or counterintelligence functions need not report an
 1350 employee if the head of that agency determines that reporting
 1351 the employee could endanger the safety of the employee or
 1352 compromise an ongoing investigation or intelligence mission.
 1353 ~~Information revealing the employing unit's or individual's~~
 1354 ~~identity obtained from the employing unit or from any individual~~
 1355 ~~through the administration of this chapter, is, except to the~~
 1356 ~~extent necessary for the proper presentation of a claim or upon~~
 1357 ~~written authorization of the claimant who has a workers'~~
 1358 ~~compensation claim pending, confidential and exempt from s.~~
 1359 ~~119.07(1). This confidential information is available only to~~
 1360 ~~public employees in the performance of their public duties. Any~~
 1361 ~~claimant, or the claimant's legal representative, at a hearing~~
 1362 ~~before an appeals referee or the commission must be supplied~~
 1363 ~~with information from these records to the extent necessary for~~
 1364 ~~the proper presentation of her or his claim. Any employee or~~
 1365 ~~member of the commission, any employee of the department or its~~
 1366 ~~tax collection service provider, or any other person receiving~~
 1367 ~~confidential information who violates this subsection commits a~~
 1368 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1369 ~~775.082 or s. 775.083. However, the department or its tax~~
 1370 ~~collection service provider may furnish to any employer copies~~
 1371 ~~of any report previously submitted by that employer, upon the~~

HB 7027

2012

1372 ~~request of the employer. The department or its tax collection~~
 1373 ~~service provider may charge a reasonable fee for copies of~~
 1374 ~~reports, which may not exceed the actual reasonable cost of the~~
 1375 ~~preparation of the copies as prescribed by rules adopted by the~~
 1376 ~~department or the state agency providing tax collection~~
 1377 ~~services. Fees received by the department or its tax collection~~
 1378 ~~service provider for copies furnished under this subsection must~~
 1379 ~~be deposited in the Employment Security Administration Trust~~
 1380 ~~Fund.~~

1381 (9) STATE-FEDERAL COOPERATION.—

1382 (a)1. In the administration of this chapter, the
 1383 Department of Economic Opportunity and its tax collection
 1384 service provider shall cooperate with the United States
 1385 Department of Labor to the fullest extent consistent with this
 1386 chapter and shall take those actions, through the adoption of
 1387 appropriate rules, administrative methods, and standards,
 1388 necessary to secure for this state all advantages available
 1389 under the provisions of federal law relating to reemployment
 1390 assistance ~~unemployment compensation.~~

1391 2. In the administration of the provisions in s. 443.1115,
 1392 which are enacted to conform with the Federal-State Extended
 1393 Unemployment Compensation Act of 1970, the department shall take
 1394 those actions necessary to ensure that those provisions are
 1395 interpreted and applied to meet the requirements of the federal
 1396 act as interpreted by the United States Department of Labor and
 1397 to secure for this state the full reimbursement of the federal
 1398 share of extended benefits paid under this chapter which is
 1399 reimbursable under the federal act.

1400 3. The department and its tax collection service provider
 1401 shall comply with the regulations of the United States
 1402 Department of Labor relating to the receipt or expenditure by
 1403 this state of funds granted under federal law; shall submit the
 1404 reports in the form and containing the information the United
 1405 States Department of Labor requires; and shall comply with
 1406 directions of the United States Department of Labor necessary to
 1407 assure the correctness and verification of these reports.

1408 (c) The department and its tax collection service provider
 1409 shall cooperate with the agencies of other states, and shall
 1410 make every proper effort within their means, to oppose and
 1411 prevent any further action leading to the complete or
 1412 substantial federalization of state reemployment assistance
 1413 ~~unemployment compensation~~ funds or state employment security
 1414 programs. The department and its tax collection service provider
 1415 may make, and may cooperate with other appropriate agencies in
 1416 making, studies as to the practicability and probable cost of
 1417 possible new state-administered social security programs and the
 1418 relative desirability of state, rather than federal, action in
 1419 that field of study.

1420 Section 23. Subsections (1) and (2) of section 443.1715,
 1421 Florida Statutes, are amended to read:

1422 443.1715 Disclosure of information; confidentiality.—

1423 (1) RECORDS AND REPORTS.—Information revealing an
 1424 employing unit's or individual's identity obtained from the
 1425 employing unit or any individual under the administration of
 1426 this chapter, and any determination revealing that information,
 1427 ~~except to the extent necessary for the proper presentation of a~~

HB 7027

2012

1428 ~~claim or upon written authorization of the claimant who has a~~
1429 ~~workers' compensation claim pending or is receiving compensation~~
1430 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
1431 24(a), Art. I of the State Constitution. This confidential
1432 information may be released in accordance with the provisions in
1433 20 C.F.R. part 603 ~~only to public employees in the performance~~
1434 ~~of their public duties. Except as otherwise provided by law,~~
1435 ~~public employees receiving this confidential information must~~
1436 ~~maintain the confidentiality of the information. Any claimant,~~
1437 ~~or the claimant's legal representative, at a hearing before an~~
1438 ~~appeals referee or the commission is entitled to information~~
1439 ~~from these records to the extent necessary for the proper~~
1440 ~~presentation of her or his claim. A person receiving~~
1441 ~~confidential information who violates this subsection commits a~~
1442 ~~misdemeanor of the second degree, punishable as provided in s.~~
1443 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
1444 its tax collection service provider may, however, furnish to any
1445 employer copies of any report submitted by that employer upon
1446 the request of the employer and may furnish to any claimant
1447 copies of any report submitted by that claimant upon the request
1448 of the claimant. The department or its tax collection service
1449 provider may charge a reasonable fee for copies of these reports
1450 as prescribed by rule, which may not exceed the actual
1451 reasonable cost of the preparation of the copies. Fees received
1452 for copies under this subsection must be deposited in the
1453 Employment Security Administration Trust Fund.

1454 (2) DISCLOSURE OF INFORMATION.—

1455 (a) Subject to restrictions the Department of Economic

HB 7027

2012

1456 Opportunity or the state agency providing reemployment
1457 assistance ~~unemployment~~ tax collection services adopts by rule,
1458 information declared confidential under this section is
1459 available to any agency of this or any other state, or any
1460 federal agency, charged with the administration of any
1461 reemployment assistance or unemployment compensation law or the
1462 maintenance of the one-stop delivery system, or the Bureau of
1463 Internal Revenue of the United States Department of the
1464 Treasury, or the Florida Department of Revenue. Information
1465 obtained in connection with the administration of the one-stop
1466 delivery system may be made available to persons or agencies for
1467 purposes appropriate to the operation of a public employment
1468 service or a job-preparatory or career education or training
1469 program. The department shall, on a quarterly basis, furnish the
1470 National Directory of New Hires with information concerning the
1471 wages and reemployment assistance ~~unemployment~~ benefits paid to
1472 individuals, by the dates, in the format, and containing the
1473 information specified in the regulations of the United States
1474 Secretary of Health and Human Services. Upon request, the
1475 department shall furnish any agency of the United States charged
1476 with the administration of public works or assistance through
1477 public employment, and may furnish to any state agency similarly
1478 charged, the name, address, ordinary occupation, and employment
1479 status of each recipient of benefits and the recipient's rights
1480 to further benefits under this chapter. Except as otherwise
1481 provided by law, the receiving agency must retain the
1482 confidentiality of this information as provided in this section.
1483 The tax collection service provider may request the Comptroller

1484 of the Currency of the United States to examine the correctness
 1485 of any return or report of any national banking association
 1486 rendered under this chapter and may in connection with that
 1487 request transmit any report or return for examination to the
 1488 Comptroller of the Currency of the United States as provided in
 1489 s. 3305(c) of the federal Internal Revenue Code.

1490 (b) The employer or the employer's workers' compensation
 1491 carrier against whom a claim for benefits under chapter 440 has
 1492 been made, or a representative of either, may request from the
 1493 department records of wages of the employee reported to the
 1494 department by any employer for the quarter that includes the
 1495 date of the accident that is the subject of such claim and for
 1496 subsequent quarters.

1497 1. The request must be made with the authorization or
 1498 consent of the employee or any employer who paid wages to the
 1499 employee after the date of the accident.

1500 2. The employer or carrier shall make the request on a
 1501 form prescribed by rule for such purpose by the department
 1502 ~~agency~~. Such form shall contain a certification by the
 1503 requesting party that it is a party entitled to the information
 1504 requested.

1505 3. The department shall provide the most current
 1506 information readily available within 15 days after receiving the
 1507 request.

1508 Section 24. Subsections (1), (4), (5), (6), and (7) and
 1509 paragraph (c) of subsection (2) of section 443.17161, Florida
 1510 Statutes, are amended to read:

1511 443.17161 Authorized electronic access to employer

HB 7027

2012

1512 information.—

1513 (1) Notwithstanding any other provision of this chapter,
1514 the Department of Economic Opportunity ~~Agency for Workforce~~
1515 ~~Innovation~~ shall contract with one or more consumer reporting
1516 agencies to provide users with secured electronic access to
1517 employer-provided information relating to the quarterly wages
1518 report submitted in accordance with the state's reemployment
1519 assistance ~~unemployment compensation~~ law. The access is limited
1520 to the wage reports for the appropriate amount of time for the
1521 purpose the information is requested.

1522 (2) Users must obtain consent in writing or by electronic
1523 signature from an applicant for credit, employment, or other
1524 permitted purposes. Any written or electronic signature consent
1525 from an applicant must be signed and must include the following:

1526 (c) Notice that the files of the Department of Economic
1527 Opportunity ~~Agency for Workforce Innovation~~ or its tax
1528 collection service provider containing information concerning
1529 wage and employment history which is submitted by the applicant
1530 or his or her employers may be accessed; and

1531 (4) If a consumer reporting agency or user violates this
1532 section, the Department of Economic Opportunity ~~Agency for~~
1533 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the
1534 consumer reporting agency, terminate the contract established
1535 between the department ~~Agency for Workforce Innovation~~ and the
1536 consumer reporting agency or require the consumer reporting
1537 agency to terminate the contract established between the
1538 consumer reporting agency and the user under this section.

1539 (5) The Department of Economic Opportunity ~~Agency for~~

1540 ~~Workforce Innovation~~ shall establish minimum audit, security,
 1541 net worth, and liability insurance standards, technical
 1542 requirements, and any other terms and conditions considered
 1543 necessary in the discretion of the state agency to safeguard the
 1544 confidentiality of the information released under this section
 1545 and to otherwise serve the public interest. The department
 1546 ~~Agency for Workforce Innovation~~ shall also include, in
 1547 coordination with any necessary state agencies, necessary audit
 1548 procedures to ensure that these rules are followed.

1549 (6) In contracting with one or more consumer reporting
 1550 agencies under this section, any revenues generated by the
 1551 contract must be used to pay the entire cost of providing access
 1552 to the information. Further, in accordance with federal
 1553 regulations, any additional revenues generated by the Department
 1554 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
 1555 state under this section must be paid into the Administrative
 1556 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
 1557 the administration of the unemployment compensation system or be
 1558 used as program income.

1559 (7) The Department of Economic Opportunity ~~Agency for~~
 1560 ~~Workforce Innovation~~ may not provide wage and employment history
 1561 information to any consumer reporting agency before the consumer
 1562 reporting agency or agencies under contract with the department
 1563 ~~Agency for Workforce Innovation~~ pay all development and other
 1564 startup costs incurred by the state in connection with the
 1565 design, installation, and administration of technological
 1566 systems and procedures for the electronic access program.

1567 Section 25. Subsection (2) of section 443.181, Florida

HB 7027

2012

1568 Statutes, is amended to read:
 1569 443.181 Public employment service.—
 1570 (2) All funds received by this state under 29 U.S.C. ss.
 1571 49-491-1 must be paid into the Employment Security
 1572 Administration Trust Fund, and these funds are available to the
 1573 Department of Economic Opportunity for expenditure as provided
 1574 by this chapter or by federal law. For the purpose of
 1575 establishing and maintaining one-stop career centers, the
 1576 department may enter into agreements with the Railroad
 1577 Retirement Board or any other agency of the United States
 1578 charged with the administration of a reemployment assistance or
 1579 ~~an~~ unemployment compensation law, with any political subdivision
 1580 of this state, or with any private, nonprofit organization. As a
 1581 part of any such agreement, the department may accept moneys,
 1582 services, or quarters as a contribution to the Employment
 1583 Security Administration Trust Fund.

