

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1
2 An act relating to unemployment compensation; amending
3 s. 443.011, F.S.; revising a short title to rename
4 "unemployment compensation" as "reemployment
5 assistance"; amending s. 443.012, F.S.; renaming the
6 Unemployment Appeals Commission as the Reemployment
7 Assistance Appeals Commission; amending s. 443.036,
8 F.S.; providing a definition for the term
9 "reemployment assistance"; revising references to
10 conform to changes made by the act; amending s.
11 443.071, F.S.; specifying what constitutes prima facie
12 evidence that the person claimed and received
13 reemployment assistance from the state through
14 transaction history and payment; revising references
15 to conform to changes made by the act; amending s.
16 443.091, F.S.; providing scoring requirements relating
17 to initial skills reviews; providing for workforce
18 training for certain eligible claimants; requiring the
19 development and use of best practices; providing
20 reporting requirements; providing work search
21 requirements for certain claimants; revising
22 references to conform to changes made by the act;
23 providing for the applicability of certain exceptions
24 relating to benefits based on employment with a
25 private employer under contract with an educational
26 institution; amending s. 443.101, F.S.; clarifying how
27 a disqualification for benefits for fraud is imposed;
28 revising references to conform to changes made by the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

29 act; amending s. 443.1216, F.S.; providing that
30 employee leasing companies may make a one-time
31 election to report leased employees under the
32 respective unemployment account of each leasing
33 company client; providing procedures and application
34 for such election; revising references to conform to
35 the changes made by this act; amending s. 443.1217,
36 F.S.; reducing the amount of an employee's wages that
37 are exempt from the employer's contribution to the
38 Unemployment Compensation Trust Fund for a certain
39 period of time; amending s. 443.131, F.S.; revising
40 the rate and recoupment period for computing the
41 employer contribution to the trust fund until January
42 1, 2018; providing for retroactive application;
43 prohibiting benefits from being charged to the
44 employment record of an employer that is forced to lay
45 off workers as a result of a manmade disaster of
46 national significance; revising references to conform
47 to changes made by the act; amending s. 443.151, F.S.;
48 revising the statute of limitations related to the
49 collection of unemployment compensation benefits
50 overpayments; revising references to conform to
51 changes made by the act; amending s. 443.171, F.S.;
52 deleting an exemption from public records requirements
53 for unemployment compensation records and reports;
54 revising references to conform to changes made by the
55 act; amending s. 443.1715, F.S.; revising an exemption
56 from public records requirements for unemployment

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

85 interest; providing appropriations for purposes of
 86 implementation; providing effective dates.

87
 88 Be It Enacted by the Legislature of the State of Florida:

89
 90 Section 1. Section 443.011, Florida Statutes, is amended
 91 to read:

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

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

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

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

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

113 of the commission.

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

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

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

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

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

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

138 Section 3. Subsections (12), (14), and (26) of section
 139 443.036, Florida Statutes, are amended, present subsections (38)
 140 through (46) are renumbered as subsections (39) through (47),

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

141 respectively, present subsections (38) and (42) are amended, and
 142 a new subsection (38) is added to that section, to read:

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

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

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

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

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

169 assistance ~~unemployment~~ benefits.

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

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

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

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

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

186 (3) EXCEPTION, SUPPORT INTERCEPT.—

187 (b) For support obligations established on or after July
 188 1, 2006, and for support obligations established before July 1,
 189 2006, when the support order does not address the withholding of
 190 reemployment assistance or unemployment compensation, the
 191 department shall deduct and withhold 40 percent of the
 192 reemployment assistance or unemployment compensation otherwise
 193 payable to an individual disclosed under paragraph (a). If
 194 delinquencies, arrearages, or retroactive support are owed and
 195 repayment has not been ordered, the unpaid amounts are included
 196 in the support obligation and are subject to withholding. If the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

197 amount deducted exceeds the support obligation, the Department
198 of Revenue shall promptly refund the amount of the excess
199 deduction to the obligor. For support obligations in effect
200 before July 1, 2006, if the support order addresses the
201 withholding of reemployment assistance or unemployment
202 compensation, the department shall deduct and withhold the
203 amount ordered by the court or administrative agency that issued
204 the support order as disclosed by the Department of Revenue.

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

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

212 443.071 Penalties.—

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

222 (7) The entry into evidence of a transaction history
223 generated by a personal identification number, password, or
224 other identifying code used by the department in establishing

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

225 that a certification or claim for one or more weeks of benefits
 226 was made against the benefit account of the individual, together
 227 with documentation that payment was paid by a state warrant made
 228 to the order of the person, ~~or by~~ direct deposit via electronic
 229 means, or department-issued debit card, constitutes prima facie
 230 evidence that the person claimed and received reemployment
 231 assistance ~~unemployment~~ benefits from the state.

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

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

242 443.091 Benefit eligibility conditions.—

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

253 | disqualification for benefits.

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

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

278 | 3. Any individual that falls below the minimal proficiency
279 | score prescribed by the department in subparagraph 2. on the
280 | initial skills review shall be offered training opportunities

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

281 and encouraged to participate in such training at no cost to the
 282 individual in order to improve his or her workforce skills to
 283 the minimal proficiency level.

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

290 5. The department, in coordination with Workforce Florida,
 291 Inc., the workforce boards, and the one-stop career centers,
 292 shall evaluate the use, effectiveness, and costs associated with
 293 the training prescribed in subparagraph 3. and report its
 294 findings and recommendations for training and the use of best
 295 practices to the Governor, the President of the Senate, and the
 296 Speaker of the House of Representatives by January 1, 2013.

297 (d) She or he is able to work and is available for work.
 298 In order to assess eligibility for a claimed week of
 299 unemployment, the department shall develop criteria to determine
 300 a claimant's ability to work and availability for work. A
 301 claimant must be actively seeking work in order to be considered
 302 available for work. This means engaging in systematic and
 303 sustained efforts to find work, including contacting at least
 304 five prospective employers for each week of unemployment
 305 claimed. The department ~~agency~~ may require the claimant to
 306 provide proof of such efforts to the one-stop career center as
 307 part of reemployment services. The department ~~agency~~ shall
 308 conduct random reviews of work search information provided by

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

309 claimants. As an alternative to contacting at least five
310 prospective employers for any week of unemployment claimed, a
311 claimant may, for that same week, report in person to a one-stop
312 career center to meet with a representative of the center and
313 access reemployment services of the center. The center shall
314 keep a record of the services or information provided to the
315 claimant and shall provide the records to the department ~~agency~~
316 upon request by the department ~~agency~~. However:

317 1. Notwithstanding any other provision of this paragraph
318 or paragraphs (b) and (e), an otherwise eligible individual may
319 not be denied benefits for any week because she or he is in
320 training with the approval of the department, or by reason of s.
321 443.101(2) relating to failure to apply for, or refusal to
322 accept, suitable work. Training may be approved by the
323 department in accordance with criteria prescribed by rule. A
324 claimant's eligibility during approved training is contingent
325 upon satisfying eligibility conditions prescribed by rule.

