

1                   A bill to be entitled  
2           An act relating to unemployment compensation; amending  
3           s. 443.011, F.S.; revising a short title to rename  
4           "unemployment compensation" as "reemployment  
5           assistance"; amending s. 443.012, F.S.; renaming the  
6           Unemployment Appeals Commission as the Reemployment  
7           Assistance Appeals Commission; amending s. 443.036,  
8           F.S.; providing a definition for the term  
9           "reemployment assistance"; revising references to  
10          conform to changes made by the act; amending s.  
11          443.071, F.S.; revising the requirements for  
12          establishing prima facie evidence of transaction  
13          history and payment; revising references to conform to  
14          changes made by the act; amending s. 443.091, F.S.;  
15          providing scoring requirements relating to initial  
16          skills reviews; providing for workforce training for  
17          certain eligible claimants; providing reporting  
18          requirements; providing work search requirements for  
19          certain claimants; revising references to conform to  
20          changes made by this act; amending s. 443.101, F.S.;  
21          clarifying how a disqualification for benefits for  
22          fraud is imposed; revising references to conform to  
23          changes made by this act; reviving, readopting, and  
24          amending s. 443.1117, F.S., relating to temporary  
25          extended benefits; providing for retroactive  
26          application; establishing temporary state extended  
27          benefits for weeks of unemployment; revising  
28          definitions; providing for state extended benefits for

29 | certain weeks and for periods of high unemployment;  
 30 | providing for application of specified provisions of  
 31 | the act; amending s. 443.131, F.S.; prohibiting  
 32 | benefits from being charged to the employment record  
 33 | of an employer that is forced to lay off workers as a  
 34 | result of a manmade disaster of national significance;  
 35 | revising references to conform to changes made by this  
 36 | act; amending s. 443.1216, F.S.; providing that  
 37 | employee leasing companies may make a one-time  
 38 | election to report leased employees under the  
 39 | respective unemployment account of each leasing  
 40 | company client; providing procedures and application  
 41 | for such election; revising references to conform to  
 42 | changes made by the act; amending s. 443.151, F.S.;  
 43 | revising the statute of limitations related to the  
 44 | collection of unemployment compensation benefits  
 45 | overpayments; revising references to conform to  
 46 | changes made by this act; amending s. 443.171, F.S.;  
 47 | deleting an exemption from public records requirements  
 48 | for unemployment compensation records and reports;  
 49 | revising references to conform to changes made by this  
 50 | act; amending s. 443.1715, F.S.; revising an exemption  
 51 | from public records requirements for unemployment  
 52 | compensation records and reports; revising references  
 53 | to conform to changes made by this act; amending ss.  
 54 | 20.60, 27.52, 40.24, 45.031, 55.204, 57.082, 61.046,  
 55 | 61.1824, 61.30, 69.041, 77.041, 110.205, 110.502,  
 56 | 120.80, 125.9502, 212.096, 213.053, 216.292, 220.03,

57 | 220.181, 220.191, 220.194, 222.15, 222.16, 255.20,  
 58 | 288.075, 288.1045, 288.106, 288.1081, 288.1089,  
 59 | 334.30, 408.809, 409.2563, 409.2576, 414.295, 435.06,  
 60 | 440.12, 440.15, 440.381, 440.42, 443.051, 443.111,  
 61 | 443.1113, 443.1116, 443.1215, 443.1312, 443.1313,  
 62 | 443.1315, 443.1316, 443.1317, 443.141, 443.163,  
 63 | 443.17161, 443.181, 443.191, 443.221, 445.009,  
 64 | 445.016, 446.50, 448.110, 450.31, 450.33, 468.529,  
 65 | 553.791, 624.509, 679.4061, 679.4081, 895.02, 896.101,  
 66 | 921.0022, 946.513, 946.523, 985.618, 1003.496,  
 67 | 1008.39, and 1008.41, F.S.; revising references to  
 68 | conform to changes made by the act; providing for  
 69 | severability; providing a declaration of important  
 70 | state interest; providing effective dates.

71 |  
 72 | Be It Enacted by the Legislature of the State of Florida:

73 |  
 74 | Section 1. Section 443.011, Florida Statutes, is amended  
 75 | to read:

76 | 443.011 Short title.—This chapter may be cited as the  
 77 | "Reemployment Assistance Program ~~Unemployment Compensation~~ Law."

78 | Section 2. Subsections (1), (3), (10), and (12) of section  
 79 | 443.012, Florida Statutes, are amended to read:

80 | 443.012 Reemployment Assistance ~~Unemployment~~ Appeals  
 81 | Commission.—

82 | (1) There is created within the Division of Workforce  
 83 | Services of the Department of Economic Opportunity a  
 84 | Reemployment Assistance ~~an Unemployment~~ Appeals Commission. The

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85 commission is composed of a chair and two other members  
86 appointed by the Governor, subject to confirmation by the  
87 Senate. Only one appointee may be a representative of employers,  
88 as demonstrated by his or her previous vocation, employment, or  
89 affiliation; and only one appointee may be a representative of  
90 employees, as demonstrated by his or her previous vocation,  
91 employment, or affiliation.

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

95 (b) The chair has authority to appoint a general counsel  
96 and other personnel to carry out the duties and responsibilities  
97 of the commission.

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

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

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

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

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

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

122 Section 3. Subsections (12), (14), and (26) of section  
123 443.036, Florida Statutes, are amended, present subsections (38)  
124 through (46) are renumbered as subsections (39) through (47),  
125 respectively, present subsections (38) and (42) are amended, and  
126 a new subsection (38) is added to that section, to read:

127 443.036 Definitions.—As used in this chapter, the term:

128 (12) "Commission" means the Reemployment Assistance  
129 ~~Unemployment~~ Appeals Commission.

130 (14) "Contribution" means a payment of payroll tax to the  
131 Unemployment Compensation Trust Fund which is required under  
132 this chapter to finance reemployment assistance ~~unemployment~~  
133 benefits.

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

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

141 the provisions of this chapter. Where the context requires,  
 142 reemployment assistance also means cash benefits payable to  
 143 individuals with respect to their unemployment pursuant to 5  
 144 U.S.C. ss. 8501-8525, 26 U.S.C. ss. 3301-3311, 42 U.S.C. ss.  
 145 501-504, 1101-1110, and 1321-1324, or pursuant to state laws  
 146 which have been certified pursuant to 26 U.S.C. s. 3304 and 42  
 147 U.S.C. s. 503. Any reference to reemployment assistance shall  
 148 mean compensation payable from an unemployment fund as defined  
 149 in 26 U.S.C. s. 3306(f).

150 ~~(39)-(38)~~ "Reimbursement" means a payment of money to the  
 151 Unemployment Compensation Trust Fund in lieu of a contribution  
 152 which is required under this chapter to finance reemployment  
 153 assistance ~~unemployment~~ benefits.

154 ~~(43)-(42)~~ "Tax collection service provider" or "service  
 155 provider" means the state agency providing reemployment  
 156 assistance ~~unemployment~~ tax collection services under contract  
 157 with the Department of Economic Opportunity through an  
 158 interagency agreement pursuant to s. 443.1316.

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

162 443.051 Benefits not alienable; exception, child support  
 163 intercept.—

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

165 (a) "Reemployment assistance" or "unemployment  
 166 compensation" means any compensation payable under state law,  
 167 including amounts payable pursuant to an agreement under any  
 168 federal law providing for compensation, assistance, or

169 allowances for unemployment.

170 (3) EXCEPTION, SUPPORT INTERCEPT.—

171 (b) For support obligations established on or after July  
 172 1, 2006, and for support obligations established before July 1,  
 173 2006, when the support order does not address the withholding of  
 174 reemployment assistance or unemployment compensation, the  
 175 department shall deduct and withhold 40 percent of the  
 176 reemployment assistance or unemployment compensation otherwise  
 177 payable to an individual disclosed under paragraph (a). If  
 178 delinquencies, arrearages, or retroactive support are owed and  
 179 repayment has not been ordered, the unpaid amounts are included  
 180 in the support obligation and are subject to withholding. If the  
 181 amount deducted exceeds the support obligation, the Department  
 182 of Revenue shall promptly refund the amount of the excess  
 183 deduction to the obligor. For support obligations in effect  
 184 before July 1, 2006, if the support order addresses the  
 185 withholding of reemployment assistance or unemployment  
 186 compensation, the department shall deduct and withhold the  
 187 amount ordered by the court or administrative agency that issued  
 188 the support order as disclosed by the Department of Revenue.

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

194 Section 5. Subsections (6), (7), and (8) of section  
 195 443.071, Florida Statutes, are amended to read:

196 443.071 Penalties.—

197 (6) The entry into evidence of an application for  
 198 reemployment assistance ~~unemployment~~ benefits initiated by the  
 199 use of the Internet claims program or the interactive voice  
 200 response system telephone claims program of the Department of  
 201 Economic Opportunity constitutes prima facie evidence of the  
 202 establishment of a personal benefit account by or for an  
 203 individual if the following information is provided: the  
 204 applicant's name, residence address, date of birth, social  
 205 security number, and present or former place of work.

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

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

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



225 443.091 Benefit eligibility conditions.—

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

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

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

242 2. The administrator or operator of the initial skills  
 243 review shall notify the department ~~agency~~ when the individual  
 244 completes the initial skills review and report the results of  
 245 the review to the regional workforce board or the one-stop  
 246 career center as directed by the workforce board. The department  
 247 shall prescribe a numeric score on the initial skills review  
 248 that demonstrates a minimal proficiency in workforce skills. The  
 249 department, workforce board, or one-stop career center shall use  
 250 the initial skills review to develop a plan for referring  
 251 individuals to training and employment opportunities. The  
 252 failure of the individual to comply with this requirement will

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253 result in the individual being determined ineligible for  
254 benefits for the week in which the noncompliance occurred and  
255 for any subsequent week of unemployment until the requirement is  
256 satisfied. However, this requirement does not apply if the  
257 individual is able to affirmatively attest to being unable to  
258 complete such review due to illiteracy or a language impediment  
259 or is exempt from the work registration requirement pursuant to  
260 paragraph (b).

261 3. Any individual that falls below the minimal proficiency  
262 score prescribed by the department in subparagraph 2. shall be  
263 offered training opportunities and encouraged to participate in  
264 such training, at no cost to the individual, in order to improve  
265 her or his workforce skills to the minimal proficiency level.

266 4. The department shall coordinate with Workforce Florida,  
267 Inc., the workforce boards, and the one-stop career centers to  
268 identify, develop, and use best practices for improving the  
269 skills of individuals who choose to participate in training  
270 opportunities with a minimal proficiency score below the score  
271 prescribed in subparagraph 2.

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

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

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281 In order to assess eligibility for a claimed week of  
282 unemployment, the department shall develop criteria to determine  
283 a claimant's ability to work and availability for work. A  
284 claimant must be actively seeking work in order to be considered  
285 available for work. This means engaging in systematic and  
286 sustained efforts to find work, including contacting at least  
287 five prospective employers for each week of unemployment  
288 claimed. The department ~~agency~~ may require the claimant to  
289 provide proof of such efforts to the one-stop career center as  
290 part of reemployment services. The department ~~agency~~ shall  
291 conduct random reviews of work search information provided by  
292 claimants. As an alternative to contacting at least five  
293 prospective employers for any week of unemployment claimed, a  
294 claimant may, for that same week, report in person to a one-stop  
295 career center to meet with a representative of the center and  
296 access reemployment services of the center. The center shall  
297 keep a record of the services or information provided to the  
298 claimant and shall provide the records to the department ~~agency~~  
299 upon request by the department ~~agency~~. However:

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

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309           2. Notwithstanding any other provision of this chapter, an  
310 otherwise eligible individual who is in training approved under  
311 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
312 determined ineligible or disqualified for benefits due to  
313 enrollment in such training or because of leaving work that is  
314 not suitable employment to enter such training. As used in this  
315 subparagraph, the term "suitable employment" means work of a  
316 substantially equal or higher skill level than the worker's past  
317 adversely affected employment, as defined for purposes of the  
318 Trade Act of 1974, as amended, the wages for which are at least  
319 80 percent of the worker's average weekly wage as determined for  
320 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

337 1 week. A week may ~~not~~ be counted as a waiting week ~~of~~  
 338 ~~unemployment~~ under this subsection only if unless:

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

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

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

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

348 443.101 Disqualification for benefits.—An individual shall  
 349 be disqualified for benefits:

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

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

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

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

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

393 before an adjudication of guilt, an admission of guilt, or a  
 394 plea of nolo contendere, the employer proves by competent  
 395 substantial evidence to the department that the arrest was due  
 396 to a crime against the employer or the employer's business,  
 397 customers, or invitees, the individual is not entitled to  
 398 reemployment assistance ~~unemployment~~ benefits.

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

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

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

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

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421 latest assignment, the temporary or leased employee, without  
422 good cause, failed to contact the temporary help or employee-  
423 leasing firm for reassignment, if the employer advised the  
424 temporary or leased employee at the time of hire and that the  
425 leased employee is notified also at the time of separation that  
426 he or she must report for reassignment upon conclusion of each  
427 assignment, regardless of the duration of the assignment, and  
428 that reemployment assistance ~~unemployment~~ benefits may be denied  
429 for failure to report. For purposes of this section, the time of  
430 hire for a day laborer is upon his or her acceptance of the  
431 first assignment following completion of an employment  
432 application with the labor pool. The labor pool as defined in s.  
433 448.22(1) must provide notice to the temporary employee upon  
434 conclusion of the latest assignment that work is available the  
435 next business day and that the temporary employee must report  
436 for reassignment the next business day. The notice must be given  
437 by means of a notice printed on the paycheck, written notice  
438 included in the pay envelope, or other written notification at  
439 the conclusion of the current assignment.

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



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449 that the individual used, or was using, controlled substances,  
450 subject to the following conditions:

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

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

465 (c) Disclosure of drug test results and other information  
466 pertaining to drug testing of individuals who claim or receive  
467 compensation under this chapter shall be governed by s.  
468 443.1715.

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

472 443.111 Payment of benefits.—

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

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

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477 report at least biweekly to receive reemployment assistance  
 478 ~~unemployment~~ benefits and to attest to the fact that she or he  
 479 is able and available for work, has not refused suitable work,  
 480 is seeking work and has met the requirements of s. 443.091(d).  
 481 ~~contacted at least five prospective employers or reported in~~  
 482 ~~person to a one-stop career center for reemployment services for~~  
 483 ~~each week of unemployment claimed,~~ and, if she or he has worked,  
 484 to report earnings from that work. Each claimant must continue  
 485 to report regardless of any appeal or pending appeal relating to  
 486 her or his eligibility or disqualification for benefits.

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

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

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

495 (5) DURATION OF BENEFITS.—

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

502 Section 9. Section 443.1113, Florida Statutes, is amended  
 503 to read:

504 443.1113 Reemployment Assistance ~~Unemployment Compensation~~

505 Claims and Benefits Information System.—

506 (1) To the extent that funds are appropriated for each  
 507 phase of the Reemployment Assistance ~~Unemployment Compensation~~  
 508 Claims and Benefits Information System by the Legislature, the  
 509 Department of Economic Opportunity shall replace and enhance the  
 510 functionality provided in the following systems with an  
 511 integrated Internet-based system that is known as the  
 512 "Reemployment Assistance ~~Unemployment Compensation~~ Claims and  
 513 Benefits Information System":

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

520 (2) The Reemployment Assistance ~~Unemployment Compensation~~  
 521 Claims and Benefits System shall accomplish the following main  
 522 business objectives:

- 523 (a) Wherever cost-effective and operationally feasible,  
 524 eliminate or automate existing paper processes and enhance any  
 525 existing automated workflows in order to expedite customer  
 526 transactions and eliminate redundancy.
- 527 (b) Enable online, self-service access to claimant and  
 528 employer information and federal and state reporting.
- 529 (c) Integrate benefit payment control with the  
 530 adjudication program and collection system in order to improve  
 531 the detection of fraud.
- 532 (d) Comply with all requirements established in federal

533 and state law for reemployment assistance ~~unemployment~~  
534 ~~compensation~~.

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

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

541 (a) Collection of reemployment assistance ~~unemployment~~  
542 ~~compensation~~ taxes.

543 (b) General ledger, financial management, or budgeting  
544 capabilities.

545 (c) Human resource planning or management capabilities.

546 (4) The project to implement the Reemployment Assistance  
547 ~~Unemployment-Compensation~~ Claims and Benefits Information System  
548 shall be comprised of the following phases and corresponding  
549 implementation timeframes:

550 (a) No later than the end of fiscal year 2009-2010  
551 completion of the business re-engineering analysis and  
552 documentation of both the detailed system requirements and the  
553 overall system architecture.

554 (b) The Reemployment Assistance ~~Unemployment~~ Claims and  
555 Benefits Internet portal that replaces the Florida Unemployment  
556 Internet Direct and the Florida Continued Claims Internet  
557 Directory systems, the Call Center Interactive Voice Response  
558 System, the Benefit Overpayment Screening System, the Internet  
559 and Intranet Appeals System, and the Claims and Benefits  
560 Mainframe System shall be deployed to full operational status no

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

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

565 (a) The project sponsor for the Reemployment Assistance  
 566 ~~Unemployment Compensation~~ Claims and Benefits Information System  
 567 project is the department.

568 (b) The project shall be governed by an executive steering  
 569 committee composed of the following voting members or their  
 570 designees:

- 571 1. The executive director of the department.
- 572 2. The executive director of the Department of Revenue.
- 573 3. The director of the Division of Workforce Services  
 574 within the department.
- 575 4. The program director of the General Tax Administration  
 576 Program Office within the Department of Revenue.
- 577 5. The chief information officer of the department.

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

- 581 1. Providing management direction and support to the  
 582 project management team.
- 583 2. Assessing the project's alignment with the strategic  
 584 goals of the department for administering the reemployment  
 585 assistance ~~unemployment compensation~~ program.
- 586 3. Reviewing and approving or disapproving any changes to  
 587 the project's scope, schedule, and costs.
- 588 4. Reviewing, approving or disapproving, and determining

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589 whether to proceed with any major project deliverables.

590 5. Recommending suspension or termination of the project  
591 to the Governor, the President of the Senate, and the Speaker of  
592 the House of Representatives if it determines that the primary  
593 objectives cannot be achieved.

594 (d) The project management team shall work under the  
595 direction of the executive steering committee and shall be  
596 minimally comprised of senior managers and stakeholders from the  
597 department and the Department of Revenue. The project management  
598 team is responsible for:

599 1. Providing daily planning, management, and oversight of  
600 the project.

601 2. Submitting an operational work plan and providing  
602 quarterly updates to that plan to the executive steering  
603 committee. The plan must specify project milestones,  
604 deliverables, and expenditures.

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

607 a. Planned versus actual project costs;

608 b. An assessment of the status of major milestones and  
609 deliverables;

610 c. Identification of any issues requiring resolution, the  
611 proposed resolution for these issues, and information regarding  
612 the status of the resolution;

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

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

616 All recommendations must be reviewed by project stakeholders

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617 before submission to the executive steering committee in order  
 618 to ensure that the recommendations meet required acceptance  
 619 criteria.

620 Section 10. Paragraph (b) of subsection (8) of section  
 621 443.1116, Florida Statutes, is amended to read:

622 443.1116 Short-time compensation.—

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

625 (b) An individual who receives all of the short-time  
 626 compensation or combined reemployment assistance or unemployment  
 627 compensation and short-time compensation available in a benefit  
 628 year is considered an exhaustee for purposes of the extended  
 629 benefits program in s. 443.1115 and, if otherwise eligible under  
 630 those provisions, is eligible to receive extended benefits.

631 Section 11. Notwithstanding the expiration date contained  
 632 in section 13 of chapter 2011-235, Laws of Florida, effective  
 633 upon this act becoming a law and operating retroactive to  
 634 January 4, 2012, and expiring March 11, 2012, section 443.1117,  
 635 Florida Statutes, is revived, readopted, and amended to read:

636 443.1117 Temporary extended benefits.—

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

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

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

644 (b) "Eligibility period" means the weeks in an

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645 individual's benefit year or emergency benefit period which  
 646 begin in an extended benefit period and, if the benefit year or  
 647 emergency benefit period ends within that extended benefit  
 648 period, any subsequent weeks beginning in that period.

649 (c) "Emergency benefits" means benefits ~~Emergency~~  
 650 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252  
 651 and any subsequent federal law that provides for the payment of  
 652 Emergency Unemployment Compensation, ~~Pub. L. No. 110-449, Pub.~~  
 653 ~~L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L.~~  
 654 ~~No. 111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub.~~  
 655 ~~L. No. 111-312.~~

656 (d) "Extended benefit period" means a period that:  
 657 1. Begins with the third week after a week for which there  
 658 is a state "on" indicator; and  
 659 2. Ends with any of the following weeks, whichever occurs  
 660 later:  
 661 a. The third week after the first week for which there is  
 662 a state "off" indicator; or  
 663 b. The 13th consecutive week of that period.