1584 Section 26. Subsection (6) of section 443.191, Florida
 1585 Statutes, is amended to read:

1586 443.191 Unemployment Compensation Trust Fund;
 1587 establishment and control.—

1588 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
 1589 Compensation Trust Fund is the sole and exclusive source for
 1590 paying reemployment assistance ~~unemployment~~ benefits, and these
 1591 benefits are due and payable only to the extent that
 1592 contributions or reimbursements, with increments thereon,
 1593 actually collected and credited to the fund and not otherwise
 1594 appropriated or allocated, are available for payment. The state
 1595 shall administer the fund without any liability on the part of

HB 7027

2012

1596 | the state beyond the amount of moneys received from the United
 1597 | States Department of Labor or other federal agency.

1598 | Section 27. Paragraphs (b), (c), and (d) of subsection (1)
 1599 | and subsections (3) and (4) of section 443.221, Florida
 1600 | Statutes, are amended to read:

1601 | 443.221 Reciprocal arrangements.—

1602 | (1)

1603 | (b) For services to be considered as performed within a
 1604 | state under a reciprocal agreement, the employing unit must have
 1605 | an election in effect for those services, which is approved by
 1606 | the agency charged with the administration of such state's
 1607 | reemployment assistance or unemployment compensation law, under
 1608 | which all the services performed by the individual for the
 1609 | employing unit are deemed to be performed entirely within that
 1610 | state.

1611 | (c) The department shall participate in any arrangements
 1612 | for the payment of compensation on the basis of combining an
 1613 | individual's wages and employment covered under this chapter
 1614 | with her or his wages and employment covered under the
 1615 | reemployment assistance or unemployment compensation laws of
 1616 | other states, which are approved by the United States Secretary
 1617 | of Labor, in consultation with the state reemployment assistance
 1618 | or unemployment compensation agencies, as reasonably calculated
 1619 | to assure the prompt and full payment of compensation in those
 1620 | situations and which include provisions for:

1621 | 1. Applying the base period of a single state law to a
 1622 | claim involving the combining of an individual's wages and
 1623 | employment covered under two or more state reemployment

1624 assistance or unemployment compensation laws; and

1625 2. Avoiding the duplicate use of wages and employment
1626 because of the combination.

1627 (d) Contributions or reimbursements due under this chapter
1628 with respect to wages for insured work are, for the purposes of
1629 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
1630 to the fund as of the date payment was made as contributions or
1631 reimbursements therefor under another state or federal
1632 reemployment assistance or unemployment compensation law, but an
1633 arrangement may not be entered into unless it contains
1634 provisions for reimbursement to the fund of the contributions or
1635 reimbursements and the actual earnings thereon as the department
1636 or its tax collection service provider finds are fair and
1637 reasonable as to all affected interests.

1638 (3) The Department of Economic Opportunity or its tax
1639 collection service provider may enter into reciprocal
1640 arrangements with other states or the Federal Government, or
1641 both, for exchanging services, determining and enforcing payment
1642 obligations, and making available facilities and information.
1643 The department or its tax collection service provider may
1644 conduct investigations, secure and transmit information, make
1645 available services and facilities, and exercise other powers
1646 provided under this chapter to facilitate the administration of
1647 any reemployment assistance or unemployment compensation or
1648 public employment service law and, in a similar manner, accept
1649 and use information, services, and facilities made available to
1650 this state by the agency charged with the administration of any
1651 other unemployment compensation or public employment service

1652 law.

1653 (4) To the extent permissible under federal law, the
 1654 Department of Economic Opportunity may enter into or cooperate
 1655 in arrangements whereby facilities and services provided under
 1656 this chapter and facilities and services provided under the
 1657 reemployment assistance or unemployment compensation law of any
 1658 foreign government may be used for the taking of claims and the
 1659 payment of benefits under the employment security law of the
 1660 state or under a similar law of that government.

1661 Section 28. Paragraph (c) of subsection (5) and subsection
 1662 (8) of section 20.60, Florida Statutes, are amended to read:

1663 20.60 Department of Economic Opportunity; creation; powers
 1664 and duties.—

1665 (5) The divisions within the department have specific
 1666 responsibilities to achieve the duties, responsibilities, and
 1667 goals of the department. Specifically:

1668 (c) The Division of Workforce Services shall:

1669 1. Prepare and submit a unified budget request for
 1670 workforce in accordance with chapter 216 for, and in conjunction
 1671 with, Workforce Florida, Inc., and its board.

1672 2. Ensure that the state appropriately administers federal
 1673 and state workforce funding by administering plans and policies
 1674 of Workforce Florida, Inc., under contract with Workforce
 1675 Florida, Inc. The operating budget and midyear amendments
 1676 thereto must be part of such contract.

1677 a. All program and fiscal instructions to regional
 1678 workforce boards shall emanate from the Department of Economic
 1679 Opportunity pursuant to plans and policies of Workforce Florida,

HB 7027

2012

1680 Inc., which shall be responsible for all policy directions to
1681 the regional workforce boards.

1682 b. Unless otherwise provided by agreement with Workforce
1683 Florida, Inc., administrative and personnel policies of the
1684 Department of Economic Opportunity shall apply.

1685 3. Implement the state's reemployment assistance
1686 ~~unemployment compensation~~ program. The Department of Economic
1687 Opportunity shall ensure that the state appropriately
1688 administers the reemployment assistance ~~unemployment~~
1689 ~~compensation~~ program pursuant to state and federal law.

1690 4. Assist in developing the 5-year statewide strategic
1691 plan required by this section.

1692 (8) The Reemployment Assistance ~~Unemployment~~ Appeals
1693 Commission, authorized by s. 443.012, is not subject to control,
1694 supervision, or direction by the department in the performance
1695 of its powers and duties but shall receive any and all support
1696 and assistance from the department which is required for the
1697 performance of its duties.

1698 Section 29. Paragraph (a) of subsection (1) of section
1699 27.52, Florida Statutes, is amended to read:

1700 27.52 Determination of indigent status.—

1701 (1) APPLICATION TO THE CLERK.—A person seeking appointment
1702 of a public defender under s. 27.51 based upon an inability to
1703 pay must apply to the clerk of the court for a determination of
1704 indigent status using an application form developed by the
1705 Florida Clerks of Court Operations Corporation with final
1706 approval by the Supreme Court.

1707 (a) The application must include, at a minimum, the

HB 7027

2012

1708 following financial information:

1709 1. Net income, consisting of total salary and wages, minus
 1710 deductions required by law, including court-ordered support
 1711 payments.

1712 2. Other income, including, but not limited to, social
 1713 security benefits, union funds, veterans' benefits, workers'
 1714 compensation, other regular support from absent family members,
 1715 public or private employee pensions, reemployment assistance or
 1716 unemployment compensation, dividends, interest, rent, trusts,
 1717 and gifts.

1718 3. Assets, including, but not limited to, cash, savings
 1719 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1720 equity in real estate, and equity in a boat or a motor vehicle
 1721 or in other tangible property.

1722 4. All liabilities and debts.

1723 5. If applicable, the amount of any bail paid for the
 1724 applicant's release from incarceration and the source of the
 1725 funds.

1726

1727 The application must include a signature by the applicant which
 1728 attests to the truthfulness of the information provided. The
 1729 application form developed by the corporation must include
 1730 notice that the applicant may seek court review of a clerk's
 1731 determination that the applicant is not indigent, as provided in
 1732 this section.

1733 Section 30. Subsection (6) of section 40.24, Florida
 1734 Statutes, is amended to read:

1735 40.24 Compensation and reimbursement policy.—

HB 7027

2012

1736 (6) A juror who receives reemployment assistance
1737 ~~unemployment~~ benefits does not lose such benefits because he or
1738 she receives compensation for juror service.

1739 Section 31. Paragraph (a) of subsection (7) of section
1740 45.031, Florida Statutes, is amended to read:

1741 45.031 Judicial sales procedure.—In any sale of real or
1742 personal property under an order or judgment, the procedures
1743 provided in this section and ss. 45.0315-45.035 may be followed
1744 as an alternative to any other sale procedure if so ordered by
1745 the court.

1746 (7) DISBURSEMENTS OF PROCEEDS.—

1747 (a) On filing a certificate of title, the clerk shall
1748 disburse the proceeds of the sale in accordance with the order
1749 or final judgment and shall file a report of such disbursements
1750 and serve a copy of it on each party, and on the Department of
1751 Revenue if the department was named as a defendant in the action
1752 or if the Department of Economic Opportunity or the former
1753 Agency for Workforce Innovation was named as a defendant while
1754 the Department of Revenue was providing reemployment assistance
1755 ~~unemployment~~ tax collection services under contract with the
1756 Department of Economic Opportunity or the former Agency for
1757 Workforce Innovation through an interagency agreement pursuant
1758 to s. 443.1316.

1759 Section 32. Subsection (2) of section 55.204, Florida
1760 Statutes, is amended to read:

1761 55.204 Duration and continuation of judgment lien;
1762 destruction of records.—

1763 (2) Liens securing the payment of child support or tax

HB 7027

2012

1764 obligations under s. 95.091(1)(b) lapse 20 years after the date
 1765 of the original filing of the warrant or other document required
 1766 by law to establish a lien. Liens securing the payment of
 1767 reemployment assistance ~~unemployment~~ tax obligations lapse 10
 1768 years after the date of the original filing of the notice of
 1769 lien. A second lien based on the original filing may not be
 1770 obtained.

1771 Section 33. Paragraph (a) of subsection (1) of section
 1772 57.082, Florida Statutes, is amended to read:

1773 57.082 Determination of civil indigent status.—

1774 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 1775 of an attorney in a civil case eligible for court-appointed
 1776 counsel, or seeking relief from payment of filing fees and
 1777 prepayment of costs under s. 57.081, based upon an inability to
 1778 pay must apply to the clerk of the court for a determination of
 1779 civil indigent status using an application form developed by the
 1780 Florida Clerks of Court Operations Corporation with final
 1781 approval by the Supreme Court.

1782 (a) The application must include, at a minimum, the
 1783 following financial information:

1784 1. Net income, consisting of total salary and wages, minus
 1785 deductions required by law, including court-ordered support
 1786 payments.

1787 2. Other income, including, but not limited to, social
 1788 security benefits, union funds, veterans' benefits, workers'
 1789 compensation, other regular support from absent family members,
 1790 public or private employee pensions, reemployment assistance or
 1791 unemployment compensation, dividends, interest, rent, trusts,

HB 7027

2012

1792 and gifts.

1793 3. Assets, including, but not limited to, cash, savings
 1794 accounts, bank accounts, stocks, bonds, certificates of deposit,
 1795 equity in real estate, and equity in a boat or a motor vehicle
 1796 or in other tangible property.

1797 4. All liabilities and debts.

1798

1799 The application must include a signature by the applicant which
 1800 attests to the truthfulness of the information provided. The
 1801 application form developed by the corporation must include
 1802 notice that the applicant may seek court review of a clerk's
 1803 determination that the applicant is not indigent, as provided in
 1804 this section.

1805 Section 34. Subsection (8) of section 61.046, Florida
 1806 Statutes, is amended to read:

1807 61.046 Definitions.—As used in this chapter, the term:

1808 (8) "Income" means any form of payment to an individual,
 1809 regardless of source, including, but not limited to: wages,
 1810 salary, commissions and bonuses, compensation as an independent
 1811 contractor, worker's compensation, disability benefits, annuity
 1812 and retirement benefits, pensions, dividends, interest,
 1813 royalties, trusts, and any other payments, made by any person,
 1814 private entity, federal or state government, or any unit of
 1815 local government. United States Department of Veterans Affairs
 1816 disability benefits and reemployment assistance or unemployment
 1817 compensation, as defined in chapter 443, are excluded from this
 1818 definition of income except for purposes of establishing an
 1819 amount of support.