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

337 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

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

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

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

365 payable based on other service subject to this chapter, except
366 that:

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

393 timely claim for compensation and for which compensation was
394 denied solely by reason of this paragraph.

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

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

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

421 quarterly reports filed pursuant to s. 443.131(1).

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

423 1. "Fixed contract" means a written agreement of
424 employment for a specified period of time.

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

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

431 443.101 Disqualification for benefits.—An individual shall
432 be disqualified for benefits:

433 (5) For any week with respect to which or a part of which
434 he or she has received or is seeking reemployment assistance or
435 unemployment benefits under a reemployment assistance or an
436 unemployment compensation law of another state or of the United
437 States. For the purposes of this subsection, a reemployment
438 assistance or an unemployment compensation law of the United
439 States is any law of the United States which provides for
440 payment of any type and in any amounts for periods of
441 unemployment due to lack of work. However, if the appropriate
442 agency of the other state or of the United States finally
443 determines that he or she is not entitled to reemployment
444 assistance or unemployment benefits, this disqualification does
445 not apply.

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

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

466 (a) If the Department of Economic Opportunity or the
 467 Reemployment Assistance ~~Unemployment~~ Appeals Commission finds
 468 that the individual was terminated from work for violation of
 469 any criminal law, under any jurisdiction, which was in
 470 connection with his or her work, and the individual was
 471 convicted, or entered a plea of guilty or nolo contendere, the
 472 individual is not entitled to reemployment assistance
 473 ~~unemployment~~ benefits for up to 52 weeks, pursuant to rules
 474 adopted by the department, and until he or she has earned income
 475 of at least 17 times his or her weekly benefit amount. If,
 476 before an adjudication of guilt, an admission of guilt, or a

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

477 plea of nolo contendere, the employer proves by competent
 478 substantial evidence to the department that the arrest was due
 479 to a crime against the employer or the employer's business,
 480 customers, or invitees, the individual is not entitled to
 481 reemployment assistance ~~unemployment~~ benefits.

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

493
 494 If an individual is disqualified for benefits, the account of
 495 the terminating employer, if the employer is in the base period,
 496 is noncharged at the time the disqualification is imposed.

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

501 (b) A temporary or leased employee is deemed to have
 502 voluntarily quit employment and is disqualified for benefits
 503 under subparagraph (1)(a)1. if, upon conclusion of his or her
 504 latest assignment, the temporary or leased employee, without

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

505 | good cause, failed to contact the temporary help or employee-
 506 | leasing firm for reassignment, if the employer advised the
 507 | temporary or leased employee at the time of hire and that the
 508 | leased employee is notified also at the time of separation that
 509 | he or she must report for reassignment upon conclusion of each
 510 | assignment, regardless of the duration of the assignment, and
 511 | that reemployment assistance ~~unemployment~~ benefits may be denied
 512 | for failure to report. For purposes of this section, the time of
 513 | hire for a day laborer is upon his or her acceptance of the
 514 | first assignment following completion of an employment
 515 | application with the labor pool. The labor pool as defined in s.
 516 | 448.22(1) must provide notice to the temporary employee upon
 517 | conclusion of the latest assignment that work is available the
 518 | next business day and that the temporary employee must report
 519 | for reassignment the next business day. The notice must be given
 520 | by means of a notice printed on the paycheck, written notice
 521 | included in the pay envelope, or other written notification at
 522 | the conclusion of the current assignment.

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

533 subject to the following conditions:

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

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

548 (c) Disclosure of drug test results and other information
 549 pertaining to drug testing of individuals who claim or receive
 550 compensation under this chapter shall be governed by s.
 551 443.1715.

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

555 443.111 Payment of benefits.—

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

559 (b) As required under s. 443.091(1), each claimant must
 560 report at least biweekly to receive reemployment assistance

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

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

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

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

578 (5) DURATION OF BENEFITS.—

579 (a) As used in this section, the term "Florida average
 580 unemployment rate" means the average of the 3 months for the
 581 most recent third calendar year quarter of the seasonally
 582 adjusted statewide unemployment rates as published by the
 583 Department of Economic Opportunity ~~Agency for Workforce~~
 584 ~~Innovation.~~

585 Section 9. Section 443.1113, Florida Statutes, is amended
 586 to read:

587 443.1113 Reemployment Assistance ~~Unemployment Compensation~~
 588 Claims and Benefits Information System.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

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

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

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

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

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

615 (d) Comply with all requirements established in federal
 616 and state law for reemployment assistance ~~unemployment~~

ENROLLED
 CS/HB 7027, Engrossed 2

2012 Legislature

617 ~~compensation.~~

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

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

624 (a) Collection of reemployment assistance ~~unemployment~~
 625 ~~compensation~~ taxes.

626 (b) General ledger, financial management, or budgeting
 627 capabilities.

628 (c) Human resource planning or management capabilities.

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

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

637 (b) The Reemployment Assistance Unemployment Claims and
 638 Benefits Internet portal that replaces the Florida Unemployment
 639 Internet Direct and the Florida Continued Claims Internet
 640 Directory systems, the Call Center Interactive Voice Response
 641 System, the Benefit Overpayment Screening System, the Internet
 642 and Intranet Appeals System, and the Claims and Benefits
 643 Mainframe System shall be deployed to full operational status no
 644 later than the end of fiscal year 2012-2013.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

648 (a) The project sponsor for the Reemployment Assistance
649 ~~Unemployment Compensation~~ Claims and Benefits Information System
650 project is the department.

651 (b) The project shall be governed by an executive steering
652 committee composed of the following voting members or their
653 designees:

- 654 1. The executive director of the department.
- 655 2. The executive director of the Department of Revenue.
- 656 3. The director of the Division of Workforce Services
657 within the department.
- 658 4. The program director of the General Tax Administration
659 Program Office within the Department of Revenue.

660 5. The chief information officer of the department.

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

- 664 1. Providing management direction and support to the
665 project management team.
- 666 2. Assessing the project's alignment with the strategic
667 goals of the department for administering the reemployment
668 assistance ~~unemployment compensation~~ program.
- 669 3. Reviewing and approving or disapproving any changes to
670 the project's scope, schedule, and costs.
- 671 4. Reviewing, approving or disapproving, and determining
672 whether to proceed with any major project deliverables.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

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

682 1. Providing daily planning, management, and oversight of
683 the project.

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

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

690 a. Planned versus actual project costs;

691 b. An assessment of the status of major milestones and
692 deliverables;

693 c. Identification of any issues requiring resolution, the
694 proposed resolution for these issues, and information regarding
695 the status of the resolution;

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

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

699 All recommendations must be reviewed by project stakeholders
700 before submission to the executive steering committee in order

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

701 to ensure that the recommendations meet required acceptance
702 criteria.

703 Section 10. Paragraph (b) of subsection (8) of section
704 443.1116, Florida Statutes, is amended to read:

705 443.1116 Short-time compensation.—

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

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

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

716 443.1215 Employers.—

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

729 | this subsection.

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

734 | 443.1216 Employment.—Employment, as defined in s. 443.036,
 735 | is subject to this chapter under the following conditions:

736 | (1) (a) The employment subject to this chapter includes a
 737 | service performed, including a service performed in interstate
 738 | commerce, by:

739 | 1. An officer of a corporation.