664  
 665 However, an extended benefit period may not begin by reason of a  
 666 state "on" indicator before the 14th week after the end of a  
 667 prior extended benefit period that was in effect for this state.

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

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

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



673 benefits and emergency benefits, if any, available under this  
 674 chapter or any other law, including dependents' allowances and  
 675 benefits payable to federal civilian employees and ex-  
 676 servicemembers under 5 U.S.C. ss. 8501-8525, in the current  
 677 benefit year or emergency benefit period that includes that  
 678 week. For the purposes of this subparagraph, an individual has  
 679 received all of the regular benefits and emergency benefits, if  
 680 any, available even if, as a result of a pending appeal for  
 681 wages paid for insured work which were not considered in the  
 682 original monetary determination in the benefit year, she or he  
 683 may subsequently be determined to be entitled to added regular  
 684 benefits;

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

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

693         b. Has not received and is not seeking unemployment  
 694 benefits under the unemployment compensation law of Canada; but  
 695 if an individual is seeking those benefits and the appropriate  
 696 agency finally determines that she or he is not entitled to  
 697 benefits under that law, she or he is considered an exhaustee.

698         (g) "State 'on' indicator" means, with respect to weeks of  
 699 unemployment ending on or before February 11, 2012 ~~December 10,~~  
 700 ~~2011~~, the occurrence of a week in which the average total

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701 unemployment rate, seasonally adjusted, as determined by the  
 702 United States Secretary of Labor, for the most recent 3 months  
 703 for which data for all states are published by the United States  
 704 Department of Labor:

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

708 2. Equals or exceeds 6.5 percent.

709 (h) "High unemployment period" means, with respect to  
 710 weeks of unemployment ending on or before February 11, 2012  
 711 ~~December 10, 2011~~, any week in which the average total  
 712 unemployment rate, seasonally adjusted, as determined by the  
 713 United States Secretary of Labor, for the most recent 3 months  
 714 for which data for all states are published by the United States  
 715 Department of Labor:

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

719 2. Equals or exceeds 8 percent.

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

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

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

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

731 2. Thirteen times the weekly benefit amount payable under  
732 this chapter for a week of total unemployment in the applicable  
733 benefit year.

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

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

739 2. Twenty times the weekly benefit amount payable under  
740 this chapter for a week of total unemployment in the applicable  
741 benefit year.

742 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any  
743 other provision of this chapter, if the benefit year of an  
744 individual ends within an extended benefit period, the number of  
745 weeks of extended benefits the individual is entitled to receive  
746 in that extended benefit period for weeks of unemployment  
747 beginning after the end of the benefit year, except as provided  
748 in this section, is reduced, but not to below zero, by the  
749 number of weeks for which the individual received, within that  
750 benefit year, trade readjustment allowances under the Trade Act  
751 of 1974, as amended.

752 Section 12. The provisions of s. 443.1117, Florida  
753 Statutes, as revived, readopted, and amended by this act, apply  
754 only to claims for weeks of unemployment in which an exhaustee  
755 establishes entitlement to extended benefits pursuant to that  
756 section which are established for the period between January 4,

757 2012, and March 11, 2012. This section shall take effect upon  
 758 this act becoming a law.

759 Section 13. Subsection (3) of section 443.1215, Florida  
 760 Statutes, is amended to read:

761 443.1215 Employers.—

762 (3) An employing unit that fails to keep the records of  
 763 employment required by this chapter and by the rules of the  
 764 Department of Economic Opportunity and the state agency  
 765 providing reemployment assistance ~~unemployment~~ tax collection  
 766 services is presumed to be an employer liable for the payment of  
 767 contributions under this chapter, regardless of the number of  
 768 individuals employed by the employing unit. However, the tax  
 769 collection service provider shall make written demand that the  
 770 employing unit keep and maintain required payroll records. The  
 771 demand must be made at least 6 months before assessing  
 772 contributions against an employing unit determined to be an  
 773 employer that is subject to this chapter solely by reason of  
 774 this subsection.

775 Section 14. Paragraphs (a) and (d) of subsection (1),  
 776 subsections (8) and (12), and paragraphs (f), (h), and (p) of  
 777 subsection (13) of section 443.1216, Florida Statutes, are  
 778 amended to read:

779 443.1216 Employment.—Employment, as defined in s. 443.036,  
 780 is subject to this chapter under the following conditions:

781 (1)(a) The employment subject to this chapter includes a  
 782 service performed, including a service performed in interstate  
 783 commerce, by:

784 1. An officer of a corporation.

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785           2. An individual who, under the usual common-law rules  
786 applicable in determining the employer-employee relationship, is  
787 an employee. However, whenever a client, as defined in s.  
788 443.036(18), which would otherwise be designated as an employing  
789 unit has contracted with an employee leasing company to supply  
790 it with workers, those workers are considered employees of the  
791 employee leasing company. An employee leasing company may lease  
792 corporate officers of the client to the client and other workers  
793 to the client, except as prohibited by regulations of the  
794 Internal Revenue Service. Employees of an employee leasing  
795 company must be reported under the employee leasing company's  
796 tax identification number and contribution rate for work  
797 performed for the employee leasing company.

798           a. However, except for the internal employees of an  
799 employee leasing company, each employee leasing company may make  
800 a separate one-time election to report and pay contributions  
801 under the tax identification number and contribution rate for  
802 each client of the employee leasing company. Under the client  
803 method, an employee leasing company choosing this option must  
804 assign leased employees to the client company that is leasing  
805 the employees. The client method is solely a method to report  
806 and pay unemployment contributions and, whichever method is  
807 chosen, such election does not impact any other aspect of  
808 general law. An employee leasing company that elects the client  
809 method shall pay contributions at the rates assigned to each  
810 client company.

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

813       (II) The employee leasing company must notify the  
814 Department of Revenue of its election by July 1, 2012, and such  
815 election applies to reports and contributions for the first  
816 quarter of the next calendar year. The notification must  
817 include:

818       (A) A list of each client company and the unemployment  
819 account number or, if one has not yet been issued, the federal  
820 employer's identification number, as established by the employee  
821 leasing company upon the election to file by client method;

822       (B) A list of each client company's current and previous  
823 employees and their respective social security numbers for the  
824 prior 3 state fiscal years or, if the client company has not  
825 been a client for the prior 3 state fiscal years, such portion  
826 of the prior 3 state fiscal years that the client company has  
827 been a client shall be supplied;

828       (C) All wage data and benefit charges associated with each  
829 client company for the prior 3 state fiscal years. However, if  
830 the client company has not been a client for the prior 3 state  
831 fiscal years, such portion of the prior 3 state fiscal years  
832 that the client company has been a client shall be supplied. If  
833 the client company's employment record is chargeable with  
834 benefits for less than 8 calendar quarters while being a client  
835 of the employee leasing company, the client company shall pay  
836 contributions at the initial rate of 2.7 percent; and

837       (D) All wage data and benefit charges for the prior 3  
838 state fiscal years that cannot be associated with a client  
839 company must be reported and charged to the employee leasing  
840 company.

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

843 (IV) The employee leasing company must file a Florida  
844 Department of Revenue Employer's Quarterly Report (UCT-6) for  
845 each client company by approved electronic means, and pay all  
846 contributions by approved electronic means.

847 (V) For the purposes of calculating experience rates when  
848 the client method is chosen, each client's own benefit charges  
849 and wage data experience while with the employee leasing company  
850 shall determine each client's tax rate where the client has been  
851 a client of the employee leasing company for at least 8 calendar  
852 quarters before the election. The client company shall continue  
853 to report the nonleased employees under its tax rate.

854 (VI) The election is binding on all clients of the  
855 employee leasing company, for as long as a written agreement is  
856 in effect between the client and the employee leasing company  
857 pursuant to s. 468.525(3)(a). If the relationship between the  
858 employee leasing company and the client terminates, the client  
859 retains the wage and benefit history experienced under the  
860 employee leasing company.

861 (VII) No matter which election method has been chosen by  
862 the employee leasing company, the applicable client company  
863 shall be considered an employing unit for purposes of s.  
864 443.071. The employee leasing company or any of its officers or  
865 agents shall be liable for any violation of s. 443.071 engaged  
866 in by such persons or entities. The applicable client company or  
867 any of its officers or agents shall be liable for any violation  
868 of s. 443.071 engaged in by such persons or entities. Neither

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869 the employee leasing company nor its applicable client company  
870 shall be liable for any violation of s. 443.071 engaged in by  
871 the other party or by the other party's officers or agents.

872 (VIII) The failure of an employee leasing company to  
873 select the client method of reporting no later than July 1,  
874 2012, shall result in such entity being required to report under  
875 the employee leasing company's tax identification number and  
876 contribution rate.

877 (IX) After licensure of an employee leasing company,  
878 pursuant to chapter 468, such newly licensed entity shall have  
879 30 days from the date of licensure to notify the tax collection  
880 service provider in writing of its selection of the client  
881 method. The failure of a newly licensed employee leasing company  
882 to timely select reporting pursuant to the client method of  
883 reporting shall result in such entity being required to report  
884 under the employee leasing company's tax identification number  
885 and contribution rate.

886 (X) Irrespective of the election, all transfers of trade  
887 or business, including workforce, or a portion thereof, between  
888 employee leasing companies are subject to s. 443.131(3)(g) if,  
889 at the time of the transfer, there is common ownership,  
890 management, or control between the entities.

891 b.a. In addition to any other report required to be filed  
892 by law, an employee leasing company shall submit a report to the  
893 Labor Market Statistics Center within the Department of Economic  
894 Opportunity which includes each client establishment and each  
895 establishment of the employee leasing company, or as otherwise  
896 directed by the department. The report must include the



897 following information for each establishment:  
 898 (I) The trade or establishment name;  
 899 (II) The former reemployment assistance ~~unemployment~~  
 900 ~~compensation~~ account number, if available;  
 901 (III) The former federal employer's identification number  
 902 (FEIN), if available;  
 903 (IV) The industry code recognized and published by the  
 904 United States Office of Management and Budget, if available;  
 905 (V) A description of the client's primary business  
 906 activity in order to verify or assign an industry code;  
 907 (VI) The address of the physical location;  
 908 (VII) The number of full-time and part-time employees who  
 909 worked during, or received pay that was subject to reemployment  
 910 assistance ~~unemployment compensation~~ taxes for, the pay period  
 911 including the 12th of the month for each month of the quarter;  
 912 (VIII) The total wages subject to reemployment assistance  
 913 ~~unemployment compensation~~ taxes paid during the calendar  
 914 quarter;  
 915 (IX) An internal identification code to uniquely identify  
 916 each establishment of each client;  
 917 (X) The month and year that the client entered into the  
 918 contract for services; and  
 919 (XI) The month and year that the client terminated the  
 920 contract for services.  
 921 c.b. The report shall be submitted electronically or in a  
 922 manner otherwise prescribed by the Department of Economic  
 923 Opportunity in the format specified by the Bureau of Labor  
 924 Statistics of the United States Department of Labor for its

925 Multiple Worksite Report for Professional Employer  
 926 Organizations. The report must be provided quarterly to the  
 927 Labor Market Statistics Center within the department, or as  
 928 otherwise directed by the department, and must be filed by the  
 929 last day of the month immediately following the end of the  
 930 calendar quarter. The information required in sub-sub-  
 931 subparagraphs b.(X) and (XI) ~~a.(X)~~ and ~~(XI)~~ need be provided  
 932 only in the quarter in which the contract to which it relates  
 933 was entered into or terminated. The sum of the employment data  
 934 and the sum of the wage data in this report must match the  
 935 employment and wages reported in the reemployment assistance  
 936 ~~unemployment compensation~~ quarterly tax and wage report. A  
 937 report is not required for any calendar quarter preceding the  
 938 third calendar quarter of 2010.

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

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

946 3. An individual other than an individual who is an  
 947 employee under subparagraph 1. or subparagraph 2., who performs  
 948 services for remuneration for any person:

949 a. As an agent-driver or commission-driver engaged in  
 950 distributing meat products, vegetable products, fruit products,  
 951 bakery products, beverages other than milk, or laundry or  
 952 drycleaning services for his or her principal.

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953           b. As a traveling or city salesperson engaged on a full-  
954 time basis in the solicitation on behalf of, and the  
955 transmission to, his or her principal of orders from  
956 wholesalers, retailers, contractors, or operators of hotels,  
957 restaurants, or other similar establishments for merchandise for  
958 resale or supplies for use in their business operations. This  
959 sub-subparagraph does not apply to an agent-driver or a  
960 commission-driver and does not apply to sideline sales  
961 activities performed on behalf of a person other than the  
962 salesperson's principal.

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

965           a. The contract of service contemplates that substantially  
966 all of the services are to be performed personally by the  
967 individual;

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

971           c. The services are not in the nature of a single  
972 transaction that is not part of a continuing relationship with  
973 the person for whom the services are performed.

974           (d) If two or more related corporations concurrently  
975 employ the same individual and compensate the individual through  
976 a common paymaster, each related corporation is considered to  
977 have paid wages to the individual only in the amounts actually  
978 disbursed by that corporation to the individual and is not  
979 considered to have paid the wages actually disbursed to the  
980 individual by another of the related corporations. The

981 department and the state agency providing reemployment  
 982 assistance ~~unemployment~~ tax collection services may adopt rules  
 983 necessary to administer this paragraph.

984 1. As used in this paragraph, the term "common paymaster"  
 985 means a member of a group of related corporations that disburses  
 986 wages to concurrent employees on behalf of the related  
 987 corporations and that is responsible for keeping payroll records  
 988 for those concurrent employees. A common paymaster is not  
 989 required to disburse wages to all the employees of the related  
 990 corporations; however, this subparagraph does not apply to wages  
 991 of concurrent employees which are not disbursed through a common  
 992 paymaster. A common paymaster must pay concurrently employed  
 993 individuals under this subparagraph by one combined paycheck.

994 2. As used in this paragraph, the term "concurrent  
 995 employment" means the existence of simultaneous employment  
 996 relationships between an individual and related corporations.  
 997 Those relationships require the performance of services by the  
 998 employee for the benefit of the related corporations, including  
 999 the common paymaster, in exchange for wages that, if deductible  
 1000 for the purposes of federal income tax, are deductible by the  
 1001 related corporations.

1002 3. Corporations are considered related corporations for an  
 1003 entire calendar quarter if they satisfy any one of the following  
 1004 tests at any time during the calendar quarter:

1005 a. The corporations are members of a "controlled group of  
 1006 corporations" as defined in s. 1563 of the Internal Revenue Code  
 1007 of 1986 or would be members if s. 1563(a)(4) and (b) did not  
 1008 apply.

1009           b. In the case of a corporation that does not issue stock,  
 1010 at least 50 percent of the members of the board of directors or  
 1011 other governing body of one corporation are members of the board  
 1012 of directors or other governing body of the other corporation or  
 1013 the holders of at least 50 percent of the voting power to select  
 1014 those members are concurrently the holders of at least 50  
 1015 percent of the voting power to select those members of the other  
 1016 corporation.

1017           c. At least 50 percent of the officers of one corporation  
 1018 are concurrently officers of the other corporation.

1019           d. At least 30 percent of the employees of one corporation  
 1020 are concurrently employees of the other corporation.

1021           4. The common paymaster must report to the tax collection  
 1022 service provider, as part of the reemployment assistance  
 1023 ~~unemployment compensation~~ quarterly tax and wage report, the  
 1024 state reemployment assistance ~~unemployment compensation~~ account  
 1025 number and name of each related corporation for which concurrent  
 1026 employees are being reported. Failure to timely report this  
 1027 information shall result in the related corporations being  
 1028 denied common paymaster status for that calendar quarter.

1029           5. The common paymaster also has the primary  
 1030 responsibility for remitting contributions due under this  
 1031 chapter for the wages it disburses as the common paymaster. The  
 1032 common paymaster must compute these contributions as though it  
 1033 were the sole employer of the concurrently employed individuals.  
 1034 If a common paymaster fails to timely remit these contributions  
 1035 or reports, in whole or in part, the common paymaster remains  
 1036 liable for the full amount of the unpaid portion of these

1037 | contributions. In addition, each of the other related  
 1038 | corporations using the common paymaster is jointly and severally  
 1039 | liable for its appropriate share of these contributions. Each  
 1040 | related corporation's share equals the greater of:

1041 |       a. The liability of the common paymaster under this  
 1042 | chapter, after taking into account any contributions made.

1043 |       b. The liability under this chapter which, notwithstanding  
 1044 | this section, would have existed for the wages from the other  
 1045 | related corporations, reduced by an allocable portion of any  
 1046 | contributions previously paid by the common paymaster for those  
 1047 | wages.

1048 |       (8) Services not covered under paragraph (7) (b) which are  
 1049 | performed entirely outside of this state, and for which  
 1050 | contributions are not required or paid under a reemployment  
 1051 | assistance or ~~an~~ unemployment compensation law of any other  
 1052 | state or of the Federal Government, are deemed to be employment  
 1053 | subject to this chapter if the individual performing the  
 1054 | services is a resident of this state and the tax collection  
 1055 | service provider approves the election of the employing unit for  
 1056 | whom the services are performed, electing that the entire  
 1057 | service of the individual is deemed to be employment subject to  
 1058 | this chapter.

1059 |       (12) The employment subject to this chapter includes  
 1060 | services covered by a reciprocal arrangement under s. 443.221  
 1061 | between the Department of Economic Opportunity or its tax  
 1062 | collection service provider and the agency charged with the  
 1063 | administration of another state reemployment assistance or  
 1064 | unemployment compensation law or a federal reemployment

1065 assistance or unemployment compensation law, under which all  
 1066 services performed by an individual for an employing unit are  
 1067 deemed to be performed entirely within this state, if the  
 1068 department or its tax collection service provider approved an  
 1069 election of the employing unit in which all of the services  
 1070 performed by the individual during the period covered by the  
 1071 election are deemed to be insured work.

1072 (13) The following are exempt from coverage under this  
 1073 chapter:

1074 (f) Service performed in the employ of a public employer  
 1075 as defined in s. 443.036, except as provided in subsection (2),  
 1076 and service performed in the employ of an instrumentality of a  
 1077 public employer as described in s. 443.036(36)(b) or (c)  
 1078 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is  
 1079 immune under the United States Constitution from the tax imposed  
 1080 by s. 3301 of the Internal Revenue Code for that service.

1081 (h) Service for which reemployment assistance ~~unemployment~~  
 1082 ~~compensation~~ is payable under a reemployment assistance or an  
 1083 unemployment compensation system established by the United  
 1084 States Congress, of which this chapter is not a part.

1085 (p) Service covered by an arrangement between the  
 1086 Department of Economic Opportunity, or its tax collection  
 1087 service provider, and the agency charged with the administration  
 1088 of another state or federal reemployment assistance or  
 1089 unemployment compensation law under which all services performed  
 1090 by an individual for an employing unit during the period covered  
 1091 by the employing unit's duly approved election is deemed to be  
 1092 performed entirely within the other agency's state or under the

1093 federal law.

1094 Section 15. Paragraph (a) and (f) of subsection (3) of  
 1095 section 443.131, Florida Statutes, are amended to read:

1096 443.131 Contributions.—

1097 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
 1098 EXPERIENCE.—

1099 (a) *Employment records.*—The regular and short-time  
 1100 compensation benefits paid to an eligible individual shall be  
 1101 charged to the employment record of each employer who paid the  
 1102 individual wages of at least \$100 during the individual's base  
 1103 period in proportion to the total wages paid by all employers  
 1104 who paid the individual wages during the individual's base  
 1105 period. Benefits may not be charged to the employment record of  
 1106 an employer who furnishes part-time work to an individual who,  
 1107 because of loss of employment with one or more other employers,  
 1108 is eligible for partial benefits while being furnished part-time  
 1109 work by the employer on substantially the same basis and in  
 1110 substantially the same amount as the individual's employment  
 1111 during his or her base period, regardless of whether this part-  
 1112 time work is simultaneous or successive to the individual's lost  
 1113 employment. Further, as provided in s. 443.151(3), benefits may  
 1114 not be charged to the employment record of an employer who  
 1115 furnishes the Department of Economic Opportunity with notice, as  
 1116 prescribed in rules of the department, that any of the following  
 1117 apply:

1118 1. If an individual leaves his or her work without good  
 1119 cause attributable to the employer or is discharged by the  
 1120 employer for misconduct connected with his or her work, benefits



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1121 subsequently paid to the individual based on wages paid by the  
1122 employer before the separation may not be charged to the  
1123 employment record of the employer.