HB 7027

2012

1820 Section 35. Paragraph (a) of subsection (3) of section
 1821 61.1824, Florida Statutes, is amended to read:

1822 61.1824 State Disbursement Unit.—

1823 (3) The State Disbursement Unit shall perform the
 1824 following functions:

1825 (a) Disburse all receipts from intercepts, including, but
 1826 not limited to, United States Internal Revenue Service,
 1827 reemployment assistance or unemployment compensation, lottery,
 1828 and administrative offset intercepts.

1829 Section 36. Paragraph (a) of subsection (2) of section
 1830 61.30, Florida Statutes, is amended to read:

1831 61.30 Child support guidelines; retroactive child
 1832 support.—

1833 (2) Income shall be determined on a monthly basis for each
 1834 parent as follows:

1835 (a) Gross income shall include, but is not limited to, the
 1836 following:

- 1837 1. Salary or wages.
- 1838 2. Bonuses, commissions, allowances, overtime, tips, and
 1839 other similar payments.
- 1840 3. Business income from sources such as self-employment,
 1841 partnership, close corporations, and independent contracts.
 1842 "Business income" means gross receipts minus ordinary and
 1843 necessary expenses required to produce income.
- 1844 4. Disability benefits.
- 1845 5. All workers' compensation benefits and settlements.
- 1846 6. Reemployment assistance or unemployment compensation.
- 1847 7. Pension, retirement, or annuity payments.

HB 7027

2012

- 1848 8. Social security benefits.
- 1849 9. Spousal support received from a previous marriage or
1850 court ordered in the marriage before the court.
- 1851 10. Interest and dividends.
- 1852 11. Rental income, which is gross receipts minus ordinary
1853 and necessary expenses required to produce the income.
- 1854 12. Income from royalties, trusts, or estates.
- 1855 13. Reimbursed expenses or in kind payments to the extent
1856 that they reduce living expenses.
- 1857 14. Gains derived from dealings in property, unless the
1858 gain is nonrecurring.
- 1859 Section 37. Paragraph (a) of subsection (4) of section
1860 69.041, Florida Statutes, is amended to read:
- 1861 69.041 State named party; lien foreclosure, suit to quiet
1862 title.—
- 1863 (4) (a) The Department of Revenue has the right to
1864 participate in the disbursement of funds remaining in the
1865 registry of the court after distribution pursuant to s.
1866 45.031(7). The department shall participate in accordance with
1867 applicable procedures in any mortgage foreclosure action in
1868 which the department has a duly filed tax warrant, or interests
1869 under a lien arising from a judgment, order, or decree for
1870 support, as defined in s. 409.2554, or interest in an
1871 reemployment assistance ~~unemployment compensation~~ tax lien under
1872 contract with the Department of Economic Opportunity through an
1873 interagency agreement pursuant to s. 443.1316, against the
1874 subject property and with the same priority, regardless of
1875 whether a default against the department, the Department of

HB 7027

2012

1876 Economic Opportunity, or the former Agency for Workforce
1877 Innovation has been entered for failure to file an answer or
1878 other responsive pleading.

1879 Section 38. Subsection (1) of section 77.041, Florida
1880 Statutes, is amended to read:

1881 77.041 Notice to individual defendant for claim of
1882 exemption from garnishment; procedure for hearing.—

1883 (1) Upon application for a writ of garnishment by a
1884 plaintiff, if the defendant is an individual, the clerk of the
1885 court shall attach to the writ the following "Notice to
1886 Defendant":

1887 NOTICE TO DEFENDANT OF RIGHT AGAINST
1888 GARNISHMENT OF WAGES, MONEY,
1889 AND OTHER PROPERTY

1890 The Writ of Garnishment delivered to you with this Notice
1891 means that wages, money, and other property belonging to you
1892 have been garnished to pay a court judgment against you.
1893 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
1894 OR PROPERTY. READ THIS NOTICE CAREFULLY.

1895 State and federal laws provide that certain wages, money,
1896 and property, even if deposited in a bank, savings and loan, or
1897 credit union, may not be taken to pay certain types of court
1898 judgments. Such wages, money, and property are exempt from
1899 garnishment. The major exemptions are listed below on the form
1900 for Claim of Exemption and Request for Hearing. This list does
1901 not include all possible exemptions. You should consult a lawyer
1902 for specific advice.

1903 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING

HB 7027

2012

1904 GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST
 1905 COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING
 1906 AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE
 1907 THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE
 1908 YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
 1909 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF
 1910 AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF
 1911 GARNISHMENT.

1912 If you request a hearing, it will be held as soon as
 1913 possible after your request is received by the court. The
 1914 plaintiff must file any objection within 3 business days if you
 1915 hand delivered to the plaintiff a copy of the form for Claim of
 1916 Exemption and Request for Hearing or, alternatively, 8 business
 1917 days if you mailed a copy of the form for claim and request to
 1918 the plaintiff. If the plaintiff files an objection to your Claim
 1919 of Exemption and Request for Hearing, the clerk will notify you
 1920 and the other parties of the time and date of the hearing. You
 1921 may attend the hearing with or without an attorney. If the
 1922 plaintiff fails to file an objection, no hearing is required,
 1923 the writ of garnishment will be dissolved and your wages, money,
 1924 or property will be released.

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

HB 7027

2012

CLAIM OF EXEMPTION AND
REQUEST FOR HEARING

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

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

.... 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.

.... 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.

.... 2. Social Security benefits.

.... 3. Supplemental Security Income benefits.

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

.... 5. Workers' Compensation.

.... 6. Reemployment assistance or unemployment

HB 7027

2012

1944 compensation.

1945 7. Veterans' benefits.

1946 8. Retirement or profit-sharing benefits or
pension money.

1947 9. Life insurance benefits or cash surrender
value of a life insurance policy or proceeds
of annuity contract.

1948 10. Disability income benefits.

1949 11. Prepaid College Trust Fund or Medical
Savings Account.

1950 12. Other exemptions as provided by law.
.....(explain)

1951 I request a hearing to decide the validity of my claim. Notice

1952 of the hearing should be given to me at:

1953 Address:

1954 Telephone number:.....

1955 The statements made in this request are true to the best of my

1956 knowledge and belief.

1957

1958 Defendant's signature

1959 Date.....

HB 7027

2012

1960 STATE OF FLORIDA
 1961 COUNTY OF
 1962 Sworn and subscribed to before me this day of ... (month
 1963 and year)...., by ... (name of person making statement) ...
 1964 Notary Public/Deputy Clerk
 1965 Personally KnownOR Produced Identification....
 1966 Type of Identification Produced.....
 1967 Section 39. Paragraph (n) of subsection (2) of section
 1968 110.205, Florida Statutes, is amended to read:
 1969 110.205 Career service; exemptions.—
 1970 (2) EXEMPT POSITIONS.—The exempt positions that are not
 1971 covered by this part include the following:
 1972 (n)1.a. In addition to those positions exempted by other
 1973 paragraphs of this subsection, each department head may
 1974 designate a maximum of 20 policymaking or managerial positions,
 1975 as defined by the department and approved by the Administration
 1976 Commission, as being exempt from the Career Service System.
 1977 Career service employees who occupy a position designated as a
 1978 position in the Selected Exempt Service under this paragraph
 1979 shall have the right to remain in the Career Service System by
 1980 opting to serve in a position not exempted by the employing
 1981 agency. Unless otherwise fixed by law, the department shall set
 1982 the salary and benefits of these positions in accordance with
 1983 the rules of the Selected Exempt Service; provided, however,
 1984 that if the agency head determines that the general counsel,
 1985 chief Cabinet aide, public information administrator or
 1986 comparable position for a Cabinet officer, inspector general, or
 1987 legislative affairs director has both policymaking and

HB 7027

2012

1988 managerial responsibilities and if the department determines
 1989 that any such position has both policymaking and managerial
 1990 responsibilities, the salary and benefits for each such position
 1991 shall be established by the department in accordance with the
 1992 rules of the Senior Management Service.

1993 b. In addition, each department may designate one
 1994 additional position in the Senior Management Service if that
 1995 position reports directly to the agency head or to a position in
 1996 the Senior Management Service and if any additional costs are
 1997 absorbed from the existing budget of that department.

1998 2. If otherwise exempt, employees of the Public Employees
 1999 Relations Commission, the Commission on Human Relations, and the
 2000 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
 2001 the certification of their respective commission heads, may be
 2002 provided for under this paragraph as members of the Senior
 2003 Management Service, if otherwise qualified. However, the deputy
 2004 general counsel of the Public Employees Relations Commission
 2005 shall be compensated as members of the Selected Exempt Service.

2006 Section 40. Subsection (4) of section 110.502, Florida
 2007 Statutes, is amended to read:

2008 110.502 Scope of act; status of volunteers.—

2009 (4) Persons working with state agencies pursuant to this
 2010 part shall be considered as unpaid independent volunteers and
 2011 shall not be entitled to reemployment assistance ~~unemployment~~
 2012 ~~compensation~~.

2013 Section 41. Subsection (10) of section 120.80, Florida
 2014 Statutes, is amended to read:

2015 120.80 Exceptions and special requirements; agencies.—

2016 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2017 (a) Notwithstanding s. 120.54, the rulemaking provisions
 2018 of this chapter do not apply to reemployment assistance
 2019 ~~unemployment~~ appeals referees.

2020 (b) Notwithstanding s. 120.54(5), the uniform rules of
 2021 procedure do not apply to appeal proceedings conducted under
 2022 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
 2023 Commission, special deputies, or reemployment assistance
 2024 ~~unemployment~~ appeals referees.

2025 (c) Notwithstanding s. 120.57(1)(a), hearings under
 2026 chapter 443 may not be conducted by an administrative law judge
 2027 assigned by the division, but instead shall be conducted by the
 2028 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
 2029 reemployment assistance ~~unemployment compensation~~ appeals,
 2030 reemployment assistance ~~unemployment~~ appeals referees, and the
 2031 Department of Economic Opportunity or its special deputies under
 2032 s. 443.141.

2033 Section 42. Subsection (4) of section 125.9502, Florida
 2034 Statutes, is amended to read:

2035 125.9502 Scope of ss. 125.9501-125.9506; status of
 2036 volunteers.—

2037 (4) Persons working with a unit of county government or a
 2038 constitutional county officer pursuant to ss. 125.9501-125.9506
 2039 are considered unpaid independent volunteers and are not
 2040 entitled to reemployment assistance ~~unemployment compensation~~.

2041 Section 43. Paragraph (d) of subsection (1) and paragraph
 2042 (b) of subsection (2) of section 212.096, Florida Statutes, are
 2043 amended to read:

HB 7027

2012

2044 212.096 Sales, rental, storage, use tax; enterprise zone
 2045 jobs credit against sales tax.—

2046 (1) For the purposes of the credit provided in this
 2047 section:

2048 (d) "Job" means a full-time position, as consistent with
 2049 terms used by the Department of Economic Opportunity ~~Agency for~~
 2050 ~~Workforce Innovation~~ and the United States Department of Labor
 2051 for purposes of reemployment assistance ~~unemployment~~
 2052 ~~compensation~~ tax administration and employment estimation
 2053 resulting directly from a business operation in this state. This
 2054 term may not include a temporary construction job involved with
 2055 the construction of facilities or any job that has previously
 2056 been included in any application for tax credits under s.
 2057 220.181(1). The term also includes employment of an employee
 2058 leased from an employee leasing company licensed under chapter
 2059 468 if such employee has been continuously leased to the
 2060 employer for an average of at least 36 hours per week for more
 2061 than 6 months.

2062
 2063 A person shall be deemed to be employed if the person performs
 2064 duties in connection with the operations of the business on a
 2065 regular, full-time basis, provided the person is performing such
 2066 duties for an average of at least 36 hours per week each month.
 2067 The person must be performing such duties at a business site
 2068 located in the enterprise zone.