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

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

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

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

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

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

783 (C) The wage data and benefit charges associated with each
784 client company for the prior 3 state fiscal years or, if the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

785 client company has not been a client for the prior 3 state
 786 fiscal years, such portion of the prior 3 state fiscal years
 787 that the client company has been a client must be supplied. If
 788 the client company's employment record is chargeable with
 789 benefits for less than 8 calendar quarters while being a client
 790 of the employee leasing company, the client company must pay
 791 contributions at the initial rate of 2.7 percent; and

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

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

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

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

809 (VI) The election is binding on each client of the
 810 employee leasing company, for as long as a written agreement is
 811 in effect between the client and the employee leasing company
 812 pursuant to s. 468.525(3)(a). If the relationship between the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

813 employee leasing company and the client terminates, the client
814 retains the wage and benefit history experienced under the
815 employee leasing company.

816 (VII) Notwithstanding which election method the employee
817 leasing company chooses, the applicable client company is an
818 employing unit for purposes of s. 443.071. The employee leasing
819 company or any of its officers or agents are liable for any
820 violation of s. 443.071 engaged in by such persons or entities.
821 The applicable client company or any of its officers or agents
822 are liable for any violation of s. 443.071 engaged in by such
823 persons or entities. The employee leasing company or its
824 applicable client company are not liable for any violation of s.
825 443.071 engaged in by the other party or by the other party's
826 officers or agents.

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

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

839 (X) Irrespective of the election, each transfer of trade
840 or business, including workforce, or a portion thereof, between

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

841 employee leasing companies is subject to the provisions of s.
 842 443.131(3)(g) if, at the time of the transfer, there is common
 843 ownership, management, or control between the entities.

844 ~~b.a.~~ In addition to any other report required to be filed
 845 by law, an employee leasing company shall submit a report to the
 846 Labor Market Statistics Center within the Department of Economic
 847 Opportunity which includes each client establishment and each
 848 establishment of the ~~employee~~ leasing company, or as otherwise
 849 directed by the department. The report must include the
 850 following information for each establishment:

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

869 each establishment of each client;

870 (X) The month and year that the client entered into the

871 contract for services; and

872 (XI) The month and year that the client terminated the

873 contract for services.

874 ~~c.d.~~ The report must ~~shall~~ be submitted electronically or

875 in a manner otherwise prescribed by the Department of Economic

876 Opportunity in the format specified by the Bureau of Labor

877 Statistics of the United States Department of Labor for its

878 Multiple Worksite Report for Professional Employer

879 Organizations. The report must be provided quarterly to the

880 Labor Market Statistics Center within the department, or as

881 otherwise directed by the department, and must be filed by the

882 last day of the month immediately after ~~following~~ the end of the

883 calendar quarter. The information required in sub-sub-

884 subparagraphs b.(X) and (XI) ~~a.(X) and (XI)~~ need be provided

885 only in the quarter in which the contract to which it relates

886 was entered into or terminated. The sum of the employment data

887 and the sum of the wage data in this report must match the

888 employment and wages reported in the reemployment assistance

889 ~~unemployment compensation~~ quarterly tax and wage report. A

890 report is not required for any calendar quarter preceding the

891 third calendar quarter of 2010.

892 ~~d.e.~~ The department shall adopt rules as necessary to

893 administer this subparagraph, and may administer, collect,

894 enforce, and waive the penalty imposed by s. 443.141(1)(b) for

895 the report required by this subparagraph.

896 ~~e.d.~~ For the purposes of this subparagraph, the term

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

897 "establishment" means any location where business is conducted
898 or where services or industrial operations are performed.

899 3. An individual other than an individual who is an
900 employee under subparagraph 1. or subparagraph 2., who performs
901 services for remuneration for any person:

902 a. As an agent-driver or commission-driver engaged in
903 distributing meat products, vegetable products, fruit products,
904 bakery products, beverages other than milk, or laundry or
905 drycleaning services for his or her principal.

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

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

918 a. The contract of service contemplates that substantially
919 all of the services are to be performed personally by the
920 individual;

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

924 c. The services are not in the nature of a single

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

925 transaction that is not part of a continuing relationship with
 926 the person for whom the services are performed.

927 (d) If two or more related corporations concurrently
 928 employ the same individual and compensate the individual through
 929 a common paymaster, each related corporation is considered to
 930 have paid wages to the individual only in the amounts actually
 931 disbursed by that corporation to the individual and is not
 932 considered to have paid the wages actually disbursed to the
 933 individual by another of the related corporations. The
 934 department and the state agency providing reemployment
 935 assistance ~~unemployment~~ tax collection services may adopt rules
 936 necessary to administer this paragraph.

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

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

953 | for the purposes of federal income tax, are deductible by the
 954 | related corporations.

955 | 3. Corporations are considered related corporations for an
 956 | entire calendar quarter if they satisfy any one of the following
 957 | tests at any time during the calendar quarter:

958 | a. The corporations are members of a "controlled group of
 959 | corporations" as defined in s. 1563 of the Internal Revenue Code
 960 | of 1986 or would be members if s. 1563(a)(4) and (b) did not
 961 | apply.

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

970 | c. At least 50 percent of the officers of one corporation
 971 | are concurrently officers of the other corporation.

972 | d. At least 30 percent of the employees of one corporation
 973 | are concurrently employees of the other corporation.

974 | 4. The common paymaster must report to the tax collection
 975 | service provider, as part of the reemployment assistance
 976 | ~~unemployment compensation~~ quarterly tax and wage report, the
 977 | state reemployment assistance ~~unemployment compensation~~ account
 978 | number and name of each related corporation for which concurrent
 979 | employees are being reported. Failure to timely report this
 980 | information shall result in the related corporations being

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

981 denied common paymaster status for that calendar quarter.

982 5. The common paymaster shall remit ~~also has the primary~~
 983 ~~responsibility for remitting~~ contributions due under this
 984 chapter for the wages it disburses as the common paymaster. The
 985 common paymaster must compute these contributions as though it
 986 were the sole employer of the concurrently employed individuals.
 987 If a common paymaster fails to timely remit these contributions
 988 or reports, in whole or in part, the common paymaster is ~~remains~~
 989 liable for the full amount of the unpaid portion of these
 990 contributions. In addition, each of the other related
 991 corporations using the common paymaster is jointly and severally
 992 liable for its appropriate share of these contributions. Each
 993 related corporation's share equals the greater of:

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

996 b. The liability under this chapter which, notwithstanding
 997 this section, would have existed for the wages from the other
 998 related corporations, reduced by an allocable portion of any
 999 contributions previously paid by the common paymaster for those
 1000 wages.

1001 (8) Services not covered under paragraph (7) (b) which are
 1002 performed entirely outside of this state, and for which
 1003 contributions are not required or paid under a reemployment
 1004 assistance or ~~an~~ unemployment compensation law of any other
 1005 state or of the Federal Government, are deemed to be employment
 1006 subject to this chapter if the individual performing the
 1007 services is a resident of this state and the tax collection
 1008 service provider approves the election of the employing unit for

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1009 | whom the services are performed, electing that the entire
 1010 | service of the individual is deemed to be employment subject to
 1011 | this chapter.