1124 2. If an individual is discharged by the employer for  
1125 unsatisfactory performance during an initial employment  
1126 probationary period, benefits subsequently paid to the  
1127 individual based on wages paid during the probationary period by  
1128 the employer before the separation may not be charged to the  
1129 employer's employment record. As used in this subparagraph, the  
1130 term "initial employment probationary period" means an  
1131 established probationary plan that applies to all employees or a  
1132 specific group of employees and that does not exceed 90 calendar  
1133 days following the first day a new employee begins work. The  
1134 employee must be informed of the probationary period within the  
1135 first 7 days of work. The employer must demonstrate by  
1136 conclusive evidence that the individual was separated because of  
1137 unsatisfactory work performance and not because of lack of work  
1138 due to temporary, seasonal, casual, or other similar employment  
1139 that is not of a regular, permanent, and year-round nature.

1140 3. Benefits subsequently paid to an individual after his  
1141 or her refusal without good cause to accept suitable work from  
1142 an employer may not be charged to the employment record of the  
1143 employer if any part of those benefits are based on wages paid  
1144 by the employer before the individual's refusal to accept  
1145 suitable work. As used in this subparagraph, the term "good  
1146 cause" does not include distance to employment caused by a  
1147 change of residence by the individual. The department shall  
1148 adopt rules prescribing for the payment of all benefits whether

1149 | this subparagraph applies regardless of whether a  
1150 | disqualification under s. 443.101 applies to the claim.

1151 |       4. If an individual is separated from work as a direct  
1152 | result of a natural disaster declared under the Robert T.  
1153 | Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.  
1154 | ss. 5121 et seq., benefits subsequently paid to the individual  
1155 | based on wages paid by the employer before the separation may  
1156 | not be charged to the employment record of the employer.

1157 |       5. If an individual is separated from work as a direct  
1158 | result of an oil spill, terrorist attack, or other similar  
1159 | disaster of national significance not subject to a declaration  
1160 | under the Robert T. Stafford Disaster Relief and Emergency  
1161 | Assistance Act, benefits subsequently paid to the individual  
1162 | based on wages paid by the employer before the separation may  
1163 | not be charged to the employment record of the employer.

1164 |       (f) Transfer of employment records.—

1165 |       1. For the purposes of this subsection, two or more  
1166 | employers who are parties to a transfer of business or the  
1167 | subject of a merger, consolidation, or other form of  
1168 | reorganization, effecting a change in legal identity or form,  
1169 | are deemed a single employer and are considered to be one  
1170 | employer with a continuous employment record if the tax  
1171 | collection service provider finds that the successor employer  
1172 | continues to carry on the employing enterprises of all of the  
1173 | predecessor employers and that the successor employer has paid  
1174 | all contributions required of and due from all of the  
1175 | predecessor employers and has assumed liability for all  
1176 | contributions that may become due from all of the predecessor

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1177 employers. In addition, an employer may not be considered a  
1178 successor under this subparagraph if the employer purchases a  
1179 company with a lower rate into which employees with job  
1180 functions unrelated to the business endeavors of the predecessor  
1181 are transferred for the purpose of acquiring the low rate and  
1182 avoiding payment of contributions. As used in this paragraph,  
1183 notwithstanding s. 443.036(14), the term "contributions" means  
1184 all indebtedness to the tax collection service provider,  
1185 including, but not limited to, interest, penalty, collection  
1186 fee, and service fee. A successor employer must accept the  
1187 transfer of all of the predecessor employers' employment records  
1188 within 30 days after the date of the official notification of  
1189 liability by succession. If a predecessor employer has unpaid  
1190 contributions or outstanding quarterly reports, the successor  
1191 employer must pay the total amount with certified funds within  
1192 30 days after the date of the notice listing the total amount  
1193 due. After the total indebtedness is paid, the tax collection  
1194 service provider shall transfer the employment records of all of  
1195 the predecessor employers to the successor employer's employment  
1196 record. The tax collection service provider shall determine the  
1197 contribution rate of the combined successor and predecessor  
1198 employers upon the transfer of the employment records, as  
1199 prescribed by rule, in order to calculate any change in the  
1200 contribution rate resulting from the transfer of the employment  
1201 records.

1202 2. Regardless of whether a predecessor employer's  
1203 employment record is transferred to a successor employer under  
1204 this paragraph, the tax collection service provider shall treat

1205 the predecessor employer, if he or she subsequently employs  
 1206 individuals, as an employer without a previous employment record  
 1207 or, if his or her coverage is terminated under s. 443.121, as a  
 1208 new employing unit.

1209 3. The state agency providing reemployment assistance  
 1210 ~~unemployment~~ tax collection services may adopt rules governing  
 1211 the partial transfer of experience rating when an employer  
 1212 transfers an identifiable and segregable portion of his or her  
 1213 payrolls and business to a successor employing unit. As a  
 1214 condition of each partial transfer, these rules must require the  
 1215 following to be filed with the tax collection service provider:  
 1216 an application by the successor employing unit, an agreement by  
 1217 the predecessor employer, and the evidence required by the tax  
 1218 collection service provider to show the benefit experience and  
 1219 payrolls attributable to the transferred portion through the  
 1220 date of the transfer. These rules must provide that the  
 1221 successor employing unit, if not an employer subject to this  
 1222 chapter, becomes an employer as of the date of the transfer and  
 1223 that the transferred portion of the predecessor employer's  
 1224 employment record is removed from the employment record of the  
 1225 predecessor employer. For each calendar year after the date of  
 1226 the transfer of the employment record in the records of the tax  
 1227 collection service provider, the service provider shall compute  
 1228 the contribution rate payable by the successor employer or  
 1229 employing unit based on his or her employment record, combined  
 1230 with the transferred portion of the predecessor employer's  
 1231 employment record. These rules may also prescribe what  
 1232 contribution rates are payable by the predecessor and successor

1233 employers for the period between the date of the transfer of the  
 1234 transferred portion of the predecessor employer's employment  
 1235 record in the records of the tax collection service provider and  
 1236 the first day of the next calendar year.

1237 4. This paragraph does not apply to an employee leasing  
 1238 company and client contractual agreement as defined in s.  
 1239 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax  
 1240 collection service provider shall, if the contractual agreement  
 1241 is terminated or the employee leasing company fails to submit  
 1242 reports or pay contributions as required by the service  
 1243 provider, treat the client as a new employer without previous  
 1244 employment record unless the client is otherwise eligible for a  
 1245 variation from the standard rate.

1246 Section 16. Paragraph (d) of subsection (2) of section  
 1247 443.1312, Florida Statutes, is amended to read:

1248 443.1312 Reimbursements; nonprofit organizations.—Benefits  
 1249 paid to employees of nonprofit organizations shall be financed  
 1250 in accordance with this section.

1251 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF  
 1252 REIMBURSEMENT.—A nonprofit organization that is, or becomes,  
 1253 subject to this chapter under s. 443.1215(1)(c) or s.  
 1254 443.121(3)(a) must pay contributions under s. 443.131 unless it  
 1255 elects, in accordance with this subsection, to reimburse the  
 1256 Unemployment Compensation Trust Fund for all of the regular  
 1257 benefits, short-time compensation benefits, and one-half of the  
 1258 extended benefits paid, which are attributable to service in the  
 1259 employ of the nonprofit organization, to individuals for weeks  
 1260 of unemployment which begin during the effective period of the

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1261 election.

1262 (d) In accordance with rules adopted by the Department of  
 1263 Economic Opportunity or the state agency providing reemployment  
 1264 assistance ~~unemployment~~ tax collection services, the tax  
 1265 collection service provider shall notify each nonprofit  
 1266 organization of any determination of the organization's status  
 1267 as an employer, the effective date of any election the  
 1268 organization makes, and the effective date of any termination of  
 1269 the election. Each determination is subject to reconsideration,  
 1270 appeal, and review under s. 443.141(2)(c).

1271 Section 17. Subsection (3) and paragraph (a) of subsection  
 1272 (4) of section 443.1313, Florida Statutes, are amended to read:

1273 443.1313 Public employers; reimbursements; election to pay  
 1274 contributions.—Benefits paid to employees of a public employer,  
 1275 as defined in s. 443.036, based on service described in s.  
 1276 443.1216(2) shall be financed in accordance with this section.

1277 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing  
 1278 or contributing employer under this section, a public employer  
 1279 may not change this election for at least 2 calendar years. This  
 1280 subsection does not prevent a public employer subject to this  
 1281 subsection from changing its election after completing 2  
 1282 calendar years under another financing method if the new  
 1283 election is timely filed. The state agency providing  
 1284 reemployment assistance ~~unemployment~~ tax collection services may  
 1285 adopt rules prescribing procedures for changing methods of  
 1286 reporting.

1287 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~  
 1288 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1289 (a) There is established within the Unemployment  
 1290 Compensation Trust Fund a Public Employers Reemployment  
 1291 Assistance ~~Unemployment Compensation~~ Benefit Account, which must  
 1292 be maintained as a separate account within the trust fund. All  
 1293 benefits paid to the employees of a public employer that elects  
 1294 to become a contributing employer under paragraph (b) must be  
 1295 charged to the Public Employers Unemployment Compensation  
 1296 Benefit Account.

1297 Section 18. Subsection (7) of section 443.1315, Florida  
 1298 Statutes, is amended to read:

1299 443.1315 Treatment of Indian tribes.—

1300 (7) The Department of Economic Opportunity and the state  
 1301 agency providing reemployment assistance ~~unemployment~~ tax  
 1302 collection services shall adopt rules necessary to administer  
 1303 this section.

1304 Section 19. Section 443.1316, Florida Statutes, is amended  
 1305 to read:

1306 443.1316 Reemployment assistance ~~Unemployment~~ tax  
 1307 collection services; interagency agreement.—

1308 (1) The Department of Economic Opportunity shall contract  
 1309 with the Department of Revenue, through an interagency  
 1310 agreement, to perform the duties of the tax collection service  
 1311 provider and provide other reemployment assistance ~~unemployment~~  
 1312 tax collection services under this chapter. Under the  
 1313 interagency agreement, the tax collection service provider may  
 1314 only implement:

1315 (a) The provisions of this chapter conferring duties upon  
 1316 the tax collection service provider.

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1317 (b) The provisions of law conferring duties upon the  
 1318 department which are specifically delegated to the tax  
 1319 collection service provider in the interagency agreement.

1320 (2) (a) The Department of Revenue is considered to be  
 1321 administering a revenue law of this state when the department  
 1322 implements this chapter, or otherwise provides reemployment  
 1323 assistance ~~unemployment~~ tax collection services, under contract  
 1324 with the department through the interagency agreement.

1325 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);  
 1326 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;  
 1327 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;  
 1328 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;  
 1329 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and  
 1330 213.757 apply to the collection of reemployment assistance  
 1331 ~~unemployment~~ contributions and reimbursements by the Department  
 1332 of Revenue unless prohibited by federal law.

1333 Section 20. Paragraph (a) of subsection (1) and  
 1334 subsections (2) and (3) of section 443.1317, Florida Statutes,  
 1335 are amended to read:

1336 443.1317 Rulemaking authority; enforcement of rules.—

1337 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1338 (a) Except as otherwise provided in s. 443.012, the  
 1339 Department of Economic Opportunity has ultimate authority over  
 1340 the administration of the Reemployment Assistance ~~Unemployment~~  
 1341 ~~Compensation~~ Program.

1342 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency  
 1343 providing reemployment assistance ~~unemployment~~ tax collection  
 1344 services under contract with the Department of Economic



1345 Opportunity through an interagency agreement pursuant to s.  
 1346 443.1316 may adopt rules under ss. 120.536(1) and 120.54,  
 1347 subject to approval by the department, to administer the  
 1348 provisions of law described in s. 443.1316(1) (a) and (b) which  
 1349 are within this chapter. These rules must not conflict with the  
 1350 rules adopted by the department or with the interagency  
 1351 agreement.

1352 (3) ENFORCEMENT OF RULES.—The Department of Economic  
 1353 Opportunity may enforce any rule adopted by the state agency  
 1354 providing reemployment assistance ~~unemployment~~ tax collection  
 1355 services to administer this chapter. The tax collection service  
 1356 provider may enforce any rule adopted by the department to  
 1357 administer the provisions of law described in s. 443.1316(1) (a)  
 1358 and (b).

1359 Section 21. Paragraphs (b) and (g) of subsection (1),  
 1360 paragraph (c) of subsection (2), and paragraphs (c) and (e) of  
 1361 subsection (4) of section 443.141, Florida Statutes, are amended  
 1362 to read:

1363 443.141 Collection of contributions and reimbursements.—

1364 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,  
 1365 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1366 (b) *Penalty for delinquent, erroneous, incomplete, or*  
 1367 *insufficient reports.*—

1368 1. An employing unit that fails to file any report  
 1369 required by the Department of Economic Opportunity or its tax  
 1370 collection service provider, in accordance with rules for  
 1371 administering this chapter, shall pay to the service provider  
 1372 for each delinquent report the sum of \$25 for each 30 days or

1373 fraction thereof that the employing unit is delinquent, unless  
 1374 the department ~~agency~~ or its service provider, whichever  
 1375 required the report, finds that the employing unit has good  
 1376 reason for failing to file the report. The department or its  
 1377 service provider may assess penalties only through the date of  
 1378 the issuance of the final assessment notice. However, additional  
 1379 penalties accrue if the delinquent report is subsequently filed.

1380 2.a. An employing unit that files an erroneous,  
 1381 incomplete, or insufficient report with the department or its  
 1382 tax collection service provider shall pay a penalty. The amount  
 1383 of the penalty is \$50 or 10 percent of any tax due, whichever is  
 1384 greater, but no more than \$300 per report. The penalty shall be  
 1385 added to any tax, penalty, or interest otherwise due.

1386 b. The department or its tax collection service provider  
 1387 shall waive the penalty if the employing unit files an accurate,  
 1388 complete, and sufficient report within 30 days after a penalty  
 1389 notice is issued to the employing unit. The penalty may not be  
 1390 waived pursuant to this subparagraph more than one time during a  
 1391 12-month period.

1392 c. As used in this subsection, the term "erroneous,  
 1393 incomplete, or insufficient report" means a report so lacking in  
 1394 information, completeness, or arrangement that the report cannot  
 1395 be readily understood, verified, or reviewed. Such reports  
 1396 include, but are not limited to, reports having missing wage or  
 1397 employee information, missing or incorrect social security  
 1398 numbers, or illegible entries; reports submitted in a format  
 1399 that is not approved by the department or its tax collection  
 1400 service provider; and reports showing gross wages that do not

1401 equal the total of the wages of each employee. However, the term  
 1402 does not include a report that merely contains inaccurate data  
 1403 that was supplied to the employer by the employee, if the  
 1404 employer was unaware of the inaccuracy.

1405 3. Penalties imposed pursuant to this paragraph shall be  
 1406 deposited in the Special Employment Security Administration  
 1407 Trust Fund.

1408 4. The penalty and interest for a delinquent, erroneous,  
 1409 incomplete, or insufficient report may be waived if the penalty  
 1410 or interest is inequitable. The provisions of s. 213.24(1) apply  
 1411 to any penalty or interest that is imposed under this section.

1412 (g) *Adoption of rules.*—The department and the state agency  
 1413 providing reemployment assistance ~~unemployment~~ tax collection  
 1414 services may adopt rules to administer this subsection.

1415 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1416 (c) *Appeals.*—The department and the state agency providing  
 1417 reemployment assistance ~~unemployment~~ tax collection services  
 1418 shall adopt rules prescribing the procedures for an employing  
 1419 unit determined to be an employer to file an appeal and be  
 1420 afforded an opportunity for a hearing on the determination.  
 1421 Pending a hearing, the employing unit must file reports and pay  
 1422 contributions in accordance with s. 443.131.

1423 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF  
 1424 CONTRIBUTIONS AND REIMBURSEMENTS.—

1425 (c) Any agent or employee designated by the Department of  
 1426 Economic Opportunity or its tax collection service provider may  
 1427 administer an oath to any person for any return or report  
 1428 required by this chapter or by the rules of the department or

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1429 the state agency providing reemployment assistance ~~unemployment~~  
1430 tax collection services, and an oath made before the department  
1431 or its service provider or any authorized agent or employee has  
1432 the same effect as an oath made before any judicial officer or  
1433 notary public of the state.

1434 (e) The tax collection service provider may commence an  
1435 action in any other state to collect reemployment assistance  
1436 ~~unemployment compensation~~ contributions, reimbursements,  
1437 penalties, and interest legally due this state. The officials of  
1438 other states that extend a like comity to this state may sue for  
1439 the collection of contributions, reimbursements, interest, and  
1440 penalties in the courts of this state. The courts of this state  
1441 shall recognize and enforce liability for contributions,  
1442 reimbursements, interest, and penalties imposed by other states  
1443 that extend a like comity to this state.

1444 Section 22. Paragraph (b) of subsection (1), paragraph (b)  
1445 of subsection (2), paragraph (c) of subsection (3), and  
1446 paragraphs (a) and (b) of subsection (6) of section 443.151,  
1447 Florida Statutes, are amended to read:

1448 443.151 Procedure concerning claims.—

1449 (1) POSTING OF INFORMATION.—

1450 (b)1. The department shall advise each individual filing a  
1451 new claim for reemployment assistance ~~unemployment compensation~~,  
1452 at the time of filing the claim, that:

1453 a. Reemployment assistance ~~unemployment compensation~~ is  
1454 subject to federal income tax.

1455 b. Requirements exist pertaining to estimated tax  
1456 payments.

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1457 c. The individual may elect to have federal income tax  
 1458 deducted and withheld from the individual's payment of  
 1459 reemployment assistance ~~unemployment compensation~~ at the amount  
 1460 specified in the federal Internal Revenue Code.

1461 d. The individual is not permitted to change a previously  
 1462 elected withholding status more than twice per calendar year.

1463 2. Amounts deducted and withheld from reemployment  
 1464 assistance ~~unemployment compensation~~ must remain in the  
 1465 Unemployment Compensation Trust Fund until transferred to the  
 1466 federal taxing authority as payment of income tax.

1467 3. The department shall follow all procedures specified by  
 1468 the United States Department of Labor and the federal Internal  
 1469 Revenue Service pertaining to the deducting and withholding of  
 1470 income tax.

1471 4. If more than one authorized request for deduction and  
 1472 withholding is made, amounts must be deducted and withheld in  
 1473 accordance with the following priorities:

1474 a. Reemployment assistance ~~Unemployment~~ overpayments have  
 1475 first priority;

1476 b. Child support payments have second priority; and

1477 c. Withholding under this subsection has third priority.

1478 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF  
 1479 CLAIMANTS AND EMPLOYERS.—

1480 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~  
 1481 ~~Compensation~~ Claims and Benefits Information System described in  
 1482 s. 443.1113 is fully operational, the process for filing claims  
 1483 must incorporate the process for registering for work with the  
 1484 workforce information systems established pursuant to s.

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1485 445.011. A claim for benefits may not be processed until the  
 1486 work registration requirement is satisfied. The department may  
 1487 adopt rules as necessary to administer the work registration  
 1488 requirement set forth in this paragraph.

1489 (3) DETERMINATION OF ELIGIBILITY.—

1490 (c) Nonmonetary determinations.—If the department receives  
 1491 information that may result in a denial of benefits, the  
 1492 department must complete an investigation of the claim required  
 1493 by subsection (2) and provide notice of a nonmonetary  
 1494 determination to the claimant and the employer from whom the  
 1495 claimant's reason for separation affects his or her entitlement  
 1496 to benefits. The determination must state the reason for the  
 1497 determination and whether the reemployment assistance  
 1498 ~~unemployment~~ tax account of the contributing employer is charged  
 1499 for benefits paid on the claim. The nonmonetary determination is  
 1500 final unless within 20 days after the mailing of the notices to  
 1501 the parties' last known addresses, or in lieu of mailing, within  
 1502 20 days after the delivery of the notices, an appeal or written  
 1503 request for reconsideration is filed by the claimant or other  
 1504 party entitled to notice. The department may adopt rules as  
 1505 necessary to implement the processes described in this paragraph  
 1506 relating to notices of nonmonetary determination and the appeals  
 1507 or reconsideration requests filed in response to such notices,  
 1508 and may adopt rules prescribing the manner and procedure by  
 1509 which employers within the base period of a claimant become  
 1510 entitled to notice of nonmonetary determination.

1511 (6) RECOVERY AND RECOUPMENT.—

1512 (a) Any person who, by reason of her or his fraud,

1513 receives benefits under this chapter to which she or he is not  
 1514 entitled is liable for repaying those benefits to the Department  
 1515 of Economic Opportunity on behalf of the trust fund or, in the  
 1516 discretion of the department, to have those benefits deducted  
 1517 from future benefits payable to her or him under this chapter.  
 1518 To enforce this paragraph, the department must find the  
 1519 existence of fraud through a redetermination or decision under  
 1520 this section within 2 years after the fraud was committed. Any  
 1521 recovery or recoupment of benefits must be commenced ~~effected~~  
 1522 within 7 ~~5~~ years after the redetermination or decision.