2069 (2)

2070 (b) The credit shall be computed as 20 percent of the
 2071 actual monthly wages paid in this state to each new employee

HB 7027

2012

2072 hired when a new job has been created, unless the business is
2073 located within a rural enterprise zone pursuant to s. 290.004,
2074 in which case the credit shall be 30 percent of the actual
2075 monthly wages paid. If no less than 20 percent of the employees
2076 of the business are residents of an enterprise zone, excluding
2077 temporary and part-time employees, the credit shall be computed
2078 as 30 percent of the actual monthly wages paid in this state to
2079 each new employee hired when a new job has been created, unless
2080 the business is located within a rural enterprise zone, in which
2081 case the credit shall be 45 percent of the actual monthly wages
2082 paid. If the new employee hired when a new job is created is a
2083 participant in the welfare transition program, the following
2084 credit shall be a percent of the actual monthly wages paid: 40
2085 percent for \$4 above the hourly federal minimum wage rate; 41
2086 percent for \$5 above the hourly federal minimum wage rate; 42
2087 percent for \$6 above the hourly federal minimum wage rate; 43
2088 percent for \$7 above the hourly federal minimum wage rate; and
2089 44 percent for \$8 above the hourly federal minimum wage rate.
2090 For purposes of this paragraph, monthly wages shall be computed
2091 as one-twelfth of the expected annual wages paid to such
2092 employee. The amount paid as wages to a new employee is the
2093 compensation paid to such employee that is subject to
2094 reemployment assistance ~~unemployment~~ tax. The credit shall be
2095 allowed for up to 24 consecutive months, beginning with the
2096 first tax return due pursuant to s. 212.11 after approval by the
2097 department.

2098 Section 44. Subsection (4) of section 213.053, Florida
2099 Statutes, is amended to read:

Page 76 of 122

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

hb7027-00

HB 7027

2012

2100 213.053 Confidentiality and information sharing.—
 2101 (4) The department, while providing reemployment
 2102 assistance ~~unemployment~~ tax collection services under contract
 2103 with the Department of Economic Opportunity through an
 2104 interagency agreement pursuant to s. 443.1316, may release
 2105 reemployment assistance ~~unemployment~~ tax rate information to the
 2106 agent of an employer who provides payroll services for more than
 2107 100 employers, pursuant to the terms of a memorandum of
 2108 understanding. The memorandum of understanding must state that
 2109 the agent affirms, subject to the criminal penalties contained
 2110 in ss. 443.171 and 443.1715, that the agent will retain the
 2111 confidentiality of the information, that the agent has in effect
 2112 a power of attorney from the employer which permits the agent to
 2113 obtain reemployment assistance ~~unemployment~~ tax rate
 2114 information, and that the agent shall provide the department
 2115 with a copy of the employer's power of attorney upon request.

2116 Section 45. Paragraph (a) of subsection (6) of section
 2117 216.292, Florida Statutes, is amended to read:

2118 216.292 Appropriations nontransferable; exceptions.—

2119 (6) The Chief Financial Officer shall transfer from any
 2120 available funds of an agency or the judicial branch the
 2121 following amounts and shall report all such transfers and the
 2122 reasons therefor to the legislative appropriations committees
 2123 and the Executive Office of the Governor:

2124 (a) The amount due to the Unemployment Compensation Trust
 2125 Fund which is more than 90 days delinquent on reimbursements due
 2126 to the Unemployment Compensation Trust Fund. The amount
 2127 transferred shall be that certified by the state agency

HB 7027

2012

2128 providing reemployment assistance ~~unemployment~~ tax collection
 2129 services under contract with the Department of Economic
 2130 Opportunity through an interagency agreement pursuant to s.
 2131 443.1316.

2132 Section 46. Paragraph (ff) of subsection (1) of section
 2133 220.03, Florida Statutes, is amended to read:

2134 220.03 Definitions.—

2135 (1) SPECIFIC TERMS.—When used in this code, and when not
 2136 otherwise distinctly expressed or manifestly incompatible with
 2137 the intent thereof, the following terms shall have the following
 2138 meanings:

2139 (ff) "Job" means a full-time position, as consistent with
 2140 terms used by the Department of Economic Opportunity and the
 2141 United States Department of Labor for purposes of reemployment
 2142 assistance ~~unemployment compensation~~ tax administration and
 2143 employment estimation resulting directly from business
 2144 operations in this state. The term may not include a temporary
 2145 construction job involved with the construction of facilities or
 2146 any job that has previously been included in any application for
 2147 tax credits under s. 212.096. The term also includes employment
 2148 of an employee leased from an employee leasing company licensed
 2149 under chapter 468 if the employee has been continuously leased
 2150 to the employer for an average of at least 36 hours per week for
 2151 more than 6 months.

2152 Section 47. Paragraph (b) of subsection (1) of section
 2153 220.181, Florida Statutes, is amended to read:

2154 220.181 Enterprise zone jobs credit.—

2155 (1)

2156 (b) This credit applies only with respect to wages subject
 2157 to reemployment assistance ~~unemployment~~ tax. The credit provided
 2158 in this section does not apply:

2159 1. For any employee who is an owner, partner, or majority
 2160 stockholder of an eligible business.

2161 2. For any new employee who is employed for any period
 2162 less than 3 months.

2163 Section 48. Paragraph (e) of subsection (1) of section
 2164 220.191, Florida Statutes, is amended to read:

2165 220.191 Capital investment tax credit.—

2166 (1) DEFINITIONS.—For purposes of this section:

2167 (e) "Jobs" means full-time equivalent positions, as that
 2168 term is consistent with terms used by the Department of Economic
 2169 Opportunity and the United States Department of Labor for
 2170 purposes of reemployment assistance ~~unemployment~~ tax
 2171 administration and employment estimation, resulting directly
 2172 from a project in this state. The term does not include
 2173 temporary construction jobs involved in the construction of the
 2174 project facility.

2175 Section 49. Paragraph (d) of subsection (3) of section
 2176 220.194, Florida Statutes, is amended to read:

2177 220.194 Corporate income tax credits for spaceflight
 2178 projects.—

2179 (3) DEFINITIONS.—As used in this section, the term:

2180 (d) "New job" means the full-time employment of an
 2181 employee in a manner that is consistent with terms used by the
 2182 Department of Economic Opportunity ~~Agency for Workforce~~
 2183 ~~Innovation~~ and the United States Department of Labor for

HB 7027

2012

2184 purposes of reemployment assistance ~~unemployment compensation~~
 2185 tax administration and employment estimation. In order to meet
 2186 the requirement for certification specified in paragraph (5) (b),
 2187 a new job must:

2188 1. Pay new employees at least 115 percent of the statewide
 2189 or countywide average annual private sector wage for the 3
 2190 taxable years immediately preceding filing an application for
 2191 certification;

2192 2. Require a new employee to perform duties on a regular
 2193 full-time basis in this state for an average of at least 36
 2194 hours per week each month for the 3 taxable years immediately
 2195 preceding filing an application for certification; and

2196 3. Not be held by a person who has previously been
 2197 included as a new employee on an application for any credit
 2198 authorized under this section.

2199 Section 50. Section 222.15, Florida Statutes, is amended
 2200 to read:

2201 222.15 Wages or reemployment assistance or unemployment
 2202 compensation payments due deceased employee may be paid spouse
 2203 or certain relatives.—

2204 (1) It is lawful for any employer, in case of the death of
 2205 an employee, to pay to the wife or husband, and in case there is
 2206 no wife or husband, then to the child or children, provided the
 2207 child or children are over the age of 18 years, and in case
 2208 there is no child or children, then to the father or mother, any
 2209 wages or travel expenses that may be due such employee at the
 2210 time of his or her death.

2211 (2) It is also lawful for the Department of Economic

HB 7027

2012

2212 Opportunity, in case of death of any unemployed individual, to
 2213 pay to those persons referred to in subsection (1) any
 2214 reemployment assistance or unemployment compensation payments
 2215 that may be due to the individual at the time of his or her
 2216 death.

2217 Section 51. Section 222.16, Florida Statutes, is amended
 2218 to read:

2219 222.16 Wages or reemployment assistance or unemployment
 2220 compensation payments so paid not subject to administration.—Any
 2221 wages, travel expenses, or reemployment assistance or
 2222 unemployment compensation payments so paid under the authority
 2223 of s. 222.15 shall not be considered as assets of the estate and
 2224 subject to administration; provided, however, that the travel
 2225 expenses so exempted from administration shall not exceed the
 2226 sum of \$300.

2227 Section 52. Paragraph (m) of subsection (1) of section
 2228 255.20, Florida Statutes, is amended to read:

2229 255.20 Local bids and contracts for public construction
 2230 works; specification of state-produced lumber.—

2231 (1) A county, municipality, special district as defined in
 2232 chapter 189, or other political subdivision of the state seeking
 2233 to construct or improve a public building, structure, or other
 2234 public construction works must competitively award to an
 2235 appropriately licensed contractor each project that is estimated
 2236 in accordance with generally accepted cost-accounting principles
 2237 to cost more than \$300,000. For electrical work, the local
 2238 government must competitively award to an appropriately licensed
 2239 contractor each project that is estimated in accordance with

HB 7027

2012

2240 generally accepted cost-accounting principles to cost more than
 2241 \$75,000. As used in this section, the term "competitively award"
 2242 means to award contracts based on the submission of sealed bids,
 2243 proposals submitted in response to a request for proposal,
 2244 proposals submitted in response to a request for qualifications,
 2245 or proposals submitted for competitive negotiation. This
 2246 subsection expressly allows contracts for construction
 2247 management services, design/build contracts, continuation
 2248 contracts based on unit prices, and any other contract
 2249 arrangement with a private sector contractor permitted by any
 2250 applicable municipal or county ordinance, by district
 2251 resolution, or by state law. For purposes of this section, cost
 2252 includes the cost of all labor, except inmate labor, and the
 2253 cost of equipment and materials to be used in the construction
 2254 of the project. Subject to the provisions of subsection (3), the
 2255 county, municipality, special district, or other political
 2256 subdivision may establish, by municipal or county ordinance or
 2257 special district resolution, procedures for conducting the
 2258 bidding process.

2259 (m) Any contractor may be considered ineligible to bid by
 2260 the governmental entity if the contractor has been found guilty
 2261 by a court of any violation of federal labor or employment tax
 2262 laws regarding subjects such as safety, tax withholding,
 2263 workers' compensation, reemployment assistance or unemployment
 2264 tax, social security and Medicare tax, wage or hour, or
 2265 prevailing rate laws within the past 5 years.

2266 Section 53. Subsection (5) of section 288.075, Florida
 2267 Statutes, is amended to read:

HB 7027

2012

2268 | 288.075 Confidentiality of records.—

2269 | (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
 2270 | federal employer identification number, reemployment assistance
 2271 | ~~unemployment compensation~~ account number, or Florida sales tax
 2272 | registration number held by an economic development agency is
 2273 | confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 2274 | of the State Constitution.

2275 | Section 54. Paragraph (c) of subsection (1) of section
 2276 | 288.1045, Florida Statutes, is amended to read:

2277 | 288.1045 Qualified defense contractor and space flight
 2278 | business tax refund program.—

2279 | (1) DEFINITIONS.—As used in this section:

2280 | (c) "Business unit" means an employing unit, as defined in
 2281 | s. 443.036, that is registered with the department for
 2282 | reemployment assistance ~~unemployment compensation~~ purposes or
 2283 | means a subcategory or division of an employing unit that is
 2284 | accepted by the department as a reporting unit.

2285 | Section 55. Paragraph (d) of subsection (2) of section
 2286 | 288.106, Florida Statutes, is amended to read:

2287 | 288.106 Tax refund program for qualified target industry
 2288 | businesses.—

2289 | (2) DEFINITIONS.—As used in this section:

2290 | (d) "Business" means an employing unit, as defined in s.
 2291 | 443.036, that is registered for reemployment assistance
 2292 | ~~unemployment compensation~~ purposes with the state agency
 2293 | providing reemployment assistance ~~unemployment~~ tax collection
 2294 | services under an interagency agreement pursuant to s. 443.1316,
 2295 | or a subcategory or division of an employing unit that is

HB 7027

2012

2296 | accepted by the state agency providing reemployment assistance
 2297 | ~~unemployment~~ tax collection services as a reporting unit.