1012 | (12) The employment subject to this chapter includes
 1013 | services covered by a reciprocal arrangement under s. 443.221
 1014 | between the Department of Economic Opportunity or its tax
 1015 | collection service provider and the agency charged with the
 1016 | administration of another state reemployment assistance or
 1017 | unemployment compensation law or a federal reemployment
 1018 | assistance or unemployment compensation law, under which all
 1019 | services performed by an individual for an employing unit are
 1020 | deemed to be performed entirely within this state, if the
 1021 | department or its tax collection service provider approved an
 1022 | election of the employing unit in which all of the services
 1023 | performed by the individual during the period covered by the
 1024 | election are deemed to be insured work.

1025 | (13) The following are exempt from coverage under this
 1026 | chapter:

1027 | (f) Service performed in the employ of a public employer
 1028 | as defined in s. 443.036, except as provided in subsection (2),
 1029 | and service performed in the employ of an instrumentality of a
 1030 | public employer as described in s. 443.036(36)(b) or (c)
 1031 | ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
 1032 | immune under the United States Constitution from the tax imposed
 1033 | by s. 3301 of the Internal Revenue Code for that service.

1034 | (h) Service for which reemployment assistance ~~unemployment~~
 1035 | ~~compensation~~ is payable under a reemployment assistance or an
 1036 | unemployment compensation system established by the United

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1037 States Congress, of which this chapter is not a part.

1038 (p) Service covered by an arrangement between the
 1039 Department of Economic Opportunity, or its tax collection
 1040 service provider, and the agency charged with the administration
 1041 of another state or federal reemployment assistance or
 1042 unemployment compensation law under which all services performed
 1043 by an individual for an employing unit during the period covered
 1044 by the employing unit's duly approved election is deemed to be
 1045 performed entirely within the other agency's state or under the
 1046 federal law.

1047 Section 13. Effective upon this act becoming a law and
 1048 operating retroactively to June 29, 2011, paragraph (a) of
 1049 subsection (2) of section 443.1217, Florida Statutes, is amended
 1050 to read:

1051 443.1217 Wages.—

1052 (2) For the purpose of determining an employer's
 1053 contributions, the following wages are exempt from this chapter:

1054 ~~(a)1. Beginning January 1, 2010, that part of remuneration~~
 1055 ~~paid to an individual by an employer for employment during a~~
 1056 ~~calendar year in excess of the first \$7,000 of remuneration paid~~
 1057 ~~to the individual by an employer or his or her predecessor~~
 1058 ~~during that calendar year, unless that part of the remuneration~~
 1059 ~~is subject to a tax, under a federal law imposing the tax,~~
 1060 ~~against which credit may be taken for contributions required to~~
 1061 ~~be paid into a state unemployment fund.~~

1062 1.2. Beginning January 1, 2012, that part of remuneration
 1063 paid to an individual by an employer for employment during a
 1064 calendar year in excess of the first \$8,000 ~~\$8,500~~ of

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1065 remuneration paid to the individual by the employer or his or
 1066 her predecessor during that calendar year, unless that part of
 1067 the remuneration is subject to a tax, under a federal law
 1068 imposing the tax, against which credit may be taken for
 1069 contributions required to be paid into a state unemployment
 1070 fund.

1071 ~~2.3.~~ Beginning January 1, 2015, the part of remuneration
 1072 paid to an individual by an employer for employment during a
 1073 calendar year in excess of the first \$7,000 of remuneration paid
 1074 to the individual by an employer or his or her predecessor
 1075 during that calendar year, unless that part of the remuneration
 1076 is subject to a tax, under a federal law imposing the tax,
 1077 against which credit may be taken for contributions required to
 1078 be paid into a state unemployment fund. The wage base exemption
 1079 adjustment authorized by this subparagraph shall be suspended in
 1080 any calendar year in which repayment of the principal amount of
 1081 an advance received from the Unemployment Compensation Trust
 1082 Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

1083 Section 14. Effective upon this act becoming a law and
 1084 operating retroactively to June 29, 2011, paragraph (e) of
 1085 subsection (3) of section 443.131, Florida Statutes, is amended
 1086 to read:

1087 443.131 Contributions.—

1088 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 1089 EXPERIENCE.—

1090 (e) *Assignment of variations from the standard rate.*—

1091 1. As used in this paragraph, the terms "total benefit
 1092 payments," "benefits paid to an individual," and "benefits

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1093 charged to the employment record of an employer" mean the amount
 1094 of benefits paid to individuals multiplied by:

- 1095 a. For benefits paid prior to July 1, 2007, 1.
- 1096 b. For benefits paid during the period beginning on July
 1097 1, 2007, and ending March 31, 2011, 0.90.

- 1098 c. For benefits paid after March 31, 2011, 1.
- 1099 2. For the calculation of contribution rates effective
 1100 January 1, 2012 ~~2010~~, and thereafter:

1101 a. The tax collection service provider shall assign a
 1102 variation from the standard rate of contributions for each
 1103 calendar year to each eligible employer. In determining the
 1104 contribution rate, varying from the standard rate to be assigned
 1105 each employer, adjustment factors computed under sub-sub-
 1106 subparagraphs (I)-(IV) are added to the benefit ratio. This
 1107 addition shall be accomplished in two steps by adding a variable
 1108 adjustment factor and a final adjustment factor. The sum of
 1109 these adjustment factors computed under sub-sub-subparagraphs
 1110 (I)-(IV) shall first be algebraically summed. The sum of these
 1111 adjustment factors shall next be divided by a gross benefit
 1112 ratio determined as follows: Total benefit payments for the 3-
 1113 year period described in subparagraph (b)3. are charged to
 1114 employers eligible for a variation from the standard rate, minus
 1115 excess payments for the same period, divided by taxable payroll
 1116 entering into the computation of individual benefit ratios for
 1117 the calendar year for which the contribution rate is being
 1118 computed. The ratio of the sum of the adjustment factors
 1119 computed under sub-sub-subparagraphs (I)-(IV) to the gross
 1120 benefit ratio is multiplied by each individual benefit ratio

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1121 that is less than the maximum contribution rate to obtain
 1122 variable adjustment factors; except that if the sum of an
 1123 employer's individual benefit ratio and variable adjustment
 1124 factor exceeds the maximum contribution rate, the variable
 1125 adjustment factor is reduced in order for the sum to equal the
 1126 maximum contribution rate. The variable adjustment factor for
 1127 each of these employers is multiplied by his or her taxable
 1128 payroll entering into the computation of his or her benefit
 1129 ratio. The sum of these products is divided by the taxable
 1130 payroll of the employers who entered into the computation of
 1131 their benefit ratios. The resulting ratio is subtracted from the
 1132 sum of the adjustment factors computed under sub-sub-
 1133 subparagraphs (I)-(IV) to obtain the final adjustment factor.
 1134 The variable adjustment factors and the final adjustment factor
 1135 must be computed to five decimal places and rounded to the
 1136 fourth decimal place. This final adjustment factor is added to
 1137 the variable adjustment factor and benefit ratio of each
 1138 employer to obtain each employer's contribution rate. An
 1139 employer's contribution rate may not, however, be rounded to
 1140 less than 0.1 percent.