1523 (b) Any person who, by reason other than her or his fraud,  
 1524 receives benefits under this chapter to which, under a  
 1525 redetermination or decision pursuant to this section, she or he  
 1526 is not entitled, is liable for repaying those benefits to the  
 1527 department on behalf of the trust fund or, in the discretion of  
 1528 the department, to have those benefits deducted from any future  
 1529 benefits payable to her or him under this chapter. Any recovery  
 1530 or recoupment of benefits must be commenced ~~effected~~ within 7 ~~3~~  
 1531 years after the redetermination or decision.

1532 Section 23. Subsection (1) and paragraph (c) of subsection  
 1533 (3) of section 443.163, Florida Statutes, are amended to read:

1534 443.163 Electronic reporting and remitting of  
 1535 contributions and reimbursements.—

1536 (1) An employer may file any report and remit any  
 1537 contributions or reimbursements required under this chapter by  
 1538 electronic means. The Department of Economic Opportunity or the  
 1539 state agency providing reemployment assistance ~~unemployment~~ tax  
 1540 collection services shall adopt rules prescribing the format and

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1541 instructions necessary for electronically filing reports and  
1542 remitting contributions and reimbursements to ensure a full  
1543 collection of contributions and reimbursements due. The  
1544 acceptable method of transfer, the method, form, and content of  
1545 the electronic means, and the method, if any, by which the  
1546 employer will be provided with an acknowledgment shall be  
1547 prescribed by the department or its tax collection service  
1548 provider. However, any employer who employed 10 or more  
1549 employees in any quarter during the preceding state fiscal year  
1550 must file the Employers Quarterly Reports (UCT-6) for the  
1551 current calendar year and remit the contributions and  
1552 reimbursements due by electronic means approved by the tax  
1553 collection service provider. A person who prepared and reported  
1554 for 100 or more employers in any quarter during the preceding  
1555 state fiscal year must file the Employers Quarterly Reports  
1556 (UCT-6) for each calendar quarter in the current calendar year,  
1557 beginning with reports due for the second calendar quarter of  
1558 2003, by electronic means approved by the tax collection service  
1559 provider.

1560 (3) The tax collection service provider may waive the  
1561 requirement to file an Employers Quarterly Report (UCT-6) by  
1562 electronic means for employers that are unable to comply despite  
1563 good faith efforts or due to circumstances beyond the employer's  
1564 reasonable control.

1565 (c) The department or the state agency providing  
1566 reemployment assistance ~~unemployment~~ tax collection services may  
1567 establish by rule the length of time a waiver is valid and may  
1568 determine whether subsequent waivers will be authorized, based



1569 | on this subsection.

1570 |       Section 24. Subsections (2) and (5) and paragraphs (a) and  
 1571 | (c) of subsection (9) of section 443.171, Florida Statutes, are  
 1572 | amended to read:

1573 |       443.171 Department of Economic Opportunity and commission;  
 1574 | powers and duties; records and reports; proceedings; state-  
 1575 | federal cooperation.—

1576 |       (2) PUBLICATION OF ACTS AND RULES.—The Department of  
 1577 | Economic Opportunity shall cause to be printed and distributed  
 1578 | to the public, or otherwise distributed to the public through  
 1579 | the Internet or similar electronic means, the text of this  
 1580 | chapter and of the rules for administering this chapter adopted  
 1581 | by the department or the state agency providing reemployment  
 1582 | assistance ~~unemployment~~ tax collection services and any other  
 1583 | matter relevant and suitable. The department shall furnish this  
 1584 | information to any person upon request. However, any pamphlet,  
 1585 | rules, circulars, or reports required by this chapter may not  
 1586 | contain any matter except the actual data necessary to complete  
 1587 | them or the actual language of the rule, together with the  
 1588 | proper notices.

1589 |       (5) RECORDS AND REPORTS.—Each employing unit shall keep  
 1590 | true and accurate work records, containing the information  
 1591 | required by the Department of Economic Opportunity or its tax  
 1592 | collection service provider. These records must be open to  
 1593 | inspection and are subject to being copied by the department or  
 1594 | its tax collection service provider at any reasonable time and  
 1595 | as often as necessary. The department or its tax collection  
 1596 | service provider may require from any employing unit any sworn

1597 or unsworn reports, for persons employed by the employing unit,  
 1598 necessary for the effective administration of this chapter.  
 1599 However, a state or local governmental agency performing  
 1600 intelligence or counterintelligence functions need not report an  
 1601 employee if the head of that agency determines that reporting  
 1602 the employee could endanger the safety of the employee or  
 1603 compromise an ongoing investigation or intelligence mission.  
 1604 ~~Information revealing the employing unit's or individual's~~  
 1605 ~~identity obtained from the employing unit or from any individual~~  
 1606 ~~through the administration of this chapter, is, except to the~~  
 1607 ~~extent necessary for the proper presentation of a claim or upon~~  
 1608 ~~written authorization of the claimant who has a workers'~~  
 1609 ~~compensation claim pending, confidential and exempt from s.~~  
 1610 ~~119.07(1). This confidential information is available only to~~  
 1611 ~~public employees in the performance of their public duties. Any~~  
 1612 ~~claimant, or the claimant's legal representative, at a hearing~~  
 1613 ~~before an appeals referee or the commission must be supplied~~  
 1614 ~~with information from these records to the extent necessary for~~  
 1615 ~~the proper presentation of her or his claim. Any employee or~~  
 1616 ~~member of the commission, any employee of the department or its~~  
 1617 ~~tax collection service provider, or any other person receiving~~  
 1618 ~~confidential information who violates this subsection commits a~~  
 1619 ~~misdemeanor of the second degree, punishable as provided in s.~~  
 1620 ~~775.082 or s. 775.083. However, the department or its tax~~  
 1621 ~~collection service provider may furnish to any employer copies~~  
 1622 ~~of any report previously submitted by that employer, upon the~~  
 1623 ~~request of the employer. The department or its tax collection~~  
 1624 ~~service provider may charge a reasonable fee for copies of~~

1625 ~~reports, which may not exceed the actual reasonable cost of the~~  
 1626 ~~preparation of the copies as prescribed by rules adopted by the~~  
 1627 ~~department or the state agency providing tax collection~~  
 1628 ~~services. Fees received by the department or its tax collection~~  
 1629 ~~service provider for copies furnished under this subsection must~~  
 1630 ~~be deposited in the Employment Security Administration Trust~~  
 1631 ~~Fund.~~

1632 (9) STATE-FEDERAL COOPERATION.—

1633 (a)1. In the administration of this chapter, the  
 1634 Department of Economic Opportunity and its tax collection  
 1635 service provider shall cooperate with the United States  
 1636 Department of Labor to the fullest extent consistent with this  
 1637 chapter and shall take those actions, through the adoption of  
 1638 appropriate rules, administrative methods, and standards,  
 1639 necessary to secure for this state all advantages available  
 1640 under the provisions of federal law relating to reemployment  
 1641 assistance ~~unemployment compensation.~~

1642 2. In the administration of the provisions in s. 443.1115,  
 1643 which are enacted to conform with the Federal-State Extended  
 1644 Unemployment Compensation Act of 1970, the department shall take  
 1645 those actions necessary to ensure that those provisions are  
 1646 interpreted and applied to meet the requirements of the federal  
 1647 act as interpreted by the United States Department of Labor and  
 1648 to secure for this state the full reimbursement of the federal  
 1649 share of extended benefits paid under this chapter which is  
 1650 reimbursable under the federal act.

1651 3. The department and its tax collection service provider  
 1652 shall comply with the regulations of the United States

1653 Department of Labor relating to the receipt or expenditure by  
 1654 this state of funds granted under federal law; shall submit the  
 1655 reports in the form and containing the information the United  
 1656 States Department of Labor requires; and shall comply with  
 1657 directions of the United States Department of Labor necessary to  
 1658 assure the correctness and verification of these reports.

1659 (c) The department and its tax collection service provider  
 1660 shall cooperate with the agencies of other states, and shall  
 1661 make every proper effort within their means, to oppose and  
 1662 prevent any further action leading to the complete or  
 1663 substantial federalization of state reemployment assistance  
 1664 ~~unemployment compensation~~ funds or state employment security  
 1665 programs. The department and its tax collection service provider  
 1666 may make, and may cooperate with other appropriate agencies in  
 1667 making, studies as to the practicability and probable cost of  
 1668 possible new state-administered social security programs and the  
 1669 relative desirability of state, rather than federal, action in  
 1670 that field of study.

1671 Section 25. Subsections (1) and (2) of section 443.1715,  
 1672 Florida Statutes, are amended to read:

1673 443.1715 Disclosure of information; confidentiality.—

1674 (1) RECORDS AND REPORTS.—Information revealing an  
 1675 employing unit's or individual's identity obtained from the  
 1676 employing unit or any individual under the administration of  
 1677 this chapter, and any determination revealing that information,  
 1678 ~~except to the extent necessary for the proper presentation of a~~  
 1679 ~~claim or upon written authorization of the claimant who has a~~  
 1680 ~~workers' compensation claim pending or is receiving compensation~~

1681 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.  
 1682 24(a), Art. I of the State Constitution. This confidential  
 1683 information may be released in accordance with the provisions in  
 1684 20 C.F.R. part 603 ~~only to public employees in the performance~~  
 1685 ~~of their public duties. Except as otherwise provided by law,~~  
 1686 ~~public employees receiving this confidential information must~~  
 1687 ~~maintain the confidentiality of the information. Any claimant,~~  
 1688 ~~or the claimant's legal representative, at a hearing before an~~  
 1689 ~~appeals referee or the commission is entitled to information~~  
 1690 ~~from these records to the extent necessary for the proper~~  
 1691 ~~presentation of her or his claim. A person receiving~~  
 1692 ~~confidential information who violates this subsection commits a~~  
 1693 ~~misdemeanor of the second degree, punishable as provided in s.~~  
 1694 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or  
 1695 its tax collection service provider may, however, furnish to any  
 1696 employer copies of any report submitted by that employer upon  
 1697 the request of the employer and may furnish to any claimant  
 1698 copies of any report submitted by that claimant upon the request  
 1699 of the claimant. The department or its tax collection service  
 1700 provider may charge a reasonable fee for copies of these reports  
 1701 as prescribed by rule, which may not exceed the actual  
 1702 reasonable cost of the preparation of the copies. Fees received  
 1703 for copies under this subsection must be deposited in the  
 1704 Employment Security Administration Trust Fund.

1705 (2) DISCLOSURE OF INFORMATION.—

1706 (a) Subject to restrictions the Department of Economic  
 1707 Opportunity or the state agency providing reemployment  
 1708 assistance ~~unemployment~~ tax collection services adopts by rule,

1709 information declared confidential under this section is  
 1710 available to any agency of this or any other state, or any  
 1711 federal agency, charged with the administration of any  
 1712 reemployment assistance or unemployment compensation law or the  
 1713 maintenance of the one-stop delivery system, or the Bureau of  
 1714 Internal Revenue of the United States Department of the  
 1715 Treasury, or the Florida Department of Revenue. Information  
 1716 obtained in connection with the administration of the one-stop  
 1717 delivery system may be made available to persons or agencies for  
 1718 purposes appropriate to the operation of a public employment  
 1719 service or a job-preparatory or career education or training  
 1720 program. The department shall, on a quarterly basis, furnish the  
 1721 National Directory of New Hires with information concerning the  
 1722 wages and reemployment assistance ~~unemployment~~ benefits paid to  
 1723 individuals, by the dates, in the format, and containing the  
 1724 information specified in the regulations of the United States  
 1725 Secretary of Health and Human Services. Upon request, the  
 1726 department shall furnish any agency of the United States charged  
 1727 with the administration of public works or assistance through  
 1728 public employment, and may furnish to any state agency similarly  
 1729 charged, the name, address, ordinary occupation, and employment  
 1730 status of each recipient of benefits and the recipient's rights  
 1731 to further benefits under this chapter. Except as otherwise  
 1732 provided by law, the receiving agency must retain the  
 1733 confidentiality of this information as provided in this section.  
 1734 The tax collection service provider may request the Comptroller  
 1735 of the Currency of the United States to examine the correctness  
 1736 of any return or report of any national banking association

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1737 rendered under this chapter and may in connection with that  
1738 request transmit any report or return for examination to the  
1739 Comptroller of the Currency of the United States as provided in  
1740 s. 3305(c) of the federal Internal Revenue Code.

1741 (b) The employer or the employer's workers' compensation  
1742 carrier against whom a claim for benefits under chapter 440 has  
1743 been made, or a representative of either, may request from the  
1744 department records of wages of the employee reported to the  
1745 department by any employer for the quarter that includes the  
1746 date of the accident that is the subject of such claim and for  
1747 subsequent quarters.

1748 1. The request must be made with the authorization or  
1749 consent of the employee or any employer who paid wages to the  
1750 employee after the date of the accident.

1751 2. The employer or carrier shall make the request on a  
1752 form prescribed by rule for such purpose by the department  
1753 ~~agency~~. Such form shall contain a certification by the  
1754 requesting party that it is a party entitled to the information  
1755 requested.

1756 3. The department shall provide the most current  
1757 information readily available within 15 days after receiving the  
1758 request.

1759 Section 26. Subsections (1), (4), (5), (6), and (7) and  
1760 paragraph (c) of subsection (2) of section 443.17161, Florida  
1761 Statutes, are amended to read:

1762 443.17161 Authorized electronic access to employer  
1763 information.—

1764 (1) Notwithstanding any other provision of this chapter,

1765 the Department of Economic Opportunity ~~Agency for Workforce~~  
 1766 ~~Innovation~~ shall contract with one or more consumer reporting  
 1767 agencies to provide users with secured electronic access to  
 1768 employer-provided information relating to the quarterly wages  
 1769 report submitted in accordance with the state's reemployment  
 1770 assistance ~~unemployment compensation~~ law. The access is limited  
 1771 to the wage reports for the appropriate amount of time for the  
 1772 purpose the information is requested.

1773 (2) Users must obtain consent in writing or by electronic  
 1774 signature from an applicant for credit, employment, or other  
 1775 permitted purposes. Any written or electronic signature consent  
 1776 from an applicant must be signed and must include the following:

1777 (c) Notice that the files of the Department of Economic  
 1778 Opportunity ~~Agency for Workforce Innovation~~ or its tax  
 1779 collection service provider containing information concerning  
 1780 wage and employment history which is submitted by the applicant  
 1781 or his or her employers may be accessed; and

1782 (4) If a consumer reporting agency or user violates this  
 1783 section, the Department of Economic Opportunity ~~Agency for~~  
 1784 ~~Workforce Innovation~~ shall, upon 30 days' written notice to the  
 1785 consumer reporting agency, terminate the contract established  
 1786 between the department ~~Agency for Workforce Innovation~~ and the  
 1787 consumer reporting agency or require the consumer reporting  
 1788 agency to terminate the contract established between the  
 1789 consumer reporting agency and the user under this section.

1790 (5) The Department of Economic Opportunity ~~Agency for~~  
 1791 ~~Workforce Innovation~~ shall establish minimum audit, security,  
 1792 net worth, and liability insurance standards, technical



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1793 requirements, and any other terms and conditions considered  
 1794 necessary in the discretion of the state agency to safeguard the  
 1795 confidentiality of the information released under this section  
 1796 and to otherwise serve the public interest. The department  
 1797 ~~Agency for Workforce Innovation~~ shall also include, in  
 1798 coordination with any necessary state agencies, necessary audit  
 1799 procedures to ensure that these rules are followed.

1800 (6) In contracting with one or more consumer reporting  
 1801 agencies under this section, any revenues generated by the  
 1802 contract must be used to pay the entire cost of providing access  
 1803 to the information. Further, in accordance with federal  
 1804 regulations, any additional revenues generated by the Department  
 1805 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the  
 1806 state under this section must be paid into the Administrative  
 1807 Trust Fund of the department ~~Agency for Workforce Innovation~~ for  
 1808 the administration of the unemployment compensation system or be  
 1809 used as program income.

1810 (7) The Department of Economic Opportunity ~~Agency for~~  
 1811 ~~Workforce Innovation~~ may not provide wage and employment history  
 1812 information to any consumer reporting agency before the consumer  
 1813 reporting agency or agencies under contract with the department  
 1814 ~~Agency for Workforce Innovation~~ pay all development and other  
 1815 startup costs incurred by the state in connection with the  
 1816 design, installation, and administration of technological  
 1817 systems and procedures for the electronic access program.

1818 Section 27. Subsection (2) of section 443.181, Florida  
 1819 Statutes, is amended to read:

1820 443.181 Public employment service.—

1821 (2) All funds received by this state under 29 U.S.C. ss.  
 1822 49-491-1 must be paid into the Employment Security  
 1823 Administration Trust Fund, and these funds are available to the  
 1824 Department of Economic Opportunity for expenditure as provided  
 1825 by this chapter or by federal law. For the purpose of  
 1826 establishing and maintaining one-stop career centers, the  
 1827 department may enter into agreements with the Railroad  
 1828 Retirement Board or any other agency of the United States  
 1829 charged with the administration of a reemployment assistance or  
 1830 ~~an~~ unemployment compensation law, with any political subdivision  
 1831 of this state, or with any private, nonprofit organization. As a  
 1832 part of any such agreement, the department may accept moneys,  
 1833 services, or quarters as a contribution to the Employment  
 1834 Security Administration Trust Fund.

1835 Section 28. Subsection (6) of section 443.191, Florida  
 1836 Statutes, is amended to read:

1837 443.191 Unemployment Compensation Trust Fund;  
 1838 establishment and control.—

1839 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment  
 1840 Compensation Trust Fund is the sole and exclusive source for  
 1841 paying reemployment assistance ~~unemployment~~ benefits, and these  
 1842 benefits are due and payable only to the extent that  
 1843 contributions or reimbursements, with increments thereon,  
 1844 actually collected and credited to the fund and not otherwise  
 1845 appropriated or allocated, are available for payment. The state  
 1846 shall administer the fund without any liability on the part of  
 1847 the state beyond the amount of moneys received from the United  
 1848 States Department of Labor or other federal agency.

1849 Section 29. Paragraphs (b), (c), and (d) of subsection (1)  
 1850 and subsections (3) and (4) of section 443.221, Florida  
 1851 Statutes, are amended to read:

1852 443.221 Reciprocal arrangements.—

1853 (1)

1854 (b) For services to be considered as performed within a  
 1855 state under a reciprocal agreement, the employing unit must have  
 1856 an election in effect for those services, which is approved by  
 1857 the agency charged with the administration of such state's  
 1858 reemployment assistance or unemployment compensation law, under  
 1859 which all the services performed by the individual for the  
 1860 employing unit are deemed to be performed entirely within that  
 1861 state.

1862 (c) The department shall participate in any arrangements  
 1863 for the payment of compensation on the basis of combining an  
 1864 individual's wages and employment covered under this chapter  
 1865 with her or his wages and employment covered under the  
 1866 reemployment assistance or unemployment compensation laws of  
 1867 other states, which are approved by the United States Secretary  
 1868 of Labor, in consultation with the state reemployment assistance  
 1869 or unemployment compensation agencies, as reasonably calculated  
 1870 to assure the prompt and full payment of compensation in those  
 1871 situations and which include provisions for:

1872 1. Applying the base period of a single state law to a  
 1873 claim involving the combining of an individual's wages and  
 1874 employment covered under two or more state reemployment  
 1875 assistance or unemployment compensation laws; and

1876 2. Avoiding the duplicate use of wages and employment

1877 | because of the combination.

1878 |         (d) Contributions or reimbursements due under this chapter  
 1879 | with respect to wages for insured work are, for the purposes of  
 1880 | ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid  
 1881 | to the fund as of the date payment was made as contributions or  
 1882 | reimbursements therefor under another state or federal  
 1883 | reemployment assistance or unemployment compensation law, but an  
 1884 | arrangement may not be entered into unless it contains  
 1885 | provisions for reimbursement to the fund of the contributions or  
 1886 | reimbursements and the actual earnings thereon as the department  
 1887 | or its tax collection service provider finds are fair and  
 1888 | reasonable as to all affected interests.

1889 |         (3) The Department of Economic Opportunity or its tax  
 1890 | collection service provider may enter into reciprocal  
 1891 | arrangements with other states or the Federal Government, or  
 1892 | both, for exchanging services, determining and enforcing payment  
 1893 | obligations, and making available facilities and information.  
 1894 | The department or its tax collection service provider may  
 1895 | conduct investigations, secure and transmit information, make  
 1896 | available services and facilities, and exercise other powers  
 1897 | provided under this chapter to facilitate the administration of  
 1898 | any reemployment assistance or unemployment compensation or  
 1899 | public employment service law and, in a similar manner, accept  
 1900 | and use information, services, and facilities made available to  
 1901 | this state by the agency charged with the administration of any  
 1902 | other unemployment compensation or public employment service  
 1903 | law.