2298 | Section 56. Paragraph (b) of subsection (3) of section
 2299 | 288.1081, Florida Statutes, is amended to read:

2300 | 288.1081 Economic Gardening Business Loan Pilot Program.—

2301 | (3)

2302 | (b) A loan applicant must submit a written application to
 2303 | the loan administrator in the format prescribed by the loan
 2304 | administrator. The application must include:

2305 | 1. The applicant's federal employer identification number,
 2306 | reemployment assistance ~~unemployment~~ account number, and sales
 2307 | or other tax registration number.

2308 | 2. The street address of the applicant's principal place
 2309 | of business in this state.

2310 | 3. A description of the type of economic activity,
 2311 | product, or research and development undertaken by the
 2312 | applicant, including the six-digit North American Industry
 2313 | Classification System code for each type of economic activity
 2314 | conducted by the applicant.

2315 | 4. The applicant's annual revenue, number of employees,
 2316 | number of full-time equivalent employees, and other information
 2317 | necessary to verify the applicant's eligibility for the pilot
 2318 | program under s. 288.1082(4)(a).

2319 | 5. The projected investment in the business, if any, which
 2320 | the applicant proposes in conjunction with the loan.

2321 | 6. The total investment in the business from all sources,
 2322 | if any, which the applicant proposes in conjunction with the
 2323 | loan.

HB 7027

2012

2324 7. The number of net new full-time equivalent jobs that,
 2325 as a result of the loan, the applicant proposes to create in
 2326 this state as of December 31 of each year and the average annual
 2327 wage of the proposed jobs.

2328 8. The total number of full-time equivalent employees the
 2329 applicant currently employs in this state.

2330 9. The date that the applicant anticipates it needs the
 2331 loan.

2332 10. A detailed explanation of why the loan is needed to
 2333 assist the applicant in expanding jobs in the state.

2334 11. A statement that all of the applicant's available
 2335 corporate assets are pledged as collateral for the amount of the
 2336 loan.

2337 12. A statement that the applicant, upon receiving the
 2338 loan, agrees not to seek additional long-term debt without prior
 2339 approval of the loan administrator.

2340 13. A statement that the loan is a joint obligation of the
 2341 business and of each person who owns at least 20 percent of the
 2342 business.

2343 14. Any additional information requested by the department
 2344 or the loan administrator.

2345 Section 57. Paragraph (a) of subsection (3) of section
 2346 288.1089, Florida Statutes, is amended to read:

2347 288.1089 Innovation Incentive Program.—

2348 (3) To be eligible for consideration for an innovation
 2349 incentive award, an innovation business, a research and
 2350 development entity, or an alternative and renewable energy
 2351 company must submit a written application to the department

2352 before making a decision to locate new operations in this state
 2353 or expand an existing operation in this state. The application
 2354 must include, but not be limited to:

2355 (a) The applicant's federal employer identification
 2356 number, reemployment assistance ~~unemployment~~ account number, and
 2357 state sales tax registration number. If such numbers are not
 2358 available at the time of application, they must be submitted to
 2359 the department in writing before the disbursement of any
 2360 payments under this section.

2361 Section 58. Subsection (1) of section 334.30, Florida
 2362 Statutes, is amended to read:

2363 334.30 Public-private transportation facilities.—The
 2364 Legislature finds and declares that there is a public need for
 2365 the rapid construction of safe and efficient transportation
 2366 facilities for the purpose of traveling within the state, and
 2367 that it is in the public's interest to provide for the
 2368 construction of additional safe, convenient, and economical
 2369 transportation facilities.

2370 (1) The department may receive or solicit proposals and,
 2371 with legislative approval as evidenced by approval of the
 2372 project in the department's work program, enter into agreements
 2373 with private entities, or consortia thereof, for the building,
 2374 operation, ownership, or financing of transportation facilities.
 2375 The department may advance projects programmed in the adopted 5-
 2376 year work program or projects increasing transportation capacity
 2377 and greater than \$500 million in the 10-year Strategic
 2378 Intermodal Plan using funds provided by public-private
 2379 partnerships or private entities to be reimbursed from

HB 7027

2012

2380 department funds for the project as programmed in the adopted
 2381 work program. The department shall by rule establish an
 2382 application fee for the submission of unsolicited proposals
 2383 under this section. The fee must be sufficient to pay the costs
 2384 of evaluating the proposals. The department may engage the
 2385 services of private consultants to assist in the evaluation.
 2386 Before approval, the department must determine that the proposed
 2387 project:

- 2388 (a) Is in the public's best interest;
- 2389 (b) Would not require state funds to be used unless the
 2390 project is on the State Highway System;
- 2391 (c) Would have adequate safeguards in place to ensure that
 2392 no additional costs or service disruptions would be realized by
 2393 the traveling public and residents of the state in the event of
 2394 default or cancellation of the agreement by the department;
- 2395 (d) Would have adequate safeguards in place to ensure that
 2396 the department or the private entity has the opportunity to add
 2397 capacity to the proposed project and other transportation
 2398 facilities serving similar origins and destinations; and
- 2399 (e) Would be owned by the department upon completion or
 2400 termination of the agreement.

2401
 2402 The department shall ensure that all reasonable costs to the
 2403 state, related to transportation facilities that are not part of
 2404 the State Highway System, are borne by the private entity. The
 2405 department shall also ensure that all reasonable costs to the
 2406 state and substantially affected local governments and
 2407 utilities, related to the private transportation facility, are

2408 borne by the private entity for transportation facilities that
 2409 are owned by private entities. For projects on the State Highway
 2410 System, the department may use state resources to participate in
 2411 funding and financing the project as provided for under the
 2412 department's enabling legislation. Because the Legislature
 2413 recognizes that private entities or consortia thereof would
 2414 perform a governmental or public purpose or function when they
 2415 enter into agreements with the department to design, build,
 2416 operate, own, or finance transportation facilities, the
 2417 transportation facilities, including leasehold interests
 2418 thereof, are exempt from ad valorem taxes as provided in chapter
 2419 196 to the extent property is owned by the state or other
 2420 government entity, and from intangible taxes as provided in
 2421 chapter 199 and special assessments of the state, any city,
 2422 town, county, special district, political subdivision of the
 2423 state, or any other governmental entity. The private entities or
 2424 consortia thereof are exempt from tax imposed by chapter 201 on
 2425 all documents or obligations to pay money which arise out of the
 2426 agreements to design, build, operate, own, lease, or finance
 2427 transportation facilities. Any private entities or consortia
 2428 thereof must pay any applicable corporate taxes as provided in
 2429 chapter 220, and reemployment assistance ~~unemployment~~
 2430 ~~compensation~~ taxes as provided in chapter 443, and sales and use
 2431 tax as provided in chapter 212 shall be applicable. The private
 2432 entities or consortia thereof must also register and collect the
 2433 tax imposed by chapter 212 on all their direct sales and leases
 2434 that are subject to tax under chapter 212. The agreement between
 2435 the private entity or consortia thereof and the department

HB 7027

2012

2436 establishing a transportation facility under this chapter
 2437 constitutes documentation sufficient to claim any exemption
 2438 under this section.

2439 Section 59. Subsection (8) of section 408.809, Florida
 2440 Statutes, is amended to read:

2441 408.809 Background screening; prohibited offenses.—

2442 (8) There is no reemployment assistance ~~unemployment~~
 2443 ~~compensation~~ or other monetary liability on the part of, and no
 2444 cause of action for damages arising against, an employer that,
 2445 upon notice of a disqualifying offense listed under chapter 435
 2446 or this section, terminates the person against whom the report
 2447 was issued, whether or not that person has filed for an
 2448 exemption with the Department of Health or the agency.

2449 Section 60. Paragraph (e) of subsection (7) of section
 2450 409.2563, Florida Statutes, is amended to read:

2451 409.2563 Administrative establishment of child support
 2452 obligations.—

2453 (7) ADMINISTRATIVE SUPPORT ORDER.—

2454 (e) An administrative support order must comply with ss.
 2455 61.13(1) and 61.30. The department shall develop a standard form
 2456 or forms for administrative support orders. An administrative
 2457 support order must provide and state findings, if applicable,
 2458 concerning:

- 2459 1. The full name and date of birth of the child or
- 2460 children;
- 2461 2. The name of the parent from whom support is being
- 2462 sought and the other parent or caregiver;
- 2463 3. The parent's duty and ability to provide support;

HB 7027

2012

- 2464 4. The amount of the parent's monthly support obligation;
 2465 5. Any obligation to pay retroactive support;
 2466 6. The parent's obligation to provide for the health care
 2467 needs of each child, whether through health insurance,
 2468 contribution toward the cost of health insurance, payment or
 2469 reimbursement of health care expenses for the child, or any
 2470 combination thereof;
- 2471 7. The beginning date of any required monthly payments and
 2472 health insurance;
- 2473 8. That all support payments ordered must be paid to the
 2474 Florida State Disbursement Unit as provided by s. 61.1824;
- 2475 9. That the parents, or caregiver if applicable, must file
 2476 with the department when the administrative support order is
 2477 rendered, if they have not already done so, and update as
 2478 appropriate the information required pursuant to paragraph
 2479 (13) (b);
- 2480 10. That both parents, or parent and caregiver if
 2481 applicable, are required to promptly notify the department of
 2482 any change in their mailing addresses pursuant to paragraph
 2483 (13) (c); and
- 2484 11. That if the parent ordered to pay support receives
 2485 reemployment assistance or unemployment compensation benefits,
 2486 the payor shall withhold, and transmit to the department, 40
 2487 percent of the benefits for payment of support, not to exceed
 2488 the amount owed.
- 2489
- 2490 An income deduction order as provided by s. 61.1301 must be
 2491 incorporated into the administrative support order or, if not

2492 incorporated into the administrative support order, the
 2493 department or the Division of Administrative Hearings shall
 2494 render a separate income deduction order.

2495 Section 61. Paragraph (a) of subsection (3), subsection
 2496 (8), and paragraph (a) of subsection (9) of section 409.2576,
 2497 Florida Statutes, are amended to read:

2498 409.2576 State Directory of New Hires.—

2499 (3) EMPLOYERS TO FURNISH REPORTS.—

2500 (a) Each employer subject to the reporting requirements of
 2501 chapter 443 with 250 or more employees, shall provide to the
 2502 State Directory of New Hires, a report listing the employer's
 2503 legal name, address, and reemployment assistance ~~unemployment~~
 2504 ~~compensation~~ identification number. The report must also provide
 2505 the name and social security number of each new employee or
 2506 rehired employee at the end of the first pay period following
 2507 employment or reemployment.

2508 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
 2509 Directory of New Hires must furnish information regarding newly
 2510 hired or rehired employees to the National Directory of New
 2511 Hires for matching with the records of other state case
 2512 registries within 3 business days of entering such information
 2513 from the employer into the State Directory of New Hires. The
 2514 State Directory of New Hires shall enter into an agreement with
 2515 the Department of Economic Opportunity or its tax collection
 2516 service provider for the quarterly reporting to the National
 2517 Directory of New Hires information on wages and reemployment
 2518 assistance ~~unemployment compensation~~ taken from the quarterly
 2519 report to the Secretary of Labor, now required by Title III of

HB 7027

2012

2520 the Social Security Act, except that no report shall be filed
 2521 with respect to an employee of a state or local agency
 2522 performing intelligence or counterintelligence functions, if the
 2523 head of such agency has determined that filing such a report
 2524 could endanger the safety of the employee or compromise an
 2525 ongoing investigation or intelligence mission.

2526 (9) DISCLOSURE OF INFORMATION.—

2527 (a) New hire information shall be disclosed to the state
 2528 agency administering the following programs for the purposes of
 2529 determining eligibility under those programs:

2530 1. Any state program funded under part A of Title IV of
 2531 the Social Security Act;

2532 2. The Medicaid program under Title XIX of the Social
 2533 Security Act;

2534 3. The reemployment assistance or unemployment
 2535 compensation program under s. 3304 of the Internal Revenue Code
 2536 of 1954;

2537 4. The food assistance program under the Food and
 2538 Nutrition Act of 2008; and

2539 5. Any state program under a plan approved under Title I
 2540 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
 2541 Title XIV (Aid to the Permanently and Totally Disabled), or
 2542 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
 2543 Security Income for the Aged, Blind, and Disabled) of the Social
 2544 Security Act.