1141 (I) An adjustment factor for noncharge benefits is
 1142 computed to the fifth decimal place and rounded to the fourth
 1143 decimal place by dividing the amount of noncharge benefits
 1144 during the 3-year period described in subparagraph (b)3. by the
 1145 taxable payroll of employers eligible for a variation from the
 1146 standard rate who have a benefit ratio for the current year
 1147 which is less than the maximum contribution rate. For purposes
 1148 of computing this adjustment factor, the taxable payroll of

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1149 | these employers is the taxable payrolls for the 3 years ending
1150 | June 30 of the current calendar year as reported to the tax
1151 | collection service provider by September 30 of the same calendar
1152 | year. As used in this sub-sub-subparagraph, the term "noncharge
1153 | benefits" means benefits paid to an individual from the
1154 | Unemployment Compensation Trust Fund, but which were not charged
1155 | to the employment record of any employer.

1156 | (II) An adjustment factor for excess payments is computed
1157 | to the fifth decimal place, and rounded to the fourth decimal
1158 | place by dividing the total excess payments during the 3-year
1159 | period described in subparagraph (b)3. by the taxable payroll of
1160 | employers eligible for a variation from the standard rate who
1161 | have a benefit ratio for the current year which is less than the
1162 | maximum contribution rate. For purposes of computing this
1163 | adjustment factor, the taxable payroll of these employers is the
1164 | same figure used to compute the adjustment factor for noncharge
1165 | benefits under sub-sub-subparagraph (I). As used in this sub-
1166 | subparagraph, the term "excess payments" means the amount of
1167 | benefits charged to the employment record of an employer during
1168 | the 3-year period described in subparagraph (b)3., less the
1169 | product of the maximum contribution rate and the employer's
1170 | taxable payroll for the 3 years ending June 30 of the current
1171 | calendar year as reported to the tax collection service provider
1172 | by September 30 of the same calendar year. As used in this sub-
1173 | sub-subparagraph, the term "total excess payments" means the sum
1174 | of the individual employer excess payments for those employers
1175 | that were eligible for assignment of a contribution rate
1176 | different from the standard rate.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1177 (III) With respect to computing a positive adjustment
 1178 factor:
 1179 (A) Beginning January 1, 2012, if the balance of the
 1180 Unemployment Compensation Trust Fund on September 30 of the
 1181 calendar year immediately preceding the calendar year for which
 1182 the contribution rate is being computed is less than 4 percent
 1183 of the taxable payrolls for the year ending June 30 as reported
 1184 to the tax collection service provider by September 30 of that
 1185 calendar year, a positive adjustment factor shall be computed.
 1186 The positive adjustment factor is computed annually to the fifth
 1187 decimal place and rounded to the fourth decimal place by
 1188 dividing the sum of the total taxable payrolls for the year
 1189 ending June 30 of the current calendar year as reported to the
 1190 tax collection service provider by September 30 of that calendar
 1191 year into a sum equal to one-fifth ~~one-third~~ of the difference
 1192 between the balance of the fund as of September 30 of that
 1193 calendar year and the sum of 5 percent of the total taxable
 1194 payrolls for that year. The positive adjustment factor remains
 1195 in effect for subsequent years until the balance of the
 1196 Unemployment Compensation Trust Fund as of September 30 of the
 1197 year immediately preceding the effective date of the
 1198 contribution rate equals or exceeds 4 ~~5~~ percent of the taxable
 1199 payrolls for the year ending June 30 of the current calendar
 1200 year as reported to the tax collection service provider by
 1201 September 30 of that calendar year.
 1202 (B) Beginning January 1, 2018 ~~2015~~, and for each year
 1203 thereafter, the positive adjustment shall be computed by
 1204 dividing the sum of the total taxable payrolls for the year

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1205 ending June 30 of the current calendar year as reported to the
1206 tax collection service provider by September 30 of that calendar
1207 year into a sum equal to one-fourth of the difference between
1208 the balance of the fund as of September 30 of that calendar year
1209 and the sum of 5 percent of the total taxable payrolls for that
1210 year. The positive adjustment factor remains in effect for
1211 subsequent years until the balance of the Unemployment
1212 Compensation Trust Fund as of September 30 of the year
1213 immediately preceding the effective date of the contribution
1214 rate equals or exceeds 4 percent of the taxable payrolls for the
1215 year ending June 30 of the current calendar year as reported to
1216 the tax collection service provider by September 30 of that
1217 calendar year.

1218 (IV) If, beginning January 1, 2015, and each year
1219 thereafter, the balance of the Unemployment Compensation Trust
1220 Fund as of September 30 of the year immediately preceding the
1221 calendar year for which the contribution rate is being computed
1222 exceeds 5 percent of the taxable payrolls for the year ending
1223 June 30 of the current calendar year as reported to the tax
1224 collection service provider by September 30 of that calendar
1225 year, a negative adjustment factor must be computed. The
1226 negative adjustment factor shall be computed annually beginning
1227 on January 1, 2015, and each year thereafter, to the fifth
1228 decimal place and rounded to the fourth decimal place by
1229 dividing the sum of the total taxable payrolls for the year
1230 ending June 30 of the current calendar year as reported to the
1231 tax collection service provider by September 30 of the calendar
1232 year into a sum equal to one-fourth of the difference between

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1233 the balance of the fund as of September 30 of the current
1234 calendar year and 5 percent of the total taxable payrolls of
1235 that year. The negative adjustment factor remains in effect for
1236 subsequent years until the balance of the Unemployment
1237 Compensation Trust Fund as of September 30 of the year
1238 immediately preceding the effective date of the contribution
1239 rate is less than 5 percent, but more than 4 percent of the
1240 taxable payrolls for the year ending June 30 of the current
1241 calendar year as reported to the tax collection service provider
1242 by September 30 of that calendar year. The negative adjustment
1243 authorized by this section is suspended in any calendar year in
1244 which repayment of the principal amount of an advance received
1245 from the federal Unemployment Compensation Trust Fund under 42
1246 U.S.C. s. 1321 is due to the Federal Government.

1247 (V) The maximum contribution rate that may be assigned to
1248 an employer is 5.4 percent, except employers participating in an
1249 approved short-time compensation plan may be assigned a maximum
1250 contribution rate that is 1 percent greater than the maximum
1251 contribution rate for other employers in any calendar year in
1252 which short-time compensation benefits are charged to the
1253 employer's employment record.