1904 |         (4) To the extent permissible under federal law, the

1905 Department of Economic Opportunity may enter into or cooperate  
 1906 in arrangements whereby facilities and services provided under  
 1907 this chapter and facilities and services provided under the  
 1908 reemployment assistance or unemployment compensation law of any  
 1909 foreign government may be used for the taking of claims and the  
 1910 payment of benefits under the employment security law of the  
 1911 state or under a similar law of that government.

1912 Section 30. Paragraph (c) of subsection (5) and subsection  
 1913 (8) of section 20.60, Florida Statutes, are amended to read:

1914 20.60 Department of Economic Opportunity; creation; powers  
 1915 and duties.—

1916 (5) The divisions within the department have specific  
 1917 responsibilities to achieve the duties, responsibilities, and  
 1918 goals of the department. Specifically:

1919 (c) The Division of Workforce Services shall:

1920 1. Prepare and submit a unified budget request for  
 1921 workforce in accordance with chapter 216 for, and in conjunction  
 1922 with, Workforce Florida, Inc., and its board.

1923 2. Ensure that the state appropriately administers federal  
 1924 and state workforce funding by administering plans and policies  
 1925 of Workforce Florida, Inc., under contract with Workforce  
 1926 Florida, Inc. The operating budget and midyear amendments  
 1927 thereto must be part of such contract.

1928 a. All program and fiscal instructions to regional  
 1929 workforce boards shall emanate from the Department of Economic  
 1930 Opportunity pursuant to plans and policies of Workforce Florida,  
 1931 Inc., which shall be responsible for all policy directions to  
 1932 the regional workforce boards.

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1933           b. Unless otherwise provided by agreement with Workforce  
 1934 Florida, Inc., administrative and personnel policies of the  
 1935 Department of Economic Opportunity shall apply.

1936           3. Implement the state's reemployment assistance  
 1937 ~~unemployment-compensation~~ program. The Department of Economic  
 1938 Opportunity shall ensure that the state appropriately  
 1939 administers the reemployment assistance ~~unemployment~~  
 1940 ~~compensation~~ program pursuant to state and federal law.

1941           4. Assist in developing the 5-year statewide strategic  
 1942 plan required by this section.

1943           (8) The Reemployment Assistance ~~Unemployment~~ Appeals  
 1944 Commission, authorized by s. 443.012, is not subject to control,  
 1945 supervision, or direction by the department in the performance  
 1946 of its powers and duties but shall receive any and all support  
 1947 and assistance from the department which is required for the  
 1948 performance of its duties.

1949           Section 31. Paragraph (a) of subsection (1) of section  
 1950 27.52, Florida Statutes, is amended to read:

1951           27.52 Determination of indigent status.—

1952           (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 1953 of a public defender under s. 27.51 based upon an inability to  
 1954 pay must apply to the clerk of the court for a determination of  
 1955 indigent status using an application form developed by the  
 1956 Florida Clerks of Court Operations Corporation with final  
 1957 approval by the Supreme Court.

1958           (a) The application must include, at a minimum, the  
 1959 following financial information:

1960           1. Net income, consisting of total salary and wages, minus

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1961 deductions required by law, including court-ordered support  
 1962 payments.

1963 2. Other income, including, but not limited to, social  
 1964 security benefits, union funds, veterans' benefits, workers'  
 1965 compensation, other regular support from absent family members,  
 1966 public or private employee pensions, reemployment assistance or  
 1967 unemployment compensation, dividends, interest, rent, trusts,  
 1968 and gifts.

1969 3. Assets, including, but not limited to, cash, savings  
 1970 accounts, bank accounts, stocks, bonds, certificates of deposit,  
 1971 equity in real estate, and equity in a boat or a motor vehicle  
 1972 or in other tangible property.

1973 4. All liabilities and debts.

1974 5. If applicable, the amount of any bail paid for the  
 1975 applicant's release from incarceration and the source of the  
 1976 funds.

1977  
 1978 The application must include a signature by the applicant which  
 1979 attests to the truthfulness of the information provided. The  
 1980 application form developed by the corporation must include  
 1981 notice that the applicant may seek court review of a clerk's  
 1982 determination that the applicant is not indigent, as provided in  
 1983 this section.

1984 Section 32. Subsection (6) of section 40.24, Florida  
 1985 Statutes, is amended to read:

1986 40.24 Compensation and reimbursement policy.—

1987 (6) A juror who receives reemployment assistance  
 1988 ~~unemployment~~ benefits does not lose such benefits because he or

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1989 she receives compensation for juror service.

1990 Section 33. Paragraph (a) of subsection (7) of section  
1991 45.031, Florida Statutes, is amended to read:

1992 45.031 Judicial sales procedure.—In any sale of real or  
1993 personal property under an order or judgment, the procedures  
1994 provided in this section and ss. 45.0315-45.035 may be followed  
1995 as an alternative to any other sale procedure if so ordered by  
1996 the court.

1997 (7) DISBURSEMENTS OF PROCEEDS.—

1998 (a) On filing a certificate of title, the clerk shall  
1999 disburse the proceeds of the sale in accordance with the order  
2000 or final judgment and shall file a report of such disbursements  
2001 and serve a copy of it on each party, and on the Department of  
2002 Revenue if the department was named as a defendant in the action  
2003 or if the Department of Economic Opportunity or the former  
2004 Agency for Workforce Innovation was named as a defendant while  
2005 the Department of Revenue was providing reemployment assistance  
2006 ~~unemployment~~ tax collection services under contract with the  
2007 Department of Economic Opportunity or the former Agency for  
2008 Workforce Innovation through an interagency agreement pursuant  
2009 to s. 443.1316.

2010 Section 34. Subsection (2) of section 55.204, Florida  
2011 Statutes, is amended to read:

2012 55.204 Duration and continuation of judgment lien;  
2013 destruction of records.—

2014 (2) Liens securing the payment of child support or tax  
2015 obligations under s. 95.091(1)(b) lapse 20 years after the date  
2016 of the original filing of the warrant or other document required



2017 by law to establish a lien. Liens securing the payment of  
 2018 reemployment assistance ~~unemployment~~ tax obligations lapse 10  
 2019 years after the date of the original filing of the notice of  
 2020 lien. A second lien based on the original filing may not be  
 2021 obtained.

2022 Section 35. Paragraph (a) of subsection (1) of section  
 2023 57.082, Florida Statutes, is amended to read:

2024 57.082 Determination of civil indigent status.—

2025 (1) APPLICATION TO THE CLERK.—A person seeking appointment  
 2026 of an attorney in a civil case eligible for court-appointed  
 2027 counsel, or seeking relief from payment of filing fees and  
 2028 prepayment of costs under s. 57.081, based upon an inability to  
 2029 pay must apply to the clerk of the court for a determination of  
 2030 civil indigent status using an application form developed by the  
 2031 Florida Clerks of Court Operations Corporation with final  
 2032 approval by the Supreme Court.

2033 (a) The application must include, at a minimum, the  
 2034 following financial information:

2035 1. Net income, consisting of total salary and wages, minus  
 2036 deductions required by law, including court-ordered support  
 2037 payments.

2038 2. Other income, including, but not limited to, social  
 2039 security benefits, union funds, veterans' benefits, workers'  
 2040 compensation, other regular support from absent family members,  
 2041 public or private employee pensions, reemployment assistance or  
 2042 unemployment compensation, dividends, interest, rent, trusts,  
 2043 and gifts.

2044 3. Assets, including, but not limited to, cash, savings

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2045 | accounts, bank accounts, stocks, bonds, certificates of deposit,  
 2046 | equity in real estate, and equity in a boat or a motor vehicle  
 2047 | or in other tangible property.

2048 |         4. All liabilities and debts.

2049 |  
 2050 | The application must include a signature by the applicant which  
 2051 | attests to the truthfulness of the information provided. The  
 2052 | application form developed by the corporation must include  
 2053 | notice that the applicant may seek court review of a clerk's  
 2054 | determination that the applicant is not indigent, as provided in  
 2055 | this section.

2056 |         Section 36. Subsection (8) of section 61.046, Florida  
 2057 | Statutes, is amended to read:

2058 |         61.046 Definitions.—As used in this chapter, the term:

2059 |         (8) "Income" means any form of payment to an individual,  
 2060 | regardless of source, including, but not limited to: wages,  
 2061 | salary, commissions and bonuses, compensation as an independent  
 2062 | contractor, worker's compensation, disability benefits, annuity  
 2063 | and retirement benefits, pensions, dividends, interest,  
 2064 | royalties, trusts, and any other payments, made by any person,  
 2065 | private entity, federal or state government, or any unit of  
 2066 | local government. United States Department of Veterans Affairs  
 2067 | disability benefits and reemployment assistance or unemployment  
 2068 | compensation, as defined in chapter 443, are excluded from this  
 2069 | definition of income except for purposes of establishing an  
 2070 | amount of support.

2071 |         Section 37. Paragraph (a) of subsection (3) of section  
 2072 | 61.1824, Florida Statutes, is amended to read:

2073 | 61.1824 State Disbursement Unit.—

2074 | (3) The State Disbursement Unit shall perform the  
2075 | following functions:

2076 | (a) Disburse all receipts from intercepts, including, but  
2077 | not limited to, United States Internal Revenue Service,  
2078 | reemployment assistance or unemployment compensation, lottery,  
2079 | and administrative offset intercepts.

2080 | Section 38. Paragraph (a) of subsection (2) of section  
2081 | 61.30, Florida Statutes, is amended to read:

2082 | 61.30 Child support guidelines; retroactive child  
2083 | support.—

2084 | (2) Income shall be determined on a monthly basis for each  
2085 | parent as follows:

2086 | (a) Gross income shall include, but is not limited to, the  
2087 | following:

2088 | 1. Salary or wages.

2089 | 2. Bonuses, commissions, allowances, overtime, tips, and  
2090 | other similar payments.

2091 | 3. Business income from sources such as self-employment,  
2092 | partnership, close corporations, and independent contracts.

2093 | "Business income" means gross receipts minus ordinary and  
2094 | necessary expenses required to produce income.

2095 | 4. Disability benefits.

2096 | 5. All workers' compensation benefits and settlements.

2097 | 6. Reemployment assistance or unemployment compensation.

2098 | 7. Pension, retirement, or annuity payments.

2099 | 8. Social security benefits.

2100 | 9. Spousal support received from a previous marriage or

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2101 court ordered in the marriage before the court.

2102 10. Interest and dividends.

2103 11. Rental income, which is gross receipts minus ordinary  
2104 and necessary expenses required to produce the income.

2105 12. Income from royalties, trusts, or estates.

2106 13. Reimbursed expenses or in kind payments to the extent  
2107 that they reduce living expenses.

2108 14. Gains derived from dealings in property, unless the  
2109 gain is nonrecurring.

2110 Section 39. Paragraph (a) of subsection (4) of section  
2111 69.041, Florida Statutes, is amended to read:

2112 69.041 State named party; lien foreclosure, suit to quiet  
2113 title.—

2114 (4) (a) The Department of Revenue has the right to  
2115 participate in the disbursement of funds remaining in the  
2116 registry of the court after distribution pursuant to s.  
2117 45.031(7). The department shall participate in accordance with  
2118 applicable procedures in any mortgage foreclosure action in  
2119 which the department has a duly filed tax warrant, or interests  
2120 under a lien arising from a judgment, order, or decree for  
2121 support, as defined in s. 409.2554, or interest in an  
2122 reemployment assistance ~~unemployment compensation~~ tax lien under  
2123 contract with the Department of Economic Opportunity through an  
2124 interagency agreement pursuant to s. 443.1316, against the  
2125 subject property and with the same priority, regardless of  
2126 whether a default against the department, the Department of  
2127 Economic Opportunity, or the former Agency for Workforce  
2128 Innovation has been entered for failure to file an answer or

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2129 other responsive pleading.

2130 Section 40. Subsection (1) of section 77.041, Florida  
2131 Statutes, is amended to read:

2132 77.041 Notice to individual defendant for claim of  
2133 exemption from garnishment; procedure for hearing.—

2134 (1) Upon application for a writ of garnishment by a  
2135 plaintiff, if the defendant is an individual, the clerk of the  
2136 court shall attach to the writ the following "Notice to  
2137 Defendant":

2138 NOTICE TO DEFENDANT OF RIGHT AGAINST  
2139 GARNISHMENT OF WAGES, MONEY,  
2140 AND OTHER PROPERTY

2141 The Writ of Garnishment delivered to you with this Notice  
2142 means that wages, money, and other property belonging to you  
2143 have been garnished to pay a court judgment against you.  
2144 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,  
2145 OR PROPERTY. READ THIS NOTICE CAREFULLY.

2146 State and federal laws provide that certain wages, money,  
2147 and property, even if deposited in a bank, savings and loan, or  
2148 credit union, may not be taken to pay certain types of court  
2149 judgments. Such wages, money, and property are exempt from  
2150 garnishment. The major exemptions are listed below on the form  
2151 for Claim of Exemption and Request for Hearing. This list does  
2152 not include all possible exemptions. You should consult a lawyer  
2153 for specific advice.

2154 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING  
2155 GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST  
2156 COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING

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2157 AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE  
 2158 THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE  
 2159 YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU  
 2160 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF  
 2161 AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF  
 2162 GARNISHMENT.

2163 If you request a hearing, it will be held as soon as  
 2164 possible after your request is received by the court. The  
 2165 plaintiff must file any objection within 3 business days if you  
 2166 hand delivered to the plaintiff a copy of the form for Claim of  
 2167 Exemption and Request for Hearing or, alternatively, 8 business  
 2168 days if you mailed a copy of the form for claim and request to  
 2169 the plaintiff. If the plaintiff files an objection to your Claim  
 2170 of Exemption and Request for Hearing, the clerk will notify you  
 2171 and the other parties of the time and date of the hearing. You  
 2172 may attend the hearing with or without an attorney. If the  
 2173 plaintiff fails to file an objection, no hearing is required,  
 2174 the writ of garnishment will be dissolved and your wages, money,  
 2175 or property will be released.

2176 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO  
 2177 KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE  
 2178 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU  
 2179 NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT  
 2180 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE.  
 2181 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE  
 2182 ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

2183 CLAIM OF EXEMPTION AND  
 2184 REQUEST FOR HEARING

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2185 I claim exemptions from garnishment under the following  
 2186 categories as checked:

2187  
 .... 1. Head of family wages. (You must check a.  
 or b. below.)

2188  
 .... 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.

2189  
 .... 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.

2190  
 .... 2. Social Security benefits.

2191  
 .... 3. Supplemental Security Income benefits.

2192  
 .... 4. Public assistance (welfare).

2193  
 .... 5. Workers' Compensation.

2194  
 .... 6. Reemployment assistance or unemployment  
 compensation.

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.... 7. Veterans' benefits.

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

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

.... 10. Disability income benefits.

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

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

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:  
Address: .....  
Telephone number:.....  
The statements made in this request are true to the best of my knowledge and belief.  
.....  
Defendant's signature  
Date.....  
STATE OF FLORIDA  
COUNTY OF



2213 Sworn and subscribed to before me this ..... day of ...(month  
 2214 and year)...., by ...(name of person making statement)...

2215 Notary Public/Deputy Clerk

2216 Personally Known .....OR Produced Identification....

2217 Type of Identification Produced.....

2218 Section 41. Paragraph (n) of subsection (2) of section  
 2219 110.205, Florida Statutes, is amended to read:

2220 110.205 Career service; exemptions.-

2221 (2) EXEMPT POSITIONS.-The exempt positions that are not  
 2222 covered by this part include the following:

2223 (n)1.a. In addition to those positions exempted by other  
 2224 paragraphs of this subsection, each department head may  
 2225 designate a maximum of 20 policymaking or managerial positions,  
 2226 as defined by the department and approved by the Administration  
 2227 Commission, as being exempt from the Career Service System.  
 2228 Career service employees who occupy a position designated as a  
 2229 position in the Selected Exempt Service under this paragraph  
 2230 shall have the right to remain in the Career Service System by  
 2231 opting to serve in a position not exempted by the employing  
 2232 agency. Unless otherwise fixed by law, the department shall set  
 2233 the salary and benefits of these positions in accordance with  
 2234 the rules of the Selected Exempt Service; provided, however,  
 2235 that if the agency head determines that the general counsel,  
 2236 chief Cabinet aide, public information administrator or  
 2237 comparable position for a Cabinet officer, inspector general, or  
 2238 legislative affairs director has both policymaking and  
 2239 managerial responsibilities and if the department determines  
 2240 that any such position has both policymaking and managerial

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2241 responsibilities, the salary and benefits for each such position  
 2242 shall be established by the department in accordance with the  
 2243 rules of the Senior Management Service.

2244 b. In addition, each department may designate one  
 2245 additional position in the Senior Management Service if that  
 2246 position reports directly to the agency head or to a position in  
 2247 the Senior Management Service and if any additional costs are  
 2248 absorbed from the existing budget of that department.

2249 2. If otherwise exempt, employees of the Public Employees  
 2250 Relations Commission, the Commission on Human Relations, and the  
 2251 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon  
 2252 the certification of their respective commission heads, may be  
 2253 provided for under this paragraph as members of the Senior  
 2254 Management Service, if otherwise qualified. However, the deputy  
 2255 general counsel of the Public Employees Relations Commission  
 2256 shall be compensated as members of the Selected Exempt Service.

2257 Section 42. Subsection (4) of section 110.502, Florida  
 2258 Statutes, is amended to read:

2259 110.502 Scope of act; status of volunteers.—

2260 (4) Persons working with state agencies pursuant to this  
 2261 part shall be considered as unpaid independent volunteers and  
 2262 shall not be entitled to reemployment assistance ~~unemployment~~  
 2263 ~~compensation~~.

2264 Section 43. Subsection (10) of section 120.80, Florida  
 2265 Statutes, is amended to read:

2266 120.80 Exceptions and special requirements; agencies.—

2267 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2268 (a) Notwithstanding s. 120.54, the rulemaking provisions

2269 of this chapter do not apply to reemployment assistance  
 2270 ~~unemployment~~ appeals referees.

2271 (b) Notwithstanding s. 120.54(5), the uniform rules of  
 2272 procedure do not apply to appeal proceedings conducted under  
 2273 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals  
 2274 Commission, special deputies, or reemployment assistance  
 2275 ~~unemployment~~ appeals referees.

2276 (c) Notwithstanding s. 120.57(1)(a), hearings under  
 2277 chapter 443 may not be conducted by an administrative law judge  
 2278 assigned by the division, but instead shall be conducted by the  
 2279 Reemployment Assistance ~~Unemployment~~ Appeals Commission in  
 2280 reemployment assistance ~~unemployment compensation~~ appeals,  
 2281 reemployment assistance ~~unemployment~~ appeals referees, and the  
 2282 Department of Economic Opportunity or its special deputies under  
 2283 s. 443.141.

2284 Section 44. Subsection (4) of section 125.9502, Florida  
 2285 Statutes, is amended to read:

2286 125.9502 Scope of ss. 125.9501-125.9506; status of  
 2287 volunteers.—

2288 (4) Persons working with a unit of county government or a  
 2289 constitutional county officer pursuant to ss. 125.9501-125.9506  
 2290 are considered unpaid independent volunteers and are not  
 2291 entitled to reemployment assistance ~~unemployment compensation~~.

2292 Section 45. Paragraph (d) of subsection (1) and paragraph  
 2293 (b) of subsection (2) of section 212.096, Florida Statutes, are  
 2294 amended to read:

2295 212.096 Sales, rental, storage, use tax; enterprise zone  
 2296 jobs credit against sales tax.—

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2297 (1) For the purposes of the credit provided in this  
 2298 section:

2299 (d) "Job" means a full-time position, as consistent with  
 2300 terms used by the Department of Economic Opportunity ~~Agency for~~  
 2301 ~~Workforce Innovation~~ and the United States Department of Labor  
 2302 for purposes of reemployment assistance ~~unemployment~~  
 2303 ~~compensation~~ tax administration and employment estimation  
 2304 resulting directly from a business operation in this state. This  
 2305 term may not include a temporary construction job involved with  
 2306 the construction of facilities or any job that has previously  
 2307 been included in any application for tax credits under s.  
 2308 220.181(1). The term also includes employment of an employee  
 2309 leased from an employee leasing company licensed under chapter  
 2310 468 if such employee has been continuously leased to the  
 2311 employer for an average of at least 36 hours per week for more  
 2312 than 6 months.

2313  
 2314 A person shall be deemed to be employed if the person performs  
 2315 duties in connection with the operations of the business on a  
 2316 regular, full-time basis, provided the person is performing such  
 2317 duties for an average of at least 36 hours per week each month.  
 2318 The person must be performing such duties at a business site  
 2319 located in the enterprise zone.