2545 Section 62. Paragraph (f) of subsection (1) of section
 2546 414.295, Florida Statutes, is amended to read:

2547 414.295 Temporary cash assistance programs; public records

HB 7027

2012

2548 exemption.—

2549 (1) Personal identifying information of a temporary cash
 2550 assistance program participant, a participant's family, or a
 2551 participant's family or household member, except for information
 2552 identifying a parent who does not live in the same home as the
 2553 child, held by the department, the Office of Early Learning,
 2554 Workforce Florida, Inc., the Department of Health, the
 2555 Department of Revenue, the Department of Education, or a
 2556 regional workforce board or local committee created pursuant to
 2557 s. 445.007 is confidential and exempt from s. 119.07(1) and s.
 2558 24(a), Art. I of the State Constitution. Such confidential and
 2559 exempt information may be released for purposes directly
 2560 connected with:

2561 (f) The administration of the reemployment assistance
 2562 ~~unemployment compensation~~ program.

2563 Section 63. Subsection (4) of section 435.06, Florida
 2564 Statutes, is amended to read:

2565 435.06 Exclusion from employment.—

2566 (4) There is no reemployment assistance ~~unemployment~~
 2567 ~~compensation~~ or other monetary liability on the part of, and no
 2568 cause of action for damages against, an employer that, upon
 2569 notice of a conviction or arrest for a disqualifying offense
 2570 listed under this chapter, terminates the person against whom
 2571 the report was issued or who was arrested, regardless of whether
 2572 or not that person has filed for an exemption pursuant to this
 2573 chapter.

2574 Section 64. Subsection (2) of section 440.12, Florida
 2575 Statutes, is amended to read:

2576 440.12 Time for commencement and limits on weekly rate of
 2577 compensation.—

2578 (2) Compensation for disability resulting from injuries
 2579 which occur after December 31, 1974, shall not be less than \$20
 2580 per week. However, if the employee's wages at the time of injury
 2581 are less than \$20 per week, he or she shall receive his or her
 2582 full weekly wages. If the employee's wages at the time of the
 2583 injury exceed \$20 per week, compensation shall not exceed an
 2584 amount per week which is:

2585 (a) Equal to 100 percent of the statewide average weekly
 2586 wage, determined as hereinafter provided for the year in which
 2587 the injury occurred; however, the increase to 100 percent from
 2588 66 2/3 percent of the statewide average weekly wage shall apply
 2589 only to injuries occurring on or after August 1, 1979; and

2590 (b) Adjusted to the nearest dollar.

2591
 2592 For the purpose of this subsection, the "statewide average
 2593 weekly wage" means the average weekly wage paid by employers
 2594 subject to the Florida Reemployment Assistance Program
 2595 ~~Unemployment Compensation~~ Law as reported to the Department of
 2596 Economic Opportunity for the four calendar quarters ending each
 2597 June 30, which average weekly wage shall be determined by the
 2598 Department of Economic Opportunity on or before November 30 of
 2599 each year and shall be used in determining the maximum weekly
 2600 compensation rate with respect to injuries occurring in the
 2601 calendar year immediately following. The statewide average
 2602 weekly wage determined by the Department of Economic Opportunity
 2603 shall be reported annually to the Legislature.

HB 7027

2012

2604 Section 65. Paragraph (c) of subsection (9) and subsection
 2605 (10) of section 440.15, Florida Statutes, are amended to read:
 2606 440.15 Compensation for disability.—Compensation for
 2607 disability shall be paid to the employee, subject to the limits
 2608 provided in s. 440.12(2), as follows:

2609 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
 2610 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2611 (c) Disability compensation benefits payable for any week,
 2612 including those benefits provided by paragraph (1)(f), may not
 2613 be reduced pursuant to this subsection until the Social Security
 2614 Administration determines the amount otherwise payable to the
 2615 employee under 42 U.S.C. ss. 402 and 423 and the employee has
 2616 begun receiving such social security benefit payments. The
 2617 employee shall, upon demand by the department, the employer, or
 2618 the carrier, authorize the Social Security Administration to
 2619 release disability information relating to her or him and
 2620 authorize the Department of Economic Opportunity to release
 2621 reemployment assistance ~~unemployment compensation~~ information
 2622 relating to her or him, in accordance with rules to be adopted
 2623 by the department prescribing the procedure and manner for
 2624 requesting the authorization and for compliance by the employee.
 2625 The department or the employer or carrier may not make any
 2626 payment of benefits for total disability or those additional
 2627 benefits provided by paragraph (1)(f) for any period during
 2628 which the employee willfully fails or refuses to authorize the
 2629 release of information in the manner and within the time
 2630 prescribed by such rules. The authority for release of
 2631 disability information granted by an employee under this

HB 7027

2012

2632 paragraph is effective for a period not to exceed 12 months and
 2633 such authority may be renewed, as the department prescribes by
 2634 rule.

2635 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
 2636 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
 2637 ~~UNEMPLOYMENT COMPENSATION.~~—

2638 (a) No compensation benefits shall be payable for
 2639 temporary total disability or permanent total disability under
 2640 this chapter for any week in which the injured employee has
 2641 received, or is receiving, reemployment assistance or
 2642 unemployment compensation benefits.

2643 (b) If an employee is entitled to temporary partial
 2644 benefits pursuant to subsection (4) and reemployment assistance
 2645 or unemployment compensation benefits, such reemployment
 2646 assistance or unemployment compensation benefits shall be
 2647 primary and the temporary partial benefits shall be supplemental
 2648 only, the sum of the two benefits not to exceed the amount of
 2649 temporary partial benefits which would otherwise be payable.

2650 Section 66. Subsections (4) and (7) of section 440.381,
 2651 Florida Statutes, are amended to read:

2652 440.381 Application for coverage; reporting payroll;
 2653 payroll audit procedures; penalties.—

2654 (4) Each employer must submit a copy of the quarterly
 2655 earnings report required by chapter 443 at the end of each
 2656 quarter to the carrier and submit self-audits supported by the
 2657 quarterly earnings reports required by chapter 443 and the rules
 2658 adopted by the Department of Economic Opportunity or by the
 2659 state agency providing reemployment assistance ~~unemployment~~ tax

HB 7027

2012

2660 collection services under contract with the Department of
 2661 Economic Opportunity through an interagency agreement pursuant
 2662 to s. 443.1316. The reports must include a sworn statement by an
 2663 officer or principal of the employer attesting to the accuracy
 2664 of the information contained in the report.

2665 (7) If an employee suffering a compensable injury was not
 2666 reported as earning wages on the last quarterly earnings report
 2667 filed with the Department of Economic Opportunity or the state
 2668 agency providing reemployment assistance ~~unemployment~~ tax
 2669 collection services under contract with the Department of
 2670 Economic Opportunity through an interagency agreement pursuant
 2671 to s. 443.1316 before the accident, the employer shall indemnify
 2672 the carrier for all workers' compensation benefits paid to or on
 2673 behalf of the employee unless the employer establishes that the
 2674 employee was hired after the filing of the quarterly report, in
 2675 which case the employer and employee shall attest to the fact
 2676 that the employee was employed by the employer at the time of
 2677 the injury. Failure of the employer to indemnify the insurer
 2678 within 21 days after demand by the insurer is grounds for the
 2679 insurer to immediately cancel coverage. Any action for
 2680 indemnification brought by the carrier is cognizable in the
 2681 circuit court having jurisdiction where the employer or carrier
 2682 resides or transacts business. The insurer is entitled to a
 2683 reasonable attorney's fee if it recovers any portion of the
 2684 benefits paid in the action.

2685 Section 67. Subsection (2) of section 440.42, Florida
 2686 Statutes, is amended to read:

2687 440.42 Insurance policies; liability.—

HB 7027

2012

2688 (2) A workers' compensation insurance policy may require
 2689 the employer to release certain employment and wage information
 2690 maintained by the state pursuant to federal and state
 2691 reemployment assistance ~~unemployment compensation~~ laws except to
 2692 the extent prohibited or limited under federal law. By entering
 2693 into a workers' compensation insurance policy with such a
 2694 provision, the employer consents to the release of the
 2695 information. The insurance carrier requiring such consent shall
 2696 safeguard the information and maintain its confidentiality. The
 2697 carrier shall limit use of the information to verifying
 2698 compliance with the terms of the workers' compensation insurance
 2699 policy. The department may charge a fee to cover the cost of
 2700 disclosing the information.

2701 Section 68. Paragraph (i) of subsection (1) and paragraph
 2702 (b) of subsection (9) of section 445.009, Florida Statutes, are
 2703 amended to read:

2704 445.009 One-stop delivery system.—

2705 (1) The one-stop delivery system is the state's primary
 2706 customer-service strategy for offering every Floridian access,
 2707 through service sites or telephone or computer networks, to the
 2708 following services:

2709 (i) Claim filing for reemployment assistance ~~unemployment~~
 2710 ~~compensation~~ services.

2711 (9)

2712 (b) The network shall assure that a uniform method is used
 2713 to determine eligibility for and management of services provided
 2714 by agencies that conduct workforce development activities. The
 2715 Department of Management Services shall develop strategies to

HB 7027

2012

2716 allow access to the databases and information management systems
 2717 of the following systems in order to link information in those
 2718 databases with the one-stop delivery system:

2719 1. The Reemployment Assistance ~~Unemployment Compensation~~
 2720 Program under chapter 443.

2721 2. The public employment service described in s. 443.181.

2722 3. The FLORIDA System and the components related to
 2723 temporary cash assistance, food assistance, and Medicaid
 2724 eligibility.

2725 4. The Student Financial Assistance System of the
 2726 Department of Education.

2727 5. Enrollment in the public postsecondary education
 2728 system.

2729 6. Other information systems determined appropriate by
 2730 Workforce Florida, Inc.

2731 Section 69. Subsection (6) of section 445.016, Florida
 2732 Statutes, is amended to read:

2733 445.016 Untried Worker Placement and Employment Incentive
 2734 Act.—

2735 (6) During an untried worker's probationary placement, the
 2736 for-profit or not-for-profit agent shall be the employer of
 2737 record of that untried worker, and shall provide workers'
 2738 compensation and reemployment assistance ~~unemployment~~
 2739 ~~compensation~~ coverage as provided by law. The business employing
 2740 the untried worker through the agent may be eligible to apply
 2741 for any tax credits, wage supplementation, wage subsidy, or
 2742 employer payment for that employee that are authorized in law or
 2743 by agreement with the employer. After satisfactory completion of

2744 such a probationary period, an untried worker shall not be
 2745 considered an untried worker.

2746 Section 70. Paragraph (c) of subsection (2) and paragraph
 2747 (a) of subsection (3) of section 446.50, Florida Statutes, are
 2748 amended to read:

2749 446.50 Displaced homemakers; multiservice programs; report
 2750 to the Legislature; Displaced Homemaker Trust Fund created.—

2751 (2) DEFINITION.—For the purposes of this section, the term
 2752 "displaced homemaker" means an individual who:

2753 (c) Is not adequately employed, as defined by rule of the
 2754 Department of Economic Opportunity ~~agency~~;

2755 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
 2756 OPPORTUNITY.—

2757 (a) The Department of Economic Opportunity, under plans
 2758 established by Workforce Florida, Inc., shall establish, or
 2759 contract for the establishment of, programs for displaced
 2760 homemakers which shall include:

2761 1. Job counseling, by professionals and peers,
 2762 specifically designed for a person entering the job market after
 2763 a number of years as a homemaker.

2764 2. Job training and placement services, including:

2765 a. Training programs for available jobs in the public and
 2766 private sectors, taking into account the skills and job
 2767 experiences of a homemaker and developed by working with public
 2768 and private employers.

2769 b. Assistance in locating available employment for
 2770 displaced homemakers, some of whom could be employed in existing
 2771 job training and placement programs.

2772 c. Utilization of the services of the state employment
 2773 service in locating employment opportunities.