1254 (VI) As used in this subsection, "taxable payroll" shall
1255 be determined by excluding any part of the remuneration paid to
1256 an individual by an employer for employment during a calendar
1257 year in excess of the first \$7,000. Beginning January 1, 2012,
1258 "taxable payroll" shall be determined by excluding any part of
1259 the remuneration paid to an individual by an employer for
1260 employment during a calendar year as described in s.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1261 443.1217(2). For the purposes of the employer rate calculation
 1262 that will take effect in January 1, 2012, and in January 1,
 1263 2013, the tax collection service provider shall use the data
 1264 available for taxable payroll from 2009 based on excluding any
 1265 part of the remuneration paid to an individual by an employer
 1266 for employment during a calendar year in excess of the first
 1267 \$7,000, and from 2010 and 2011, the data available for taxable
 1268 payroll based on excluding any part of the remuneration paid to
 1269 an individual by an employer for employment during a calendar
 1270 year in excess of the first \$8,500.

1271 b. If the transfer of an employer's employment record to
 1272 an employing unit under paragraph (f) which, before the
 1273 transfer, was an employer, the tax collection service provider
 1274 shall recompute a benefit ratio for the successor employer based
 1275 on the combined employment records and reassign an appropriate
 1276 contribution rate to the successor employer effective on the
 1277 first day of the calendar quarter immediately after the
 1278 effective date of the transfer.

1279 Section 15. Paragraphs (a) and (f) of subsection (3) of
 1280 section 443.131, Florida Statutes, are amended to read:

1281 443.131 Contributions.—

1282 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 1283 EXPERIENCE.—

1284 (a) *Employment records.*—The regular and short-time
 1285 compensation benefits paid to an eligible individual shall be
 1286 charged to the employment record of each employer who paid the
 1287 individual wages of at least \$100 during the individual's base
 1288 period in proportion to the total wages paid by all employers

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1289 | who paid the individual wages during the individual's base
1290 | period. Benefits may not be charged to the employment record of
1291 | an employer who furnishes part-time work to an individual who,
1292 | because of loss of employment with one or more other employers,
1293 | is eligible for partial benefits while being furnished part-time
1294 | work by the employer on substantially the same basis and in
1295 | substantially the same amount as the individual's employment
1296 | during his or her base period, regardless of whether this part-
1297 | time work is simultaneous or successive to the individual's lost
1298 | employment. Further, as provided in s. 443.151(3), benefits may
1299 | not be charged to the employment record of an employer who
1300 | furnishes the Department of Economic Opportunity with notice, as
1301 | prescribed in rules of the department, that any of the following
1302 | apply:

1303 | 1. If an individual leaves his or her work without good
1304 | cause attributable to the employer or is discharged by the
1305 | employer for misconduct connected with his or her work, benefits
1306 | subsequently paid to the individual based on wages paid by the
1307 | employer before the separation may not be charged to the
1308 | employment record of the employer.

1309 | 2. If an individual is discharged by the employer for
1310 | unsatisfactory performance during an initial employment
1311 | probationary period, benefits subsequently paid to the
1312 | individual based on wages paid during the probationary period by
1313 | the employer before the separation may not be charged to the
1314 | employer's employment record. As used in this subparagraph, the
1315 | term "initial employment probationary period" means an
1316 | established probationary plan that applies to all employees or a

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1317 specific group of employees and that does not exceed 90 calendar
 1318 days following the first day a new employee begins work. The
 1319 employee must be informed of the probationary period within the
 1320 first 7 days of work. The employer must demonstrate by
 1321 conclusive evidence that the individual was separated because of
 1322 unsatisfactory work performance and not because of lack of work
 1323 due to temporary, seasonal, casual, or other similar employment
 1324 that is not of a regular, permanent, and year-round nature.

1325 3. Benefits subsequently paid to an individual after his
 1326 or her refusal without good cause to accept suitable work from
 1327 an employer may not be charged to the employment record of the
 1328 employer if any part of those benefits are based on wages paid
 1329 by the employer before the individual's refusal to accept
 1330 suitable work. As used in this subparagraph, the term "good
 1331 cause" does not include distance to employment caused by a
 1332 change of residence by the individual. The department shall
 1333 adopt rules prescribing for the payment of all benefits whether
 1334 this subparagraph applies regardless of whether a
 1335 disqualification under s. 443.101 applies to the claim.

1336 4. If an individual is separated from work as a direct
 1337 result of a natural disaster declared under the Robert T.
 1338 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
 1339 ss. 5121 et seq., benefits subsequently paid to the individual
 1340 based on wages paid by the employer before the separation may
 1341 not be charged to the employment record of the employer.

1342 5. If an individual is separated from work as a direct
 1343 result of an oil spill, terrorist attack, or other similar
 1344 disaster of national significance not subject to a declaration

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1345 under the Robert T. Stafford Disaster Relief and Emergency
 1346 Assistance Act, benefits subsequently paid to the individual
 1347 based on wages paid by the employer before the separation may
 1348 not be charged to the employment record of the employer.

1349 (f) *Transfer of employment records.*—

1350 1. For the purposes of this subsection, two or more
 1351 employers who are parties to a transfer of business or the
 1352 subject of a merger, consolidation, or other form of
 1353 reorganization, effecting a change in legal identity or form,
 1354 are deemed a single employer and are considered to be one
 1355 employer with a continuous employment record if the tax
 1356 collection service provider finds that the successor employer
 1357 continues to carry on the employing enterprises of all of the
 1358 predecessor employers and that the successor employer has paid
 1359 all contributions required of and due from all of the
 1360 predecessor employers and has assumed liability for all
 1361 contributions that may become due from all of the predecessor
 1362 employers. In addition, an employer may not be considered a
 1363 successor under this subparagraph if the employer purchases a
 1364 company with a lower rate into which employees with job
 1365 functions unrelated to the business endeavors of the predecessor
 1366 are transferred for the purpose of acquiring the low rate and
 1367 avoiding payment of contributions. As used in this paragraph,
 1368 notwithstanding s. 443.036(14), the term "contributions" means
 1369 all indebtedness to the tax collection service provider,
 1370 including, but not limited to, interest, penalty, collection
 1371 fee, and service fee. A successor employer must accept the
 1372 transfer of all of the predecessor employers' employment records

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1373 within 30 days after the date of the official notification of
1374 liability by succession. If a predecessor employer has unpaid
1375 contributions or outstanding quarterly reports, the successor
1376 employer must pay the total amount with certified funds within
1377 30 days after the date of the notice listing the total amount
1378 due. After the total indebtedness is paid, the tax collection
1379 service provider shall transfer the employment records of all of
1380 the predecessor employers to the successor employer's employment
1381 record. The tax collection service provider shall determine the
1382 contribution rate of the combined successor and predecessor
1383 employers upon the transfer of the employment records, as
1384 prescribed by rule, in order to calculate any change in the
1385 contribution rate resulting from the transfer of the employment
1386 records.

1387 2. Regardless of whether a predecessor employer's
1388 employment record is transferred to a successor employer under
1389 this paragraph, the tax collection service provider shall treat
1390 the predecessor employer, if he or she subsequently employs
1391 individuals, as an employer without a previous employment record
1392 or, if his or her coverage is terminated under s. 443.121, as a
1393 new employing unit.