2320 (2)  
 2321 (b) The credit shall be computed as 20 percent of the  
 2322 actual monthly wages paid in this state to each new employee  
 2323 hired when a new job has been created, unless the business is  
 2324 located within a rural enterprise zone pursuant to s. 290.004,

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2325 | in which case the credit shall be 30 percent of the actual  
 2326 | monthly wages paid. If no less than 20 percent of the employees  
 2327 | of the business are residents of an enterprise zone, excluding  
 2328 | temporary and part-time employees, the credit shall be computed  
 2329 | as 30 percent of the actual monthly wages paid in this state to  
 2330 | each new employee hired when a new job has been created, unless  
 2331 | the business is located within a rural enterprise zone, in which  
 2332 | case the credit shall be 45 percent of the actual monthly wages  
 2333 | paid. If the new employee hired when a new job is created is a  
 2334 | participant in the welfare transition program, the following  
 2335 | credit shall be a percent of the actual monthly wages paid: 40  
 2336 | percent for \$4 above the hourly federal minimum wage rate; 41  
 2337 | percent for \$5 above the hourly federal minimum wage rate; 42  
 2338 | percent for \$6 above the hourly federal minimum wage rate; 43  
 2339 | percent for \$7 above the hourly federal minimum wage rate; and  
 2340 | 44 percent for \$8 above the hourly federal minimum wage rate.  
 2341 | For purposes of this paragraph, monthly wages shall be computed  
 2342 | as one-twelfth of the expected annual wages paid to such  
 2343 | employee. The amount paid as wages to a new employee is the  
 2344 | compensation paid to such employee that is subject to  
 2345 | reemployment assistance ~~unemployment~~ tax. The credit shall be  
 2346 | allowed for up to 24 consecutive months, beginning with the  
 2347 | first tax return due pursuant to s. 212.11 after approval by the  
 2348 | department.

2349 |       Section 46. Subsection (4) of section 213.053, Florida  
 2350 | Statutes, is amended to read:

2351 |       213.053 Confidentiality and information sharing.—  
 2352 |       (4) The department, while providing reemployment

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2353 assistance ~~unemployment~~ tax collection services under contract  
 2354 with the Department of Economic Opportunity through an  
 2355 interagency agreement pursuant to s. 443.1316, may release  
 2356 reemployment assistance ~~unemployment~~ tax rate information to the  
 2357 agent of an employer who provides payroll services for more than  
 2358 100 employers, pursuant to the terms of a memorandum of  
 2359 understanding. The memorandum of understanding must state that  
 2360 the agent affirms, subject to the criminal penalties contained  
 2361 in ss. 443.171 and 443.1715, that the agent will retain the  
 2362 confidentiality of the information, that the agent has in effect  
 2363 a power of attorney from the employer which permits the agent to  
 2364 obtain reemployment assistance ~~unemployment~~ tax rate  
 2365 information, and that the agent shall provide the department  
 2366 with a copy of the employer's power of attorney upon request.

2367 Section 47. Paragraph (a) of subsection (6) of section  
 2368 216.292, Florida Statutes, is amended to read:

2369 216.292 Appropriations nontransferable; exceptions.—

2370 (6) The Chief Financial Officer shall transfer from any  
 2371 available funds of an agency or the judicial branch the  
 2372 following amounts and shall report all such transfers and the  
 2373 reasons therefor to the legislative appropriations committees  
 2374 and the Executive Office of the Governor:

2375 (a) The amount due to the Unemployment Compensation Trust  
 2376 Fund which is more than 90 days delinquent on reimbursements due  
 2377 to the Unemployment Compensation Trust Fund. The amount  
 2378 transferred shall be that certified by the state agency  
 2379 providing reemployment assistance ~~unemployment~~ tax collection  
 2380 services under contract with the Department of Economic

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2381 Opportunity through an interagency agreement pursuant to s.  
 2382 443.1316.

2383 Section 48. Paragraph (ff) of subsection (1) of section  
 2384 220.03, Florida Statutes, is amended to read:

2385 220.03 Definitions.—

2386 (1) SPECIFIC TERMS.—When used in this code, and when not  
 2387 otherwise distinctly expressed or manifestly incompatible with  
 2388 the intent thereof, the following terms shall have the following  
 2389 meanings:

2390 (ff) "Job" means a full-time position, as consistent with  
 2391 terms used by the Department of Economic Opportunity and the  
 2392 United States Department of Labor for purposes of reemployment  
 2393 assistance ~~unemployment compensation~~ tax administration and  
 2394 employment estimation resulting directly from business  
 2395 operations in this state. The term may not include a temporary  
 2396 construction job involved with the construction of facilities or  
 2397 any job that has previously been included in any application for  
 2398 tax credits under s. 212.096. The term also includes employment  
 2399 of an employee leased from an employee leasing company licensed  
 2400 under chapter 468 if the employee has been continuously leased  
 2401 to the employer for an average of at least 36 hours per week for  
 2402 more than 6 months.

2403 Section 49. Paragraph (b) of subsection (1) of section  
 2404 220.181, Florida Statutes, is amended to read:

2405 220.181 Enterprise zone jobs credit.—

2406 (1)

2407 (b) This credit applies only with respect to wages subject  
 2408 to reemployment assistance ~~unemployment~~ tax. The credit provided

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2409 in this section does not apply:

2410 1. For any employee who is an owner, partner, or majority  
2411 stockholder of an eligible business.

2412 2. For any new employee who is employed for any period  
2413 less than 3 months.

2414 Section 50. Paragraph (e) of subsection (1) of section  
2415 220.191, Florida Statutes, is amended to read:

2416 220.191 Capital investment tax credit.—

2417 (1) DEFINITIONS.—For purposes of this section:

2418 (e) "Jobs" means full-time equivalent positions, as that  
2419 term is consistent with terms used by the Department of Economic  
2420 Opportunity and the United States Department of Labor for  
2421 purposes of reemployment assistance ~~unemployment~~ tax  
2422 administration and employment estimation, resulting directly  
2423 from a project in this state. The term does not include  
2424 temporary construction jobs involved in the construction of the  
2425 project facility.

2426 Section 51. Paragraph (d) of subsection (3) of section  
2427 220.194, Florida Statutes, is amended to read:

2428 220.194 Corporate income tax credits for spaceflight  
2429 projects.—

2430 (3) DEFINITIONS.—As used in this section, the term:

2431 (d) "New job" means the full-time employment of an  
2432 employee in a manner that is consistent with terms used by the  
2433 Department of Economic Opportunity ~~Agency for Workforce~~  
2434 ~~Innovation~~ and the United States Department of Labor for  
2435 purposes of reemployment assistance ~~unemployment compensation~~  
2436 tax administration and employment estimation. In order to meet



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2437 the requirement for certification specified in paragraph (5) (b),  
 2438 a new job must:

2439 1. Pay new employees at least 115 percent of the statewide  
 2440 or countywide average annual private sector wage for the 3  
 2441 taxable years immediately preceding filing an application for  
 2442 certification;

2443 2. Require a new employee to perform duties on a regular  
 2444 full-time basis in this state for an average of at least 36  
 2445 hours per week each month for the 3 taxable years immediately  
 2446 preceding filing an application for certification; and

2447 3. Not be held by a person who has previously been  
 2448 included as a new employee on an application for any credit  
 2449 authorized under this section.

2450 Section 52. Section 222.15, Florida Statutes, is amended  
 2451 to read:

2452 222.15 Wages or reemployment assistance or unemployment  
 2453 compensation payments due deceased employee may be paid spouse  
 2454 or certain relatives.—

2455 (1) It is lawful for any employer, in case of the death of  
 2456 an employee, to pay to the wife or husband, and in case there is  
 2457 no wife or husband, then to the child or children, provided the  
 2458 child or children are over the age of 18 years, and in case  
 2459 there is no child or children, then to the father or mother, any  
 2460 wages or travel expenses that may be due such employee at the  
 2461 time of his or her death.

2462 (2) It is also lawful for the Department of Economic  
 2463 Opportunity, in case of death of any unemployed individual, to  
 2464 pay to those persons referred to in subsection (1) any

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2465 reemployment assistance or unemployment compensation payments  
 2466 that may be due to the individual at the time of his or her  
 2467 death.

2468 Section 53. Section 222.16, Florida Statutes, is amended  
 2469 to read:

2470 222.16 Wages or reemployment assistance or unemployment  
 2471 compensation payments so paid not subject to administration.—Any  
 2472 wages, travel expenses, or reemployment assistance or  
 2473 unemployment compensation payments so paid under the authority  
 2474 of s. 222.15 shall not be considered as assets of the estate and  
 2475 subject to administration; provided, however, that the travel  
 2476 expenses so exempted from administration shall not exceed the  
 2477 sum of \$300.

2478 Section 54. Paragraph (m) of subsection (1) of section  
 2479 255.20, Florida Statutes, is amended to read:

2480 255.20 Local bids and contracts for public construction  
 2481 works; specification of state-produced lumber.—

2482 (1) A county, municipality, special district as defined in  
 2483 chapter 189, or other political subdivision of the state seeking  
 2484 to construct or improve a public building, structure, or other  
 2485 public construction works must competitively award to an  
 2486 appropriately licensed contractor each project that is estimated  
 2487 in accordance with generally accepted cost-accounting principles  
 2488 to cost more than \$300,000. For electrical work, the local  
 2489 government must competitively award to an appropriately licensed  
 2490 contractor each project that is estimated in accordance with  
 2491 generally accepted cost-accounting principles to cost more than  
 2492 \$75,000. As used in this section, the term "competitively award"

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2493 means to award contracts based on the submission of sealed bids,  
 2494 proposals submitted in response to a request for proposal,  
 2495 proposals submitted in response to a request for qualifications,  
 2496 or proposals submitted for competitive negotiation. This  
 2497 subsection expressly allows contracts for construction  
 2498 management services, design/build contracts, continuation  
 2499 contracts based on unit prices, and any other contract  
 2500 arrangement with a private sector contractor permitted by any  
 2501 applicable municipal or county ordinance, by district  
 2502 resolution, or by state law. For purposes of this section, cost  
 2503 includes the cost of all labor, except inmate labor, and the  
 2504 cost of equipment and materials to be used in the construction  
 2505 of the project. Subject to the provisions of subsection (3), the  
 2506 county, municipality, special district, or other political  
 2507 subdivision may establish, by municipal or county ordinance or  
 2508 special district resolution, procedures for conducting the  
 2509 bidding process.

2510 (m) Any contractor may be considered ineligible to bid by  
 2511 the governmental entity if the contractor has been found guilty  
 2512 by a court of any violation of federal labor or employment tax  
 2513 laws regarding subjects such as safety, tax withholding,  
 2514 workers' compensation, reemployment assistance or unemployment  
 2515 tax, social security and Medicare tax, wage or hour, or  
 2516 prevailing rate laws within the past 5 years.

2517 Section 55. Subsection (5) of section 288.075, Florida  
 2518 Statutes, is amended to read:

2519 288.075 Confidentiality of records.—

2520 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A

2521 federal employer identification number, reemployment assistance  
 2522 ~~unemployment compensation~~ account number, or Florida sales tax  
 2523 registration number held by an economic development agency is  
 2524 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 2525 of the State Constitution.

2526 Section 56. Paragraph (c) of subsection (1) of section  
 2527 288.1045, Florida Statutes, is amended to read:

2528 288.1045 Qualified defense contractor and space flight  
 2529 business tax refund program.—

2530 (1) DEFINITIONS.—As used in this section:

2531 (c) "Business unit" means an employing unit, as defined in  
 2532 s. 443.036, that is registered with the department for  
 2533 reemployment assistance ~~unemployment compensation~~ purposes or  
 2534 means a subcategory or division of an employing unit that is  
 2535 accepted by the department as a reporting unit.

2536 Section 57. Paragraph (d) of subsection (2) of section  
 2537 288.106, Florida Statutes, is amended to read:

2538 288.106 Tax refund program for qualified target industry  
 2539 businesses.—

2540 (2) DEFINITIONS.—As used in this section:

2541 (d) "Business" means an employing unit, as defined in s.  
 2542 443.036, that is registered for reemployment assistance  
 2543 ~~unemployment compensation~~ purposes with the state agency  
 2544 providing reemployment assistance ~~unemployment~~ tax collection  
 2545 services under an interagency agreement pursuant to s. 443.1316,  
 2546 or a subcategory or division of an employing unit that is  
 2547 accepted by the state agency providing reemployment assistance  
 2548 ~~unemployment~~ tax collection services as a reporting unit.

2549 Section 58. Paragraph (b) of subsection (3) of section  
 2550 288.1081, Florida Statutes, is amended to read:

2551 288.1081 Economic Gardening Business Loan Pilot Program.—

2552 (3)

2553 (b) A loan applicant must submit a written application to  
 2554 the loan administrator in the format prescribed by the loan  
 2555 administrator. The application must include:

2556 1. The applicant's federal employer identification number,  
 2557 reemployment assistance ~~unemployment~~ account number, and sales  
 2558 or other tax registration number.

2559 2. The street address of the applicant's principal place  
 2560 of business in this state.

2561 3. A description of the type of economic activity,  
 2562 product, or research and development undertaken by the  
 2563 applicant, including the six-digit North American Industry  
 2564 Classification System code for each type of economic activity  
 2565 conducted by the applicant.

2566 4. The applicant's annual revenue, number of employees,  
 2567 number of full-time equivalent employees, and other information  
 2568 necessary to verify the applicant's eligibility for the pilot  
 2569 program under s. 288.1082(4) (a).

2570 5. The projected investment in the business, if any, which  
 2571 the applicant proposes in conjunction with the loan.

2572 6. The total investment in the business from all sources,  
 2573 if any, which the applicant proposes in conjunction with the  
 2574 loan.

2575 7. The number of net new full-time equivalent jobs that,  
 2576 as a result of the loan, the applicant proposes to create in

2577 | this state as of December 31 of each year and the average annual  
 2578 | wage of the proposed jobs.

2579 |         8. The total number of full-time equivalent employees the  
 2580 | applicant currently employs in this state.

2581 |         9. The date that the applicant anticipates it needs the  
 2582 | loan.

2583 |         10. A detailed explanation of why the loan is needed to  
 2584 | assist the applicant in expanding jobs in the state.

2585 |         11. A statement that all of the applicant's available  
 2586 | corporate assets are pledged as collateral for the amount of the  
 2587 | loan.

2588 |         12. A statement that the applicant, upon receiving the  
 2589 | loan, agrees not to seek additional long-term debt without prior  
 2590 | approval of the loan administrator.

2591 |         13. A statement that the loan is a joint obligation of the  
 2592 | business and of each person who owns at least 20 percent of the  
 2593 | business.

2594 |         14. Any additional information requested by the department  
 2595 | or the loan administrator.

2596 |         Section 59. Paragraph (a) of subsection (3) of section  
 2597 | 288.1089, Florida Statutes, is amended to read:

2598 |         288.1089 Innovation Incentive Program.—

2599 |         (3) To be eligible for consideration for an innovation  
 2600 | incentive award, an innovation business, a research and  
 2601 | development entity, or an alternative and renewable energy  
 2602 | company must submit a written application to the department  
 2603 | before making a decision to locate new operations in this state  
 2604 | or expand an existing operation in this state. The application

2605 must include, but not be limited to:

2606 (a) The applicant's federal employer identification  
 2607 number, reemployment assistance ~~unemployment~~ account number, and  
 2608 state sales tax registration number. If such numbers are not  
 2609 available at the time of application, they must be submitted to  
 2610 the department in writing before the disbursement of any  
 2611 payments under this section.

2612 Section 60. Subsection (1) of section 334.30, Florida  
 2613 Statutes, is amended to read:

2614 334.30 Public-private transportation facilities.—The  
 2615 Legislature finds and declares that there is a public need for  
 2616 the rapid construction of safe and efficient transportation  
 2617 facilities for the purpose of traveling within the state, and  
 2618 that it is in the public's interest to provide for the  
 2619 construction of additional safe, convenient, and economical  
 2620 transportation facilities.

2621 (1) The department may receive or solicit proposals and,  
 2622 with legislative approval as evidenced by approval of the  
 2623 project in the department's work program, enter into agreements  
 2624 with private entities, or consortia thereof, for the building,  
 2625 operation, ownership, or financing of transportation facilities.  
 2626 The department may advance projects programmed in the adopted 5-  
 2627 year work program or projects increasing transportation capacity  
 2628 and greater than \$500 million in the 10-year Strategic  
 2629 Intermodal Plan using funds provided by public-private  
 2630 partnerships or private entities to be reimbursed from  
 2631 department funds for the project as programmed in the adopted  
 2632 work program. The department shall by rule establish an

2633 application fee for the submission of unsolicited proposals  
 2634 under this section. The fee must be sufficient to pay the costs  
 2635 of evaluating the proposals. The department may engage the  
 2636 services of private consultants to assist in the evaluation.  
 2637 Before approval, the department must determine that the proposed  
 2638 project:

- 2639 (a) Is in the public's best interest;
- 2640 (b) Would not require state funds to be used unless the  
 2641 project is on the State Highway System;
- 2642 (c) Would have adequate safeguards in place to ensure that  
 2643 no additional costs or service disruptions would be realized by  
 2644 the traveling public and residents of the state in the event of  
 2645 default or cancellation of the agreement by the department;
- 2646 (d) Would have adequate safeguards in place to ensure that  
 2647 the department or the private entity has the opportunity to add  
 2648 capacity to the proposed project and other transportation  
 2649 facilities serving similar origins and destinations; and
- 2650 (e) Would be owned by the department upon completion or  
 2651 termination of the agreement.

2652

2653 The department shall ensure that all reasonable costs to the  
 2654 state, related to transportation facilities that are not part of  
 2655 the State Highway System, are borne by the private entity. The  
 2656 department shall also ensure that all reasonable costs to the  
 2657 state and substantially affected local governments and  
 2658 utilities, related to the private transportation facility, are  
 2659 borne by the private entity for transportation facilities that  
 2660 are owned by private entities. For projects on the State Highway



2661 System, the department may use state resources to participate in  
 2662 funding and financing the project as provided for under the  
 2663 department's enabling legislation. Because the Legislature  
 2664 recognizes that private entities or consortia thereof would  
 2665 perform a governmental or public purpose or function when they  
 2666 enter into agreements with the department to design, build,  
 2667 operate, own, or finance transportation facilities, the  
 2668 transportation facilities, including leasehold interests  
 2669 thereof, are exempt from ad valorem taxes as provided in chapter  
 2670 196 to the extent property is owned by the state or other  
 2671 government entity, and from intangible taxes as provided in  
 2672 chapter 199 and special assessments of the state, any city,  
 2673 town, county, special district, political subdivision of the  
 2674 state, or any other governmental entity. The private entities or  
 2675 consortia thereof are exempt from tax imposed by chapter 201 on  
 2676 all documents or obligations to pay money which arise out of the  
 2677 agreements to design, build, operate, own, lease, or finance  
 2678 transportation facilities. Any private entities or consortia  
 2679 thereof must pay any applicable corporate taxes as provided in  
 2680 chapter 220, and reemployment assistance ~~unemployment~~  
 2681 ~~compensation~~ taxes as provided in chapter 443, and sales and use  
 2682 tax as provided in chapter 212 shall be applicable. The private  
 2683 entities or consortia thereof must also register and collect the  
 2684 tax imposed by chapter 212 on all their direct sales and leases  
 2685 that are subject to tax under chapter 212. The agreement between  
 2686 the private entity or consortia thereof and the department  
 2687 establishing a transportation facility under this chapter  
 2688 constitutes documentation sufficient to claim any exemption

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2689 | under this section.

2690 |       Section 61. Subsection (8) of section 408.809, Florida  
2691 | Statutes, is amended to read:

2692 |       408.809 Background screening; prohibited offenses.—

2693 |       (8) There is no reemployment assistance ~~unemployment~~  
2694 | ~~compensation~~ or other monetary liability on the part of, and no  
2695 | cause of action for damages arising against, an employer that,  
2696 | upon notice of a disqualifying offense listed under chapter 435  
2697 | or this section, terminates the person against whom the report  
2698 | was issued, whether or not that person has filed for an  
2699 | exemption with the Department of Health or the agency.