2774 3. Financial management services providing information and
 2775 assistance with respect to insurance, including, but not limited
 2776 to, life, health, home, and automobile insurance, and taxes,
 2777 estate and probate problems, mortgages, loans, and other related
 2778 financial matters.

2779 4. Educational services, including high school equivalency
 2780 degree and such other courses as the department determines would
 2781 be of interest and benefit to displaced homemakers.

2782 5. Outreach and information services with respect to
 2783 federal and state employment, education, health, and
 2784 reemployment ~~unemployment~~ assistance programs that the
 2785 department determines would be of interest and benefit to
 2786 displaced homemakers.

2787 Section 71. Paragraph (b) of subsection (4) of section
 2788 448.110, Florida Statutes, is amended to read:

2789 448.110 State minimum wage; annual wage adjustment;
 2790 enforcement.—

2791 (4)

2792 (b) The Department of Revenue and the Department of
 2793 Economic Opportunity shall annually publish the amount of the
 2794 adjusted state minimum wage and the effective date. Publication
 2795 shall occur by posting the adjusted state minimum wage rate and
 2796 the effective date on the Internet home pages of the Department
 2797 of Economic Opportunity and the Department of Revenue by October
 2798 15 of each year. In addition, to the extent funded in the
 2799 General Appropriations Act, the Department of Economic

HB 7027

2012

2800 Opportunity shall provide written notice of the adjusted rate
 2801 and the effective date of the adjusted state minimum wage to all
 2802 employers registered in the most current reemployment assistance
 2803 ~~unemployment compensation~~ database. Such notice shall be mailed
 2804 by November 15 of each year using the addresses included in the
 2805 database. Employers are responsible for maintaining current
 2806 address information in the reemployment assistance ~~unemployment~~
 2807 ~~compensation~~ database. The Department of Economic Opportunity is
 2808 not responsible for failure to provide notice due to incorrect
 2809 or incomplete address information in the database. The
 2810 Department of Economic Opportunity shall provide the Department
 2811 of Revenue with the adjusted state minimum wage rate information
 2812 and effective date in a timely manner.

2813 Section 72. Paragraph (e) of subsection (2) of section
 2814 450.31, Florida Statutes, is amended to read:

2815 450.31 Issuance, revocation, and suspension of, and
 2816 refusal to issue or renew, certificate of registration.—

2817 (2) The department may revoke, suspend, or refuse to issue
 2818 or renew any certificate of registration when it is shown that
 2819 the farm labor contractor has:

2820 (e) Failed to pay reemployment assistance ~~unemployment~~
 2821 ~~compensation~~ taxes as determined by the Department of Economic
 2822 Opportunity; or

2823 Section 73. Subsection (9) of section 450.33, Florida
 2824 Statutes, is amended to read:

2825 450.33 Duties of farm labor contractor.—Every farm labor
 2826 contractor must:

2827 (9) Comply with all applicable statutes, rules, and

HB 7027

2012

2828 regulations of the United States and of the State of Florida for
 2829 the protection or benefit of labor, including, but not limited
 2830 to, those providing for wages, hours, fair labor standards,
 2831 social security, workers' compensation, reemployment assistance
 2832 or unemployment compensation, child labor, and transportation.

2833 Section 74. Subsections (1) and (3) of section 468.529,
 2834 Florida Statutes, are amended to read:

2835 468.529 Licensee's insurance; employment tax; benefit
 2836 plans.—

2837 (1) A licensed employee leasing company is the employer of
 2838 the leased employees, except that this provision is not intended
 2839 to affect the determination of any issue arising under Pub. L.
 2840 No. 93-406, the Employee Retirement Income Security Act, as
 2841 amended from time to time. An employee leasing company shall be
 2842 responsible for timely payment of reemployment assistance
 2843 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
 2844 responsible for providing workers' compensation coverage
 2845 pursuant to chapter 440. However, no licensed employee leasing
 2846 company shall sponsor a plan of self-insurance for health
 2847 benefits, except as may be permitted by the provisions of the
 2848 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
 2849 the Employee Retirement Income Security Act, as amended from
 2850 time to time. For purposes of this section, a "plan of self-
 2851 insurance" shall exclude any arrangement where an admitted
 2852 insurance carrier has issued a policy of insurance primarily
 2853 responsible for the obligations of the health plan.

2854 (3) A licensed employee leasing company shall within 30
 2855 days after initiation or termination notify its workers'

HB 7027

2012

2856 compensation insurance carrier, the Division of Workers'
 2857 Compensation of the Department of Financial Services, and the
 2858 state agency providing reemployment assistance ~~unemployment~~ tax
 2859 collection services under contract with the Department of
 2860 Economic Opportunity through an interagency agreement pursuant
 2861 to s. 443.1316 of both the initiation or the termination of the
 2862 company's relationship with any client company.

2863 Section 75. Subsection (8) of section 553.791, Florida
 2864 Statutes, is amended to read:

2865 553.791 Alternative plans review and inspection.—

2866 (8) A private provider performing required inspections
 2867 under this section shall inspect each phase of construction as
 2868 required by the applicable codes. The private provider shall be
 2869 permitted to send a duly authorized representative to the
 2870 building site to perform the required inspections, provided all
 2871 required reports are prepared by and bear the signature of the
 2872 private provider or the private provider's duly authorized
 2873 representative. The duly authorized representative must be an
 2874 employee of the private provider entitled to receive
 2875 reemployment assistance ~~unemployment compensation~~ benefits under
 2876 chapter 443. The contractor's contractual or legal obligations
 2877 are not relieved by any action of the private provider.

2878 Section 76. Paragraph (b) of subsection (5) of section
 2879 624.509, Florida Statutes, is amended to read:

2880 624.509 Premium tax; rate and computation.—

2881 (5)

2882 (b) For purposes of this subsection:

2883 1. The term "salaries" does not include amounts paid as

2884 commissions.

2885 2. The term "employees" does not include independent
 2886 contractors or any person whose duties require that the person
 2887 hold a valid license under the Florida Insurance Code, except
 2888 adjusters, managing general agents, and service representatives,
 2889 as defined in s. 626.015.

2890 3. The term "net tax" means the tax imposed by this
 2891 section after applying the calculations and credits set forth in
 2892 subsection (4).

2893 4. An affiliated group of corporations that created a
 2894 service company within its affiliated group on July 30, 2002,
 2895 shall allocate the salary of each service company employee
 2896 covered by contracts with affiliated group members to the
 2897 companies for which the employees perform services. The salary
 2898 allocation is based on the amount of time during the tax year
 2899 that the individual employee spends performing services or
 2900 otherwise working for each company over the total amount of time
 2901 the employee spends performing services or otherwise working for
 2902 all companies. The total amount of salary allocated to an
 2903 insurance company within the affiliated group shall be included
 2904 as that insurer's employee salaries for purposes of this
 2905 section.

2906 a. Except as provided in subparagraph (a)2., the term
 2907 "affiliated group of corporations" means two or more
 2908 corporations that are entirely owned by a single corporation and
 2909 that constitute an affiliated group of corporations as defined
 2910 in s. 1504(a) of the Internal Revenue Code.

2911 b. The term "service company" means a separate corporation

HB 7027

2012

2912 within the affiliated group of corporations whose employees
2913 provide services to affiliated group members and which are
2914 treated as service company employees for reemployment assistance
2915 or unemployment compensation and common law purposes. The
2916 holding company of an affiliated group may not qualify as a
2917 service company. An insurance company may not qualify as a
2918 service company.

2919 c. If an insurance company fails to substantiate, whether
2920 by means of adequate records or otherwise, its eligibility to
2921 claim the service company exception under this section, or its
2922 salary allocation under this section, no credit shall be
2923 allowed.

2924 5. A service company that is a subsidiary of a mutual
2925 insurance holding company, which mutual insurance holding
2926 company was in existence on or before January 1, 2000, shall
2927 allocate the salary of each service company employee covered by
2928 contracts with members of the mutual insurance holding company
2929 system to the companies for which the employees perform
2930 services. The salary allocation is based on the ratio of the
2931 amount of time during the tax year which the individual employee
2932 spends performing services or otherwise working for each company
2933 to the total amount of time the employee spends performing
2934 services or otherwise working for all companies. The total
2935 amount of salary allocated to an insurance company within the
2936 mutual insurance holding company system shall be included as
2937 that insurer's employee salaries for purposes of this section.
2938 However, this subparagraph does not apply for any tax year
2939 unless funds sufficient to offset the anticipated salary credits

2940 have been appropriated to the General Revenue Fund prior to the
 2941 due date of the final return for that year.

2942 a. The term "mutual insurance holding company system"
 2943 means two or more corporations that are subsidiaries of a mutual
 2944 insurance holding company and in compliance with part IV of
 2945 chapter 628.

2946 b. The term "service company" means a separate corporation
 2947 within the mutual insurance holding company system whose
 2948 employees provide services to other members of the mutual
 2949 insurance holding company system and are treated as service
 2950 company employees for reemployment assistance or unemployment
 2951 compensation and common-law purposes. The mutual insurance
 2952 holding company may not qualify as a service company.

2953 c. If an insurance company fails to substantiate, whether
 2954 by means of adequate records or otherwise, its eligibility to
 2955 claim the service company exception under this section, or its
 2956 salary allocation under this section, no credit shall be
 2957 allowed.

2958 Section 77. Paragraph (c) of subsection (8) of section
 2959 679.4061, Florida Statutes, is amended to read:

2960 679.4061 Discharge of account debtor; notification of
 2961 assignment; identification and proof of assignment; restrictions
 2962 on assignment of accounts, chattel paper, payment intangibles,
 2963 and promissory notes ineffective.—

2964 (8) This section is subject to law other than this chapter
 2965 which establishes a different rule for an account debtor who is
 2966 an individual and who incurred the obligation primarily for
 2967 personal, family, or household purposes. Subsections (4) and (6)

HB 7027

2012

2968 do not apply to the creation, attachment, perfection, or
 2969 enforcement of a security interest in:

2970 (c) The interest of a debtor who is a natural person in
 2971 reemployment assistance or unemployment, alimony, disability,
 2972 pension, or retirement benefits or victim compensation funds.

2973 Section 78. Paragraph (c) of subsection (6) of section
 2974 679.4081, Florida Statutes, is amended to read:

2975 679.4081 Restrictions on assignment of promissory notes,
 2976 health-care-insurance receivables, and certain general
 2977 intangibles ineffective.—

2978 (6) Subsections (1) and (3) do not apply to the creation,
 2979 attachment, perfection, or enforcement of a security interest
 2980 in:

2981 (c) The interest of a debtor who is a natural person in
 2982 reemployment assistance or unemployment, alimony, disability,
 2983 pension, or retirement benefits or victim compensation funds.

2984 Section 79. Paragraph (a) of subsection (1) of section
 2985 895.02, Florida Statutes, is amended to read:

2986 895.02 Definitions.—As used in ss. 895.01-895.08, the
 2987 term:

2988 (1) "Racketeering activity" means to commit, to attempt to
 2989 commit, to conspire to commit, or to solicit, coerce, or
 2990 intimidate another person to commit:

2991 (a) Any crime that is chargeable by petition, indictment,
 2992 or information under the following provisions of the Florida
 2993 Statutes:

2994 1. Section 210.18, relating to evasion of payment of
 2995 cigarette taxes.

HB 7027

2012

- 2996 | 2. Section 316.1935, relating to fleeing or attempting to
 2997 | elude a law enforcement officer and aggravated fleeing or
 2998 | eluding.
- 2999 | 3. Section 403.727(3)(b), relating to environmental
 3000 | control.
- 3001 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3002 | fraud.
- 3003 | 5. Section 414.39, relating to public assistance fraud.
- 3004 | 6. Section 440.105 or s. 440.106, relating to workers'
 3005 | compensation.
- 3006 | 7. Section 443.071(4), relating to creation of a
 3007 | fictitious employer scheme to commit reemployment assistance
 3008 | ~~unemployment compensation~~ fraud.
- 3009 | 8. Section 465.0161, relating to distribution of medicinal
 3010 | drugs without a permit as an Internet pharmacy.
- 3011 | 9. Section 499.0051, relating to crimes involving
 3012 | contraband and adulterated drugs.
- 3013 | 10. Part IV of chapter 501, relating to telemarketing.
- 3014 | 11. Chapter 517, relating to sale of securities and
 3015 | investor protection.
- 3016 | 12. Section 550.235 or s. 550.3551, relating to dogracing
 3017 | and horseracing.
- 3018 | 13. Chapter 550, relating to jai alai frontons.
- 3019 | 14. Section 551.109, relating to slot machine gaming.
- 3020 | 15. Chapter 552, relating to the manufacture,
 3021 | distribution, and use of explosives.
- 3022 | 16. Chapter 560, relating to money transmitters, if the
 3023 | violation is punishable as a felony.