1394 3. The state agency providing reemployment assistance
1395 ~~unemployment~~ tax collection services may adopt rules governing
1396 the partial transfer of experience rating when an employer
1397 transfers an identifiable and segregable portion of his or her
1398 payrolls and business to a successor employing unit. As a
1399 condition of each partial transfer, these rules must require the
1400 following to be filed with the tax collection service provider:

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1401 an application by the successor employing unit, an agreement by
1402 the predecessor employer, and the evidence required by the tax
1403 collection service provider to show the benefit experience and
1404 payrolls attributable to the transferred portion through the
1405 date of the transfer. These rules must provide that the
1406 successor employing unit, if not an employer subject to this
1407 chapter, becomes an employer as of the date of the transfer and
1408 that the transferred portion of the predecessor employer's
1409 employment record is removed from the employment record of the
1410 predecessor employer. For each calendar year after the date of
1411 the transfer of the employment record in the records of the tax
1412 collection service provider, the service provider shall compute
1413 the contribution rate payable by the successor employer or
1414 employing unit based on his or her employment record, combined
1415 with the transferred portion of the predecessor employer's
1416 employment record. These rules may also prescribe what
1417 contribution rates are payable by the predecessor and successor
1418 employers for the period between the date of the transfer of the
1419 transferred portion of the predecessor employer's employment
1420 record in the records of the tax collection service provider and
1421 the first day of the next calendar year.

1422 4. This paragraph does not apply to an employee leasing
1423 company and client contractual agreement as defined in s.
1424 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
1425 collection service provider shall, if the contractual agreement
1426 is terminated or the employee leasing company fails to submit
1427 reports or pay contributions as required by the service
1428 provider, treat the client as a new employer without previous

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1429 employment record unless the client is otherwise eligible for a
 1430 variation from the standard rate.

1431 Section 16. Paragraph (d) of subsection (2) of section
 1432 443.1312, Florida Statutes, is amended to read:

1433 443.1312 Reimbursements; nonprofit organizations.—Benefits
 1434 paid to employees of nonprofit organizations shall be financed
 1435 in accordance with this section.

1436 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
 1437 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
 1438 subject to this chapter under s. 443.1215(1)(c) or s.
 1439 443.121(3)(a) must pay contributions under s. 443.131 unless it
 1440 elects, in accordance with this subsection, to reimburse the
 1441 Unemployment Compensation Trust Fund for all of the regular
 1442 benefits, short-time compensation benefits, and one-half of the
 1443 extended benefits paid, which are attributable to service in the
 1444 employ of the nonprofit organization, to individuals for weeks
 1445 of unemployment which begin during the effective period of the
 1446 election.

1447 (d) In accordance with rules adopted by the Department of
 1448 Economic Opportunity or the state agency providing reemployment
 1449 assistance ~~unemployment~~ tax collection services, the tax
 1450 collection service provider shall notify each nonprofit
 1451 organization of any determination of the organization's status
 1452 as an employer, the effective date of any election the
 1453 organization makes, and the effective date of any termination of
 1454 the election. Each determination is subject to reconsideration,
 1455 appeal, and review under s. 443.141(2)(c).

1456 Section 17. Subsection (3) and paragraph (a) of subsection

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1457 (4) of section 443.1313, Florida Statutes, are amended to read:
 1458 443.1313 Public employers; reimbursements; election to pay
 1459 contributions.—Benefits paid to employees of a public employer,
 1460 as defined in s. 443.036, based on service described in s.
 1461 443.1216(2) shall be financed in accordance with this section.

1462 (3) CHANGE OF ELECTION.—Upon electing to be a reimbursing
 1463 or contributing employer under this section, a public employer
 1464 may not change this election for at least 2 calendar years. This
 1465 subsection does not prevent a public employer subject to this
 1466 subsection from changing its election after completing 2
 1467 calendar years under another financing method if the new
 1468 election is timely filed. The state agency providing
 1469 reemployment assistance ~~unemployment~~ tax collection services may
 1470 adopt rules prescribing procedures for changing methods of
 1471 reporting.

1472 (4) PUBLIC EMPLOYERS REEMPLOYMENT ASSISTANCE ~~UNEMPLOYMENT~~
 1473 ~~COMPENSATION~~ BENEFIT ACCOUNT.—

1474 (a) There is established within the Unemployment
 1475 Compensation Trust Fund a Public Employers Reemployment
 1476 Assistance ~~Unemployment—Compensation~~ Benefit Account, which must
 1477 be maintained as a separate account within the trust fund. All
 1478 benefits paid to the employees of a public employer that elects
 1479 to become a contributing employer under paragraph (b) must be
 1480 charged to the Public Employers Unemployment Compensation
 1481 Benefit Account.

1482 Section 18. Subsection (7) of section 443.1315, Florida
 1483 Statutes, is amended to read:

1484 443.1315 Treatment of Indian tribes.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1485 (7) The Department of Economic Opportunity and the state
 1486 agency providing reemployment assistance ~~unemployment~~ tax
 1487 collection services shall adopt rules necessary to administer
 1488 this section.

1489 Section 19. Section 443.1316, Florida Statutes, is amended
 1490 to read:

1491 443.1316 Reemployment assistance ~~Unemployment~~ tax
 1492 collection services; interagency agreement.—

1493 (1) The Department of Economic Opportunity shall contract
 1494 with the Department of Revenue, through an interagency
 1495 agreement, to perform the duties of the tax collection service
 1496 provider and provide other reemployment assistance ~~unemployment~~
 1497 tax collection services under this chapter. Under the
 1498 interagency agreement, the tax collection service provider may
 1499 only implement:

1500 (a) The provisions of this chapter conferring duties upon
 1501 the tax collection service provider.

1502 (b) The provisions of law conferring duties upon the
 1503 department which are specifically delegated to the tax
 1504 collection service provider in the interagency agreement.

1505 (2) (a) The Department of Revenue is considered to be
 1506 administering a revenue law of this state when the department
 1507 implements this chapter, or otherwise provides reemployment
 1508 assistance ~~unemployment~~ tax collection services, under contract
 1509 with the department through the interagency agreement.

1510 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
 1511 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
 1512 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1513 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
 1514 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
 1515 213.757 apply to the collection of reemployment assistance
 1516 ~~unemployment~~ contributions and reimbursements by the Department
 1517 of Revenue unless prohibited by federal law.

1518 Section 20. Paragraph (a) of subsection (1) and
 1519 subsections (2) and (3) of section 443.1317, Florida Statutes,
 1520 are amended to read:

1521 443.1317 Rulemaking authority; enforcement of rules.—

1522 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

1523 (a) Except as otherwise provided in s. 443.012, the
 1524 Department of Economic Opportunity has ultimate authority over
 1525 the administration of the Reemployment Assistance ~~Unemployment~~
 1526 ~~Compensation~~ Program.

1527 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
 1528 providing reemployment assistance ~~unemployment~~ tax collection
 1529 services under contract with the Department of Economic
 1530 Opportunity through an interagency agreement pursuant to s.
 1531 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
 1532 subject to approval by the department, to administer the
 1533 provisions of law described in s. 443.1316(1) (a) and (b) which
 1534 are within this chapter. These rules must not conflict with the
 1535 rules adopted by the department or with the interagency
 1536 agreement.