2700 |       Section 62. Paragraph (e) of subsection (7) of section  
2701 | 409.2563, Florida Statutes, is amended to read:

2702 |       409.2563 Administrative establishment of child support  
2703 | obligations.—

2704 |       (7) ADMINISTRATIVE SUPPORT ORDER.—

2705 |       (e) An administrative support order must comply with ss.  
2706 | 61.13(1) and 61.30. The department shall develop a standard form  
2707 | or forms for administrative support orders. An administrative  
2708 | support order must provide and state findings, if applicable,  
2709 | concerning:

2710 |       1. The full name and date of birth of the child or  
2711 | children;

2712 |       2. The name of the parent from whom support is being  
2713 | sought and the other parent or caregiver;

2714 |       3. The parent's duty and ability to provide support;

2715 |       4. The amount of the parent's monthly support obligation;

2716 |       5. Any obligation to pay retroactive support;

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2717           6. The parent's obligation to provide for the health care  
 2718 needs of each child, whether through health insurance,  
 2719 contribution toward the cost of health insurance, payment or  
 2720 reimbursement of health care expenses for the child, or any  
 2721 combination thereof;

2722           7. The beginning date of any required monthly payments and  
 2723 health insurance;

2724           8. That all support payments ordered must be paid to the  
 2725 Florida State Disbursement Unit as provided by s. 61.1824;

2726           9. That the parents, or caregiver if applicable, must file  
 2727 with the department when the administrative support order is  
 2728 rendered, if they have not already done so, and update as  
 2729 appropriate the information required pursuant to paragraph  
 2730 (13) (b);

2731           10. That both parents, or parent and caregiver if  
 2732 applicable, are required to promptly notify the department of  
 2733 any change in their mailing addresses pursuant to paragraph  
 2734 (13) (c); and

2735           11. That if the parent ordered to pay support receives  
 2736 reemployment assistance or unemployment compensation benefits,  
 2737 the payor shall withhold, and transmit to the department, 40  
 2738 percent of the benefits for payment of support, not to exceed  
 2739 the amount owed.

2740  
 2741 An income deduction order as provided by s. 61.1301 must be  
 2742 incorporated into the administrative support order or, if not  
 2743 incorporated into the administrative support order, the  
 2744 department or the Division of Administrative Hearings shall

2745 render a separate income deduction order.

2746 Section 63. Paragraph (a) of subsection (3), subsection  
2747 (8), and paragraph (a) of subsection (9) of section 409.2576,  
2748 Florida Statutes, are amended to read:

2749 409.2576 State Directory of New Hires.—

2750 (3) EMPLOYERS TO FURNISH REPORTS.—

2751 (a) Each employer subject to the reporting requirements of  
2752 chapter 443 with 250 or more employees, shall provide to the  
2753 State Directory of New Hires, a report listing the employer's  
2754 legal name, address, and reemployment assistance ~~unemployment~~  
2755 ~~compensation~~ identification number. The report must also provide  
2756 the name and social security number of each new employee or  
2757 rehired employee at the end of the first pay period following  
2758 employment or reemployment.

2759 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State  
2760 Directory of New Hires must furnish information regarding newly  
2761 hired or rehired employees to the National Directory of New  
2762 Hires for matching with the records of other state case  
2763 registries within 3 business days of entering such information  
2764 from the employer into the State Directory of New Hires. The  
2765 State Directory of New Hires shall enter into an agreement with  
2766 the Department of Economic Opportunity or its tax collection  
2767 service provider for the quarterly reporting to the National  
2768 Directory of New Hires information on wages and reemployment  
2769 assistance ~~unemployment compensation~~ taken from the quarterly  
2770 report to the Secretary of Labor, now required by Title III of  
2771 the Social Security Act, except that no report shall be filed  
2772 with respect to an employee of a state or local agency

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2773 performing intelligence or counterintelligence functions, if the  
 2774 head of such agency has determined that filing such a report  
 2775 could endanger the safety of the employee or compromise an  
 2776 ongoing investigation or intelligence mission.

2777 (9) DISCLOSURE OF INFORMATION.—

2778 (a) New hire information shall be disclosed to the state  
 2779 agency administering the following programs for the purposes of  
 2780 determining eligibility under those programs:

2781 1. Any state program funded under part A of Title IV of  
 2782 the Social Security Act;

2783 2. The Medicaid program under Title XIX of the Social  
 2784 Security Act;

2785 3. The reemployment assistance or unemployment  
 2786 compensation program under s. 3304 of the Internal Revenue Code  
 2787 of 1954;

2788 4. The food assistance program under the Food and  
 2789 Nutrition Act of 2008; and

2790 5. Any state program under a plan approved under Title I  
 2791 (Old-Age Assistance for the Aged), Title X (Aid to the Blind),  
 2792 Title XIV (Aid to the Permanently and Totally Disabled), or  
 2793 Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental  
 2794 Security Income for the Aged, Blind, and Disabled) of the Social  
 2795 Security Act.

2796 Section 64. Paragraph (f) of subsection (1) of section  
 2797 414.295, Florida Statutes, is amended to read:

2798 414.295 Temporary cash assistance programs; public records  
 2799 exemption.—

2800 (1) Personal identifying information of a temporary cash

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2801 assistance program participant, a participant's family, or a  
 2802 participant's family or household member, except for information  
 2803 identifying a parent who does not live in the same home as the  
 2804 child, held by the department, the Office of Early Learning,  
 2805 Workforce Florida, Inc., the Department of Health, the  
 2806 Department of Revenue, the Department of Education, or a  
 2807 regional workforce board or local committee created pursuant to  
 2808 s. 445.007 is confidential and exempt from s. 119.07(1) and s.  
 2809 24(a), Art. I of the State Constitution. Such confidential and  
 2810 exempt information may be released for purposes directly  
 2811 connected with:

2812 (f) The administration of the reemployment assistance  
 2813 ~~unemployment compensation~~ program.

2814 Section 65. Subsection (4) of section 435.06, Florida  
 2815 Statutes, is amended to read:

2816 435.06 Exclusion from employment.—

2817 (4) There is no reemployment assistance ~~unemployment~~  
 2818 ~~compensation~~ or other monetary liability on the part of, and no  
 2819 cause of action for damages against, an employer that, upon  
 2820 notice of a conviction or arrest for a disqualifying offense  
 2821 listed under this chapter, terminates the person against whom  
 2822 the report was issued or who was arrested, regardless of whether  
 2823 or not that person has filed for an exemption pursuant to this  
 2824 chapter.

2825 Section 66. Subsection (2) of section 440.12, Florida  
 2826 Statutes, is amended to read:

2827 440.12 Time for commencement and limits on weekly rate of  
 2828 compensation.—

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2829           (2) Compensation for disability resulting from injuries  
 2830 which occur after December 31, 1974, shall not be less than \$20  
 2831 per week. However, if the employee's wages at the time of injury  
 2832 are less than \$20 per week, he or she shall receive his or her  
 2833 full weekly wages. If the employee's wages at the time of the  
 2834 injury exceed \$20 per week, compensation shall not exceed an  
 2835 amount per week which is:

2836           (a) Equal to 100 percent of the statewide average weekly  
 2837 wage, determined as hereinafter provided for the year in which  
 2838 the injury occurred; however, the increase to 100 percent from  
 2839 66 2/3 percent of the statewide average weekly wage shall apply  
 2840 only to injuries occurring on or after August 1, 1979; and

2841           (b) Adjusted to the nearest dollar.

2842  
 2843 For the purpose of this subsection, the "statewide average  
 2844 weekly wage" means the average weekly wage paid by employers  
 2845 subject to the Florida Reemployment Assistance Program  
 2846 ~~Unemployment Compensation~~ Law as reported to the Department of  
 2847 Economic Opportunity for the four calendar quarters ending each  
 2848 June 30, which average weekly wage shall be determined by the  
 2849 Department of Economic Opportunity on or before November 30 of  
 2850 each year and shall be used in determining the maximum weekly  
 2851 compensation rate with respect to injuries occurring in the  
 2852 calendar year immediately following. The statewide average  
 2853 weekly wage determined by the Department of Economic Opportunity  
 2854 shall be reported annually to the Legislature.

2855           Section 67. Paragraph (c) of subsection (9) and subsection  
 2856 (10) of section 440.15, Florida Statutes, are amended to read:

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2857 440.15 Compensation for disability.—Compensation for  
 2858 disability shall be paid to the employee, subject to the limits  
 2859 provided in s. 440.12(2), as follows:

2860 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND  
 2861 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

2862 (c) Disability compensation benefits payable for any week,  
 2863 including those benefits provided by paragraph (1)(f), may not  
 2864 be reduced pursuant to this subsection until the Social Security  
 2865 Administration determines the amount otherwise payable to the  
 2866 employee under 42 U.S.C. ss. 402 and 423 and the employee has  
 2867 begun receiving such social security benefit payments. The  
 2868 employee shall, upon demand by the department, the employer, or  
 2869 the carrier, authorize the Social Security Administration to  
 2870 release disability information relating to her or him and  
 2871 authorize the Department of Economic Opportunity to release  
 2872 reemployment assistance ~~unemployment compensation~~ information  
 2873 relating to her or him, in accordance with rules to be adopted  
 2874 by the department prescribing the procedure and manner for  
 2875 requesting the authorization and for compliance by the employee.  
 2876 The department or the employer or carrier may not make any  
 2877 payment of benefits for total disability or those additional  
 2878 benefits provided by paragraph (1)(f) for any period during  
 2879 which the employee willfully fails or refuses to authorize the  
 2880 release of information in the manner and within the time  
 2881 prescribed by such rules. The authority for release of  
 2882 disability information granted by an employee under this  
 2883 paragraph is effective for a period not to exceed 12 months and  
 2884 such authority may be renewed, as the department prescribes by



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2885 rule.

2886 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO  
 2887 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE  
 2888 ~~UNEMPLOYMENT COMPENSATION.~~—

2889 (a) No compensation benefits shall be payable for  
 2890 temporary total disability or permanent total disability under  
 2891 this chapter for any week in which the injured employee has  
 2892 received, or is receiving, reemployment assistance or  
 2893 unemployment compensation benefits.

2894 (b) If an employee is entitled to temporary partial  
 2895 benefits pursuant to subsection (4) and reemployment assistance  
 2896 or unemployment compensation benefits, such reemployment  
 2897 assistance or unemployment compensation benefits shall be  
 2898 primary and the temporary partial benefits shall be supplemental  
 2899 only, the sum of the two benefits not to exceed the amount of  
 2900 temporary partial benefits which would otherwise be payable.

2901 Section 68. Subsections (4) and (7) of section 440.381,  
 2902 Florida Statutes, are amended to read:

2903 440.381 Application for coverage; reporting payroll;  
 2904 payroll audit procedures; penalties.—

2905 (4) Each employer must submit a copy of the quarterly  
 2906 earnings report required by chapter 443 at the end of each  
 2907 quarter to the carrier and submit self-audits supported by the  
 2908 quarterly earnings reports required by chapter 443 and the rules  
 2909 adopted by the Department of Economic Opportunity or by the  
 2910 state agency providing reemployment assistance ~~unemployment~~ tax  
 2911 collection services under contract with the Department of  
 2912 Economic Opportunity through an interagency agreement pursuant

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2913 to s. 443.1316. The reports must include a sworn statement by an  
 2914 officer or principal of the employer attesting to the accuracy  
 2915 of the information contained in the report.

2916 (7) If an employee suffering a compensable injury was not  
 2917 reported as earning wages on the last quarterly earnings report  
 2918 filed with the Department of Economic Opportunity or the state  
 2919 agency providing reemployment assistance ~~unemployment~~ tax  
 2920 collection services under contract with the Department of  
 2921 Economic Opportunity through an interagency agreement pursuant  
 2922 to s. 443.1316 before the accident, the employer shall indemnify  
 2923 the carrier for all workers' compensation benefits paid to or on  
 2924 behalf of the employee unless the employer establishes that the  
 2925 employee was hired after the filing of the quarterly report, in  
 2926 which case the employer and employee shall attest to the fact  
 2927 that the employee was employed by the employer at the time of  
 2928 the injury. Failure of the employer to indemnify the insurer  
 2929 within 21 days after demand by the insurer is grounds for the  
 2930 insurer to immediately cancel coverage. Any action for  
 2931 indemnification brought by the carrier is cognizable in the  
 2932 circuit court having jurisdiction where the employer or carrier  
 2933 resides or transacts business. The insurer is entitled to a  
 2934 reasonable attorney's fee if it recovers any portion of the  
 2935 benefits paid in the action.

2936 Section 69. Subsection (2) of section 440.42, Florida  
 2937 Statutes, is amended to read:

2938 440.42 Insurance policies; liability.—

2939 (2) A workers' compensation insurance policy may require  
 2940 the employer to release certain employment and wage information

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2941 maintained by the state pursuant to federal and state  
 2942 reemployment assistance ~~unemployment compensation~~ laws except to  
 2943 the extent prohibited or limited under federal law. By entering  
 2944 into a workers' compensation insurance policy with such a  
 2945 provision, the employer consents to the release of the  
 2946 information. The insurance carrier requiring such consent shall  
 2947 safeguard the information and maintain its confidentiality. The  
 2948 carrier shall limit use of the information to verifying  
 2949 compliance with the terms of the workers' compensation insurance  
 2950 policy. The department may charge a fee to cover the cost of  
 2951 disclosing the information.

2952 Section 70. Paragraph (i) of subsection (1) and paragraph  
 2953 (b) of subsection (9) of section 445.009, Florida Statutes, are  
 2954 amended to read:

2955 445.009 One-stop delivery system.—

2956 (1) The one-stop delivery system is the state's primary  
 2957 customer-service strategy for offering every Floridian access,  
 2958 through service sites or telephone or computer networks, to the  
 2959 following services:

2960 (i) Claim filing for reemployment assistance ~~unemployment~~  
 2961 ~~compensation~~ services.

2962 (9)

2963 (b) The network shall assure that a uniform method is used  
 2964 to determine eligibility for and management of services provided  
 2965 by agencies that conduct workforce development activities. The  
 2966 Department of Management Services shall develop strategies to  
 2967 allow access to the databases and information management systems  
 2968 of the following systems in order to link information in those

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2969 databases with the one-stop delivery system:

2970 1. The Reemployment Assistance ~~Unemployment Compensation~~  
 2971 Program under chapter 443.

2972 2. The public employment service described in s. 443.181.

2973 3. The FLORIDA System and the components related to  
 2974 temporary cash assistance, food assistance, and Medicaid  
 2975 eligibility.

2976 4. The Student Financial Assistance System of the  
 2977 Department of Education.

2978 5. Enrollment in the public postsecondary education  
 2979 system.

2980 6. Other information systems determined appropriate by  
 2981 Workforce Florida, Inc.

2982 Section 71. Subsection (6) of section 445.016, Florida  
 2983 Statutes, is amended to read:

2984 445.016 Untried Worker Placement and Employment Incentive  
 2985 Act.—

2986 (6) During an untried worker's probationary placement, the  
 2987 for-profit or not-for-profit agent shall be the employer of  
 2988 record of that untried worker, and shall provide workers'  
 2989 compensation and reemployment assistance ~~unemployment~~  
 2990 ~~compensation~~ coverage as provided by law. The business employing  
 2991 the untried worker through the agent may be eligible to apply  
 2992 for any tax credits, wage supplementation, wage subsidy, or  
 2993 employer payment for that employee that are authorized in law or  
 2994 by agreement with the employer. After satisfactory completion of  
 2995 such a probationary period, an untried worker shall not be  
 2996 considered an untried worker.

2997 Section 72. Paragraph (c) of subsection (2) and paragraph  
 2998 (a) of subsection (3) of section 446.50, Florida Statutes, are  
 2999 amended to read:

3000 446.50 Displaced homemakers; multiservice programs; report  
 3001 to the Legislature; Displaced Homemaker Trust Fund created.—

3002 (2) DEFINITION.—For the purposes of this section, the term  
 3003 "displaced homemaker" means an individual who:

3004 (c) Is not adequately employed, as defined by rule of the  
 3005 Department of Economic Opportunity ~~agency~~;

3006 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC  
 3007 OPPORTUNITY.—

3008 (a) The Department of Economic Opportunity, under plans  
 3009 established by Workforce Florida, Inc., shall establish, or  
 3010 contract for the establishment of, programs for displaced  
 3011 homemakers which shall include:

3012 1. Job counseling, by professionals and peers,  
 3013 specifically designed for a person entering the job market after  
 3014 a number of years as a homemaker.

3015 2. Job training and placement services, including:

3016 a. Training programs for available jobs in the public and  
 3017 private sectors, taking into account the skills and job  
 3018 experiences of a homemaker and developed by working with public  
 3019 and private employers.

3020 b. Assistance in locating available employment for  
 3021 displaced homemakers, some of whom could be employed in existing  
 3022 job training and placement programs.

3023 c. Utilization of the services of the state employment  
 3024 service in locating employment opportunities.

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3025           3. Financial management services providing information and  
 3026 assistance with respect to insurance, including, but not limited  
 3027 to, life, health, home, and automobile insurance, and taxes,  
 3028 estate and probate problems, mortgages, loans, and other related  
 3029 financial matters.

3030           4. Educational services, including high school equivalency  
 3031 degree and such other courses as the department determines would  
 3032 be of interest and benefit to displaced homemakers.

3033           5. Outreach and information services with respect to  
 3034 federal and state employment, education, health, and  
 3035 reemployment ~~unemployment~~ assistance programs that the  
 3036 department determines would be of interest and benefit to  
 3037 displaced homemakers.

3038           Section 73. Paragraph (b) of subsection (4) of section  
 3039 448.110, Florida Statutes, is amended to read:

3040           448.110 State minimum wage; annual wage adjustment;  
 3041 enforcement.—

3042           (4)

3043           (b) The Department of Revenue and the Department of  
 3044 Economic Opportunity shall annually publish the amount of the  
 3045 adjusted state minimum wage and the effective date. Publication  
 3046 shall occur by posting the adjusted state minimum wage rate and  
 3047 the effective date on the Internet home pages of the Department  
 3048 of Economic Opportunity and the Department of Revenue by October  
 3049 15 of each year. In addition, to the extent funded in the  
 3050 General Appropriations Act, the Department of Economic  
 3051 Opportunity shall provide written notice of the adjusted rate  
 3052 and the effective date of the adjusted state minimum wage to all

3053 employers registered in the most current reemployment assistance  
 3054 ~~unemployment compensation~~ database. Such notice shall be mailed  
 3055 by November 15 of each year using the addresses included in the  
 3056 database. Employers are responsible for maintaining current  
 3057 address information in the reemployment assistance ~~unemployment~~  
 3058 ~~compensation~~ database. The Department of Economic Opportunity is  
 3059 not responsible for failure to provide notice due to incorrect  
 3060 or incomplete address information in the database. The  
 3061 Department of Economic Opportunity shall provide the Department  
 3062 of Revenue with the adjusted state minimum wage rate information  
 3063 and effective date in a timely manner.

3064 Section 74. Paragraph (e) of subsection (2) of section  
 3065 450.31, Florida Statutes, is amended to read:

3066 450.31 Issuance, revocation, and suspension of, and  
 3067 refusal to issue or renew, certificate of registration.—

3068 (2) The department may revoke, suspend, or refuse to issue  
 3069 or renew any certificate of registration when it is shown that  
 3070 the farm labor contractor has:

3071 (e) Failed to pay reemployment assistance ~~unemployment~~  
 3072 ~~compensation~~ taxes as determined by the Department of Economic  
 3073 Opportunity; or

3074 Section 75. Subsection (9) of section 450.33, Florida  
 3075 Statutes, is amended to read:

3076 450.33 Duties of farm labor contractor.—Every farm labor  
 3077 contractor must:

3078 (9) Comply with all applicable statutes, rules, and  
 3079 regulations of the United States and of the State of Florida for  
 3080 the protection or benefit of labor, including, but not limited

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3081 to, those providing for wages, hours, fair labor standards,  
 3082 social security, workers' compensation, reemployment assistance  
 3083 or unemployment compensation, child labor, and transportation.

3084 Section 76. Subsections (1) and (3) of section 468.529,  
 3085 Florida Statutes, are amended to read:

3086 468.529 Licensee's insurance; employment tax; benefit  
 3087 plans.—

3088 (1) A licensed employee leasing company is the employer of  
 3089 the leased employees, except that this provision is not intended  
 3090 to affect the determination of any issue arising under Pub. L.  
 3091 No. 93-406, the Employee Retirement Income Security Act, as  
 3092 amended from time to time. An employee leasing company shall be  
 3093 responsible for timely payment of reemployment assistance  
 3094 ~~unemployment~~ taxes pursuant to chapter 443, and shall be  
 3095 responsible for providing workers' compensation coverage  
 3096 pursuant to chapter 440. However, no licensed employee leasing  
 3097 company shall sponsor a plan of self-insurance for health  
 3098 benefits, except as may be permitted by the provisions of the  
 3099 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,  
 3100 the Employee Retirement Income Security Act, as amended from  
 3101 time to time. For purposes of this section, a "plan of self-  
 3102 insurance" shall exclude any arrangement where an admitted  
 3103 insurance carrier has issued a policy of insurance primarily  
 3104 responsible for the obligations of the health plan.