HB 7027

2012

- 3024 17. Chapter 562, relating to beverage law enforcement.
- 3025 18. Section 624.401, relating to transacting insurance
- 3026 without a certificate of authority, s. 624.437(4)(c)1., relating
- 3027 to operating an unauthorized multiple-employer welfare
- 3028 arrangement, or s. 626.902(1)(b), relating to representing or
- 3029 aiding an unauthorized insurer.
- 3030 19. Section 655.50, relating to reports of currency
- 3031 transactions, when such violation is punishable as a felony.
- 3032 20. Chapter 687, relating to interest and usurious
- 3033 practices.
- 3034 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 3035 real estate timeshare plans.
- 3036 22. Section 775.13(5)(b), relating to registration of
- 3037 persons found to have committed any offense for the purpose of
- 3038 benefiting, promoting, or furthering the interests of a criminal
- 3039 gang.
- 3040 23. Section 777.03, relating to commission of crimes by
- 3041 accessories after the fact.
- 3042 24. Chapter 782, relating to homicide.
- 3043 25. Chapter 784, relating to assault and battery.
- 3044 26. Chapter 787, relating to kidnapping or human
- 3045 trafficking.
- 3046 27. Chapter 790, relating to weapons and firearms.
- 3047 28. Chapter 794, relating to sexual battery, but only if
- 3048 such crime was committed with the intent to benefit, promote, or
- 3049 further the interests of a criminal gang, or for the purpose of
- 3050 increasing a criminal gang member's own standing or position
- 3051 within a criminal gang.

HB 7027

2012

- 3052 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
- 3053 796.05, or s. 796.07, relating to prostitution and sex
- 3054 trafficking.
- 3055 30. Chapter 806, relating to arson and criminal mischief.
- 3056 31. Chapter 810, relating to burglary and trespass.
- 3057 32. Chapter 812, relating to theft, robbery, and related
- 3058 crimes.
- 3059 33. Chapter 815, relating to computer-related crimes.
- 3060 34. Chapter 817, relating to fraudulent practices, false
- 3061 pretenses, fraud generally, and credit card crimes.
- 3062 35. Chapter 825, relating to abuse, neglect, or
- 3063 exploitation of an elderly person or disabled adult.
- 3064 36. Section 827.071, relating to commercial sexual
- 3065 exploitation of children.
- 3066 37. Chapter 831, relating to forgery and counterfeiting.
- 3067 38. Chapter 832, relating to issuance of worthless checks
- 3068 and drafts.
- 3069 39. Section 836.05, relating to extortion.
- 3070 40. Chapter 837, relating to perjury.
- 3071 41. Chapter 838, relating to bribery and misuse of public
- 3072 office.
- 3073 42. Chapter 843, relating to obstruction of justice.
- 3074 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 3075 s. 847.07, relating to obscene literature and profanity.
- 3076 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 3077 849.25, relating to gambling.
- 3078 45. Chapter 874, relating to criminal gangs.
- 3079 46. Chapter 893, relating to drug abuse prevention and

HB 7027

2012

3080 control.

3081 47. Chapter 896, relating to offenses related to financial
3082 transactions.

3083 48. Sections 914.22 and 914.23, relating to tampering with
3084 or harassing a witness, victim, or informant, and retaliation
3085 against a witness, victim, or informant.

3086 49. Sections 918.12 and 918.13, relating to tampering with
3087 jurors and evidence.

3088 Section 80. Paragraph (g) of subsection (8) of section
3089 896.101, Florida Statutes, is amended to read:

3090 896.101 Florida Money Laundering Act; definitions;
3091 penalties; injunctions; seizure warrants; immunity.-

3092 (8)

3093 (g)1. Upon service of the temporary order served pursuant
3094 to this section, the petitioner shall immediately notify by
3095 certified mail, return receipt requested, or by personal
3096 service, both the person or entity in possession of the monetary
3097 instruments or funds and the owner of the monetary instruments
3098 or funds if known, of the order entered pursuant to this section
3099 and that the lawful owner of the monetary instruments or funds
3100 being enjoined may request a hearing to contest and modify the
3101 order entered pursuant to this section by petitioning the court
3102 that issued the order, so that such notice is received within 72
3103 hours.

3104 2. The notice shall advise that the hearing shall be held
3105 within 3 days of the request, and the notice must state that the
3106 hearing will be set and noticed by the person against whom the
3107 order is served.

3108 | 3. The notice shall specifically state that the lawful
 3109 | owner has the right to produce evidence of legitimate business
 3110 | expenses, obligations, and liabilities, including but not
 3111 | limited to, employee payroll expenses verified by current
 3112 | reemployment assistance ~~unemployment compensation~~ records,
 3113 | employee workers' compensation insurance, employee health
 3114 | insurance, state and federal taxes, and regulatory or licensing
 3115 | fees only as may become due before the expiration of the
 3116 | temporary order.

3117 | 4. Upon determination by the court that the expenses are
 3118 | valid, payment of such expenses may be effected by the owner of
 3119 | the enjoined monetary instruments or funds only to the court-
 3120 | ordered payees through court-reviewed checks, issued by the
 3121 | owner of, and the person or entity in possession of, the
 3122 | enjoined monetary instruments or funds. Upon presentment, the
 3123 | person or entity in possession of the enjoined funds or monetary
 3124 | instruments shall only honor the payment of the check to the
 3125 | court-ordered payee.

3126 | Section 81. Paragraph (a) of subsection (3) of section
 3127 | 921.0022, Florida Statutes, is amended to read:

3128 | 921.0022 Criminal Punishment Code; offense severity
 3129 | ranking chart.—

3130 | (3) OFFENSE SEVERITY RANKING CHART

3131 | (a) LEVEL 1

3132 |

Florida	Felony	
Statute	Degree	Description

3133 |

HB 7027

2012

3134	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
3135	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
3136	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
3137	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
3138	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
3139	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
3140	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully

HB 7027

2012

3141	322.212 (4)	3rd	issued driver's license; possession of simulated identification.
3142	322.212 (5) (a)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
3143	414.39 (2)	3rd	False application for driver's license or identification card.
3144	414.39 (3) (a)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
3145	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3146	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment</u> <u>assistance</u> unemployment compensation benefits.

HB 7027

2012

3147	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
3148	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3149	562.27 (1)	3rd	Possess still or still apparatus.
3150	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
3151	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
3152	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
3153	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).

HB 7027

2012

3154	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
3155	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
3156	826.01	3rd	Bigamy.
3157	828.122 (3)	3rd	Fighting or baiting animals.
3158	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
3159	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
3160	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more

HB 7027

2012

			or obtaining property in return for worthless check \$150 or more.
3161			
	838.15 (2)	3rd	Commercial bribe receiving.
3162			
	838.16	3rd	Commercial bribery.
3163			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3164			
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3165			
	849.01	3rd	Keeping gambling house.
3166			
	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.
3167			
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3168			

HB 7027

2012

3169 849.25 (2) 3rd Engaging in bookmaking.

3170 860.08 3rd Interfere with a railroad
signal.

3171 860.13 (1) (a) 3rd Operate aircraft while under
the influence.

3172 893.13 (2) (a) 2. 3rd Purchase of cannabis.

3173 893.13 (6) (a) 3rd Possession of cannabis (more
than 20 grams).

3174 934.03 (1) (a) 3rd Intercepts, or procures any
other person to intercept, any
wire or oral communication.

3175 Section 82. Subsection (2) of section 946.513, Florida
3176 Statutes, is amended to read:
3177 946.513 Private employment of inmates; disposition of
3178 compensation received.—
3179 (2) No inmate is eligible for reemployment assistance
3180 benefits ~~unemployment compensation~~, whether employed by the
3181 corporation or by any other private enterprise operating on the
3182 grounds of a correctional institution or elsewhere, when such
3183 employment is part of a correctional work program or work-
3184 release program of either the corporation or the department.

3185 Section 83. Subsection (2) of section 946.523, Florida

HB 7027

2012

3186 Statutes, is amended to read:

3187 946.523 Prison industry enhancement (PIE) programs.—

3188 (2) Notwithstanding any other law to the contrary,
 3189 including s. 440.15(8), private sector employers shall provide
 3190 workers' compensation coverage to inmates who participate in
 3191 prison industry enhancement (PIE) programs under subsection (1).
 3192 However, inmates are not entitled to reemployment assistance
 3193 benefits ~~unemployment compensation~~.

3194 Section 84. Paragraph (c) of subsection (5) of section
 3195 985.618, Florida Statutes, is amended to read:

3196 985.618 Educational and career-related programs.—

3197 (5)

3198 (c) Notwithstanding any other law to the contrary,
 3199 including s. 440.15(8), private sector employers shall provide
 3200 juveniles participating in juvenile work programs under
 3201 paragraph (b) with workers' compensation coverage, and juveniles
 3202 shall be entitled to the benefits of such coverage. Nothing in
 3203 this subsection shall be construed to allow juveniles to
 3204 participate in reemployment assistance ~~unemployment compensation~~
 3205 benefits.

3206 Section 85. Subsection (3) of section 1003.496, Florida
 3207 Statutes, is amended to read:

3208 1003.496 High School to Business Career Enhancement
 3209 Program.—

3210 (3) Employment under this section of a student intern who
 3211 meets the criteria of s. 443.1216(13)(q) is not employment for
 3212 purposes of reemployment assistance ~~unemployment compensation~~
 3213 under chapter 443.

HB 7027

2012

3214 Section 86. Subsection (3) of section 1008.39, Florida
 3215 Statutes, is amended to read:

3216 1008.39 Florida Education and Training Placement
 3217 Information Program.—

3218 (3) The Florida Education and Training Placement
 3219 Information Program must not make public any information that
 3220 could identify an individual or the individual's employer. The
 3221 Department of Education must ensure that the purpose of
 3222 obtaining placement information is to evaluate and improve
 3223 public programs or to conduct research for the purpose of
 3224 improving services to the individuals whose social security
 3225 numbers are used to identify their placement. If an agreement
 3226 assures that this purpose will be served and that privacy will
 3227 be protected, the Department of Education shall have access to
 3228 the reemployment assistance ~~unemployment insurance~~ wage reports
 3229 maintained by the Department of Economic Opportunity, the files
 3230 of the Department of Children and Family Services that contain
 3231 information about the distribution of public assistance, the
 3232 files of the Department of Corrections that contain records of
 3233 incarcerations, and the files of the Department of Business and
 3234 Professional Regulation that contain the results of licensure
 3235 examination.

3236 Section 87. Paragraph (b) of subsection (1) of section
 3237 1008.41, Florida Statutes, is amended to read:

3238 1008.41 Workforce education; management information
 3239 system.—

3240 (1) The Commissioner of Education shall coordinate uniform
 3241 program structures, common definitions, and uniform management

HB 7027

2012

3242 information systems for workforce education for all divisions
3243 within the department. In performing these functions, the
3244 commissioner shall designate deadlines after which data elements
3245 may not be changed for the coming fiscal or school year. School
3246 districts and Florida College System institutions shall be
3247 notified of data element changes at least 90 days prior to the
3248 start of the subsequent fiscal or school year. Such systems must
3249 provide for:

3250 (b) Compliance with state and federal confidentiality
3251 requirements, except that the department shall have access to
3252 the reemployment assistance ~~unemployment insurance~~ wage reports
3253 to collect and report placement information about former
3254 students. Such placement reports must not disclose the
3255 individual identities of former students.

3256 Section 88. This act shall take effect July 1, 2012.