3105 (3) A licensed employee leasing company shall within 30  
 3106 days after initiation or termination notify its workers'  
 3107 compensation insurance carrier, the Division of Workers'  
 3108 Compensation of the Department of Financial Services, and the



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3109 state agency providing reemployment assistance ~~unemployment~~ tax  
 3110 collection services under contract with the Department of  
 3111 Economic Opportunity through an interagency agreement pursuant  
 3112 to s. 443.1316 of both the initiation or the termination of the  
 3113 company's relationship with any client company.

3114 Section 77. Subsection (8) of section 553.791, Florida  
 3115 Statutes, is amended to read:

3116 553.791 Alternative plans review and inspection.—

3117 (8) A private provider performing required inspections  
 3118 under this section shall inspect each phase of construction as  
 3119 required by the applicable codes. The private provider shall be  
 3120 permitted to send a duly authorized representative to the  
 3121 building site to perform the required inspections, provided all  
 3122 required reports are prepared by and bear the signature of the  
 3123 private provider or the private provider's duly authorized  
 3124 representative. The duly authorized representative must be an  
 3125 employee of the private provider entitled to receive  
 3126 reemployment assistance ~~unemployment compensation~~ benefits under  
 3127 chapter 443. The contractor's contractual or legal obligations  
 3128 are not relieved by any action of the private provider.

3129 Section 78. Paragraph (b) of subsection (5) of section  
 3130 624.509, Florida Statutes, is amended to read:

3131 624.509 Premium tax; rate and computation.—

3132 (5)

3133 (b) For purposes of this subsection:

3134 1. The term "salaries" does not include amounts paid as  
 3135 commissions.

3136 2. The term "employees" does not include independent

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3137 | contractors or any person whose duties require that the person  
3138 | hold a valid license under the Florida Insurance Code, except  
3139 | adjusters, managing general agents, and service representatives,  
3140 | as defined in s. 626.015.

3141 |         3. The term "net tax" means the tax imposed by this  
3142 | section after applying the calculations and credits set forth in  
3143 | subsection (4).

3144 |         4. An affiliated group of corporations that created a  
3145 | service company within its affiliated group on July 30, 2002,  
3146 | shall allocate the salary of each service company employee  
3147 | covered by contracts with affiliated group members to the  
3148 | companies for which the employees perform services. The salary  
3149 | allocation is based on the amount of time during the tax year  
3150 | that the individual employee spends performing services or  
3151 | otherwise working for each company over the total amount of time  
3152 | the employee spends performing services or otherwise working for  
3153 | all companies. The total amount of salary allocated to an  
3154 | insurance company within the affiliated group shall be included  
3155 | as that insurer's employee salaries for purposes of this  
3156 | section.

3157 |         a. Except as provided in subparagraph (a)2., the term  
3158 | "affiliated group of corporations" means two or more  
3159 | corporations that are entirely owned by a single corporation and  
3160 | that constitute an affiliated group of corporations as defined  
3161 | in s. 1504(a) of the Internal Revenue Code.

3162 |         b. The term "service company" means a separate corporation  
3163 | within the affiliated group of corporations whose employees  
3164 | provide services to affiliated group members and which are

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3165 treated as service company employees for reemployment assistance  
3166 or unemployment compensation and common law purposes. The  
3167 holding company of an affiliated group may not qualify as a  
3168 service company. An insurance company may not qualify as a  
3169 service company.

3170 c. If an insurance company fails to substantiate, whether  
3171 by means of adequate records or otherwise, its eligibility to  
3172 claim the service company exception under this section, or its  
3173 salary allocation under this section, no credit shall be  
3174 allowed.

3175 5. A service company that is a subsidiary of a mutual  
3176 insurance holding company, which mutual insurance holding  
3177 company was in existence on or before January 1, 2000, shall  
3178 allocate the salary of each service company employee covered by  
3179 contracts with members of the mutual insurance holding company  
3180 system to the companies for which the employees perform  
3181 services. The salary allocation is based on the ratio of the  
3182 amount of time during the tax year which the individual employee  
3183 spends performing services or otherwise working for each company  
3184 to the total amount of time the employee spends performing  
3185 services or otherwise working for all companies. The total  
3186 amount of salary allocated to an insurance company within the  
3187 mutual insurance holding company system shall be included as  
3188 that insurer's employee salaries for purposes of this section.  
3189 However, this subparagraph does not apply for any tax year  
3190 unless funds sufficient to offset the anticipated salary credits  
3191 have been appropriated to the General Revenue Fund prior to the  
3192 due date of the final return for that year.

3193 a. The term "mutual insurance holding company system"  
 3194 means two or more corporations that are subsidiaries of a mutual  
 3195 insurance holding company and in compliance with part IV of  
 3196 chapter 628.

3197 b. The term "service company" means a separate corporation  
 3198 within the mutual insurance holding company system whose  
 3199 employees provide services to other members of the mutual  
 3200 insurance holding company system and are treated as service  
 3201 company employees for reemployment assistance or unemployment  
 3202 compensation and common-law purposes. The mutual insurance  
 3203 holding company may not qualify as a service company.

3204 c. If an insurance company fails to substantiate, whether  
 3205 by means of adequate records or otherwise, its eligibility to  
 3206 claim the service company exception under this section, or its  
 3207 salary allocation under this section, no credit shall be  
 3208 allowed.

3209 Section 79. Paragraph (c) of subsection (8) of section  
 3210 679.4061, Florida Statutes, is amended to read:

3211 679.4061 Discharge of account debtor; notification of  
 3212 assignment; identification and proof of assignment; restrictions  
 3213 on assignment of accounts, chattel paper, payment intangibles,  
 3214 and promissory notes ineffective.—

3215 (8) This section is subject to law other than this chapter  
 3216 which establishes a different rule for an account debtor who is  
 3217 an individual and who incurred the obligation primarily for  
 3218 personal, family, or household purposes. Subsections (4) and (6)  
 3219 do not apply to the creation, attachment, perfection, or  
 3220 enforcement of a security interest in:

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3221 (c) The interest of a debtor who is a natural person in  
 3222 reemployment assistance or unemployment, alimony, disability,  
 3223 pension, or retirement benefits or victim compensation funds.

3224 Section 80. Paragraph (c) of subsection (6) of section  
 3225 679.4081, Florida Statutes, is amended to read:

3226 679.4081 Restrictions on assignment of promissory notes,  
 3227 health-care-insurance receivables, and certain general  
 3228 intangibles ineffective.—

3229 (6) Subsections (1) and (3) do not apply to the creation,  
 3230 attachment, perfection, or enforcement of a security interest  
 3231 in:

3232 (c) The interest of a debtor who is a natural person in  
 3233 reemployment assistance or unemployment, alimony, disability,  
 3234 pension, or retirement benefits or victim compensation funds.

3235 Section 81. Paragraph (a) of subsection (1) of section  
 3236 895.02, Florida Statutes, is amended to read:

3237 895.02 Definitions.—As used in ss. 895.01-895.08, the  
 3238 term:

3239 (1) "Racketeering activity" means to commit, to attempt to  
 3240 commit, to conspire to commit, or to solicit, coerce, or  
 3241 intimidate another person to commit:

3242 (a) Any crime that is chargeable by petition, indictment,  
 3243 or information under the following provisions of the Florida  
 3244 Statutes:

3245 1. Section 210.18, relating to evasion of payment of  
 3246 cigarette taxes.

3247 2. Section 316.1935, relating to fleeing or attempting to  
 3248 elude a law enforcement officer and aggravated fleeing or

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- 3249 eluding.
- 3250       3. Section 403.727(3)(b), relating to environmental
- 3251 control.
- 3252       4. Section 409.920 or s. 409.9201, relating to Medicaid
- 3253 fraud.
- 3254       5. Section 414.39, relating to public assistance fraud.
- 3255       6. Section 440.105 or s. 440.106, relating to workers'
- 3256 compensation.
- 3257       7. Section 443.071(4), relating to creation of a
- 3258 fictitious employer scheme to commit reemployment assistance
- 3259 ~~unemployment compensation~~ fraud.
- 3260       8. Section 465.0161, relating to distribution of medicinal
- 3261 drugs without a permit as an Internet pharmacy.
- 3262       9. Section 499.0051, relating to crimes involving
- 3263 contraband and adulterated drugs.
- 3264       10. Part IV of chapter 501, relating to telemarketing.
- 3265       11. Chapter 517, relating to sale of securities and
- 3266 investor protection.
- 3267       12. Section 550.235 or s. 550.3551, relating to dogracing
- 3268 and horseracing.
- 3269       13. Chapter 550, relating to jai alai frontons.
- 3270       14. Section 551.109, relating to slot machine gaming.
- 3271       15. Chapter 552, relating to the manufacture,
- 3272 distribution, and use of explosives.
- 3273       16. Chapter 560, relating to money transmitters, if the
- 3274 violation is punishable as a felony.
- 3275       17. Chapter 562, relating to beverage law enforcement.
- 3276       18. Section 624.401, relating to transacting insurance

3277 without a certificate of authority, s. 624.437(4)(c)1., relating  
 3278 to operating an unauthorized multiple-employer welfare  
 3279 arrangement, or s. 626.902(1)(b), relating to representing or  
 3280 aiding an unauthorized insurer.

3281 19. Section 655.50, relating to reports of currency  
 3282 transactions, when such violation is punishable as a felony.

3283 20. Chapter 687, relating to interest and usurious  
 3284 practices.

3285 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
 3286 real estate timeshare plans.

3287 22. Section 775.13(5)(b), relating to registration of  
 3288 persons found to have committed any offense for the purpose of  
 3289 benefiting, promoting, or furthering the interests of a criminal  
 3290 gang.

3291 23. Section 777.03, relating to commission of crimes by  
 3292 accessories after the fact.

3293 24. Chapter 782, relating to homicide.

3294 25. Chapter 784, relating to assault and battery.

3295 26. Chapter 787, relating to kidnapping or human  
 3296 trafficking.

3297 27. Chapter 790, relating to weapons and firearms.

3298 28. Chapter 794, relating to sexual battery, but only if  
 3299 such crime was committed with the intent to benefit, promote, or  
 3300 further the interests of a criminal gang, or for the purpose of  
 3301 increasing a criminal gang member's own standing or position  
 3302 within a criminal gang.

3303 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.  
 3304 796.05, or s. 796.07, relating to prostitution and sex

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- 3305 trafficking.
- 3306       30. Chapter 806, relating to arson and criminal mischief.
- 3307       31. Chapter 810, relating to burglary and trespass.
- 3308       32. Chapter 812, relating to theft, robbery, and related
- 3309 crimes.
- 3310       33. Chapter 815, relating to computer-related crimes.
- 3311       34. Chapter 817, relating to fraudulent practices, false
- 3312 pretenses, fraud generally, and credit card crimes.
- 3313       35. Chapter 825, relating to abuse, neglect, or
- 3314 exploitation of an elderly person or disabled adult.
- 3315       36. Section 827.071, relating to commercial sexual
- 3316 exploitation of children.
- 3317       37. Chapter 831, relating to forgery and counterfeiting.
- 3318       38. Chapter 832, relating to issuance of worthless checks
- 3319 and drafts.
- 3320       39. Section 836.05, relating to extortion.
- 3321       40. Chapter 837, relating to perjury.
- 3322       41. Chapter 838, relating to bribery and misuse of public
- 3323 office.
- 3324       42. Chapter 843, relating to obstruction of justice.
- 3325       43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 3326 s. 847.07, relating to obscene literature and profanity.
- 3327       44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 3328 849.25, relating to gambling.
- 3329       45. Chapter 874, relating to criminal gangs.
- 3330       46. Chapter 893, relating to drug abuse prevention and
- 3331 control.
- 3332       47. Chapter 896, relating to offenses related to financial



3333 transactions.

3334 48. Sections 914.22 and 914.23, relating to tampering with  
 3335 or harassing a witness, victim, or informant, and retaliation  
 3336 against a witness, victim, or informant.

3337 49. Sections 918.12 and 918.13, relating to tampering with  
 3338 jurors and evidence.

3339 Section 82. Paragraph (g) of subsection (8) of section  
 3340 896.101, Florida Statutes, is amended to read:

3341 896.101 Florida Money Laundering Act; definitions;  
 3342 penalties; injunctions; seizure warrants; immunity.—

3343 (8)

3344 (g)1. Upon service of the temporary order served pursuant  
 3345 to this section, the petitioner shall immediately notify by  
 3346 certified mail, return receipt requested, or by personal  
 3347 service, both the person or entity in possession of the monetary  
 3348 instruments or funds and the owner of the monetary instruments  
 3349 or funds if known, of the order entered pursuant to this section  
 3350 and that the lawful owner of the monetary instruments or funds  
 3351 being enjoined may request a hearing to contest and modify the  
 3352 order entered pursuant to this section by petitioning the court  
 3353 that issued the order, so that such notice is received within 72  
 3354 hours.

3355 2. The notice shall advise that the hearing shall be held  
 3356 within 3 days of the request, and the notice must state that the  
 3357 hearing will be set and noticed by the person against whom the  
 3358 order is served.

3359 3. The notice shall specifically state that the lawful  
 3360 owner has the right to produce evidence of legitimate business

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3361 expenses, obligations, and liabilities, including but not  
 3362 limited to, employee payroll expenses verified by current  
 3363 reemployment assistance ~~unemployment compensation~~ records,  
 3364 employee workers' compensation insurance, employee health  
 3365 insurance, state and federal taxes, and regulatory or licensing  
 3366 fees only as may become due before the expiration of the  
 3367 temporary order.

3368 4. Upon determination by the court that the expenses are  
 3369 valid, payment of such expenses may be effected by the owner of  
 3370 the enjoined monetary instruments or funds only to the court-  
 3371 ordered payees through court-reviewed checks, issued by the  
 3372 owner of, and the person or entity in possession of, the  
 3373 enjoined monetary instruments or funds. Upon presentment, the  
 3374 person or entity in possession of the enjoined funds or monetary  
 3375 instruments shall only honor the payment of the check to the  
 3376 court-ordered payee.

3377 Section 83. Paragraph (a) of subsection (3) of section  
 3378 921.0022, Florida Statutes, is amended to read:

3379 921.0022 Criminal Punishment Code; offense severity  
 3380 ranking chart.—

3381 (3) OFFENSE SEVERITY RANKING CHART

3382 (a) LEVEL 1

3383

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

3384

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			lottery ticket.
3385	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
3386	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
3387	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
3388	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
3389	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
3390	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
3391	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license;

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			possession of simulated identification.
3392	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
3393	322.212 (5) (a)	3rd	False application for driver's license or identification card.
3394	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
3395	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3396	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment assistance</u> <del>unemployment</del> <del>compensation</del> benefits.
3397	509.151 (1)	3rd	Defraud an innkeeper, food or

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			lodging value greater than \$300.
3398	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3399	562.27 (1)	3rd	Possess still or still apparatus.
3400	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
3401	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
3402	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
3403	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
3404	817.52 (2)	3rd	Hiring with intent to defraud,

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3405	817.569 (2)	3rd	motor vehicle services.
3406	826.01	3rd	Use of public record or public records information to facilitate commission of a felony.
3407	828.122 (3)	3rd	Bigamy.
3408	831.04 (1)	3rd	Fighting or baiting animals.
3409	831.31 (1) (a)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
3410	832.041 (1)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
3411	832.05 (2) (b) & (4) (c)	3rd	Stopping payment with intent to defraud \$150 or more.
			Knowing, making, issuing worthless checks \$150 or more or obtaining property in return

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			for worthless check \$150 or more.
3412			
	838.15 (2)	3rd	Commercial bribe receiving.
3413			
	838.16	3rd	Commercial bribery.
3414			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3415			
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3416			
	849.01	3rd	Keeping gambling house.
3417			
	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.
3418			
	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3419			
	849.25 (2)	3rd	Engaging in bookmaking.
3420			

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3421 860.08 3rd Interfere with a railroad  
signal.

3422 860.13(1)(a) 3rd Operate aircraft while under  
the influence.

3423 893.13(2)(a)2. 3rd Purchase of cannabis.

3424 893.13(6)(a) 3rd Possession of cannabis (more  
than 20 grams).

3425 934.03(1)(a) 3rd Intercepts, or procures any  
other person to intercept, any  
wire or oral communication.

3426 Section 84. Subsection (2) of section 946.513, Florida  
3427 Statutes, is amended to read:  
3428 946.513 Private employment of inmates; disposition of  
3429 compensation received.—  
3430 (2) No inmate is eligible for reemployment assistance  
3431 benefits ~~unemployment compensation~~, whether employed by the  
3432 corporation or by any other private enterprise operating on the  
3433 grounds of a correctional institution or elsewhere, when such  
3434 employment is part of a correctional work program or work-  
3435 release program of either the corporation or the department.

3436 Section 85. Subsection (2) of section 946.523, Florida  
3437 Statutes, is amended to read:  
3438 946.523 Prison industry enhancement (PIE) programs.—



3439 (2) Notwithstanding any other law to the contrary,  
 3440 including s. 440.15(8), private sector employers shall provide  
 3441 workers' compensation coverage to inmates who participate in  
 3442 prison industry enhancement (PIE) programs under subsection (1).  
 3443 However, inmates are not entitled to reemployment assistance  
 3444 benefits ~~unemployment compensation~~.

3445 Section 86. Paragraph (c) of subsection (5) of section  
 3446 985.618, Florida Statutes, is amended to read:

3447 985.618 Educational and career-related programs.—

3448 (5)

3449 (c) Notwithstanding any other law to the contrary,  
 3450 including s. 440.15(8), private sector employers shall provide  
 3451 juveniles participating in juvenile work programs under  
 3452 paragraph (b) with workers' compensation coverage, and juveniles  
 3453 shall be entitled to the benefits of such coverage. Nothing in  
 3454 this subsection shall be construed to allow juveniles to  
 3455 participate in reemployment assistance ~~unemployment compensation~~  
 3456 benefits.

3457 Section 87. Subsection (3) of section 1003.496, Florida  
 3458 Statutes, is amended to read:

3459 1003.496 High School to Business Career Enhancement  
 3460 Program.—

3461 (3) Employment under this section of a student intern who  
 3462 meets the criteria of s. 443.1216(13)(q) is not employment for  
 3463 purposes of reemployment assistance ~~unemployment compensation~~  
 3464 under chapter 443.

3465 Section 88. Subsection (3) of section 1008.39, Florida  
 3466 Statutes, is amended to read:

3467 1008.39 Florida Education and Training Placement  
 3468 Information Program.—

3469 (3) The Florida Education and Training Placement  
 3470 Information Program must not make public any information that  
 3471 could identify an individual or the individual's employer. The  
 3472 Department of Education must ensure that the purpose of  
 3473 obtaining placement information is to evaluate and improve  
 3474 public programs or to conduct research for the purpose of  
 3475 improving services to the individuals whose social security  
 3476 numbers are used to identify their placement. If an agreement  
 3477 assures that this purpose will be served and that privacy will  
 3478 be protected, the Department of Education shall have access to  
 3479 the reemployment assistance ~~unemployment insurance~~ wage reports  
 3480 maintained by the Department of Economic Opportunity, the files  
 3481 of the Department of Children and Family Services that contain  
 3482 information about the distribution of public assistance, the  
 3483 files of the Department of Corrections that contain records of  
 3484 incarcerations, and the files of the Department of Business and  
 3485 Professional Regulation that contain the results of licensure  
 3486 examination.

3487 Section 89. Paragraph (b) of subsection (1) of section  
 3488 1008.41, Florida Statutes, is amended to read:

3489 1008.41 Workforce education; management information  
 3490 system.—

3491 (1) The Commissioner of Education shall coordinate uniform  
 3492 program structures, common definitions, and uniform management  
 3493 information systems for workforce education for all divisions  
 3494 within the department. In performing these functions, the

3495 commissioner shall designate deadlines after which data elements  
 3496 may not be changed for the coming fiscal or school year. School  
 3497 districts and Florida College System institutions shall be  
 3498 notified of data element changes at least 90 days prior to the  
 3499 start of the subsequent fiscal or school year. Such systems must  
 3500 provide for:

3501 (b) Compliance with state and federal confidentiality  
 3502 requirements, except that the department shall have access to  
 3503 the reemployment assistance ~~unemployment insurance~~ wage reports  
 3504 to collect and report placement information about former  
 3505 students. Such placement reports must not disclose the  
 3506 individual identities of former students.

3507 Section 90. If any provision of this act or its  
 3508 application to any person or circumstance is held invalid, the  
 3509 invalidity does not affect other provisions or applications of  
 3510 the act which can be given effect without the invalid provision  
 3511 or application, and to this end the provisions of the act are  
 3512 severable. This section shall take effect upon this act becoming  
 3513 a law.

3514 Section 91. The Legislature finds that this act fulfills  
 3515 an important state interest. This section shall take effect upon  
 3516 this act becoming a law.

3517 Section 92. Except as otherwise expressly provided in this  
 3518 act and except for this section, which shall take effect upon  
 3519 this act becoming a law, this act shall take effect July 1,  
 3520 2012.