1537 (3) ENFORCEMENT OF RULES.—The Department of Economic
 1538 Opportunity may enforce any rule adopted by the state agency
 1539 providing reemployment assistance ~~unemployment~~ tax collection
 1540 services to administer this chapter. The tax collection service

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1541 provider may enforce any rule adopted by the department to
 1542 administer the provisions of law described in s. 443.1316(1) (a)
 1543 and (b).

1544 Section 21. Paragraphs (b) and (g) of subsection (1),
 1545 paragraph (c) of subsection (2), and paragraphs (c) and (e) of
 1546 subsection (4) of section 443.141, Florida Statutes, are amended
 1547 to read:

1548 443.141 Collection of contributions and reimbursements.—

1549 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 1550 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

1551 (b) *Penalty for delinquent, erroneous, incomplete, or*
 1552 *insufficient reports.—*

1553 1. An employing unit that fails to file any report
 1554 required by the Department of Economic Opportunity or its tax
 1555 collection service provider, in accordance with rules for
 1556 administering this chapter, shall pay to the service provider
 1557 for each delinquent report the sum of \$25 for each 30 days or
 1558 fraction thereof that the employing unit is delinquent, unless
 1559 the department ~~agency~~ or its service provider, whichever
 1560 required the report, finds that the employing unit has good
 1561 reason for failing to file the report. The department or its
 1562 service provider may assess penalties only through the date of
 1563 the issuance of the final assessment notice. However, additional
 1564 penalties accrue if the delinquent report is subsequently filed.

1565 2.a. An employing unit that files an erroneous,
 1566 incomplete, or insufficient report with the department or its
 1567 tax collection service provider shall pay a penalty. The amount
 1568 of the penalty is \$50 or 10 percent of any tax due, whichever is

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1569 greater, but no more than \$300 per report. The penalty shall be
 1570 added to any tax, penalty, or interest otherwise due.

1571 b. The department or its tax collection service provider
 1572 shall waive the penalty if the employing unit files an accurate,
 1573 complete, and sufficient report within 30 days after a penalty
 1574 notice is issued to the employing unit. The penalty may not be
 1575 waived pursuant to this subparagraph more than one time during a
 1576 12-month period.

1577 c. As used in this subsection, the term "erroneous,
 1578 incomplete, or insufficient report" means a report so lacking in
 1579 information, completeness, or arrangement that the report cannot
 1580 be readily understood, verified, or reviewed. Such reports
 1581 include, but are not limited to, reports having missing wage or
 1582 employee information, missing or incorrect social security
 1583 numbers, or illegible entries; reports submitted in a format
 1584 that is not approved by the department or its tax collection
 1585 service provider; and reports showing gross wages that do not
 1586 equal the total of the wages of each employee. However, the term
 1587 does not include a report that merely contains inaccurate data
 1588 that was supplied to the employer by the employee, if the
 1589 employer was unaware of the inaccuracy.

1590 3. Penalties imposed pursuant to this paragraph shall be
 1591 deposited in the Special Employment Security Administration
 1592 Trust Fund.

1593 4. The penalty and interest for a delinquent, erroneous,
 1594 incomplete, or insufficient report may be waived if the penalty
 1595 or interest is inequitable. The provisions of s. 213.24(1) apply
 1596 to any penalty or interest that is imposed under this section.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1597 (g) *Adoption of rules.*—The department and the state agency
 1598 providing reemployment assistance ~~unemployment~~ tax collection
 1599 services may adopt rules to administer this subsection.

1600 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1601 (c) *Appeals.*—The department and the state agency providing
 1602 reemployment assistance ~~unemployment~~ tax collection services
 1603 shall adopt rules prescribing the procedures for an employing
 1604 unit determined to be an employer to file an appeal and be
 1605 afforded an opportunity for a hearing on the determination.
 1606 Pending a hearing, the employing unit must file reports and pay
 1607 contributions in accordance with s. 443.131.

1608 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
 1609 CONTRIBUTIONS AND REIMBURSEMENTS.—

1610 (c) Any agent or employee designated by the Department of
 1611 Economic Opportunity or its tax collection service provider may
 1612 administer an oath to any person for any return or report
 1613 required by this chapter or by the rules of the department or
 1614 the state agency providing reemployment assistance ~~unemployment~~
 1615 tax collection services, and an oath made before the department
 1616 or its service provider or any authorized agent or employee has
 1617 the same effect as an oath made before any judicial officer or
 1618 notary public of the state.

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1625 penalties in the courts of this state. The courts of this state
 1626 shall recognize and enforce liability for contributions,
 1627 reimbursements, interest, and penalties imposed by other states
 1628 that extend a like comity to this state.

1629 Section 22. Paragraph (b) of subsection (1), paragraph (b)
 1630 of subsection (2), paragraph (c) of subsection (3), and
 1631 paragraphs (a) and (b) of subsection (6) of section 443.151,
 1632 Florida Statutes, are amended to read:

1633 443.151 Procedure concerning claims.—

1634 (1) POSTING OF INFORMATION.—

1635 (b)1. The department shall advise each individual filing a
 1636 new claim for reemployment assistance ~~unemployment compensation~~,
 1637 at the time of filing the claim, that:

1638 a. Reemployment assistance ~~unemployment compensation~~ is
 1639 subject to federal income tax.

1640 b. Requirements exist pertaining to estimated tax
 1641 payments.

1642 c. The individual may elect to have federal income tax
 1643 deducted and withheld from the individual's payment of
 1644 reemployment assistance ~~unemployment compensation~~ at the amount
 1645 specified in the federal Internal Revenue Code.

1646 d. The individual is not permitted to change a previously
 1647 elected withholding status more than twice per calendar year.

1648 2. Amounts deducted and withheld from reemployment
 1649 assistance ~~unemployment compensation~~ must remain in the
 1650 Unemployment Compensation Trust Fund until transferred to the
 1651 federal taxing authority as payment of income tax.

1652 3. The department shall follow all procedures specified by

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1653 the United States Department of Labor and the federal Internal
 1654 Revenue Service pertaining to the deducting and withholding of
 1655 income tax.

1656 4. If more than one authorized request for deduction and
 1657 withholding is made, amounts must be deducted and withheld in
 1658 accordance with the following priorities:

1659 a. Reemployment assistance ~~Unemployment~~ overpayments have
 1660 first priority;

1661 b. Child support payments have second priority; and

1662 c. Withholding under this subsection has third priority.

1663 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
 1664 CLAIMANTS AND EMPLOYERS.—

1665 (b) *Process.*—When the Reemployment Assistance ~~Unemployment~~
 1666 ~~Compensation~~ Claims and Benefits Information System described in
 1667 s. 443.1113 is fully operational, the process for filing claims
 1668 must incorporate the process for registering for work with the
 1669 workforce information systems established pursuant to s.
 1670 445.011. A claim for benefits may not be processed until the
 1671 work registration requirement is satisfied. The department may
 1672 adopt rules as necessary to administer the work registration
 1673 requirement set forth in this paragraph.

1674 (3) DETERMINATION OF ELIGIBILITY.—

1675 (c) *Nonmonetary determinations.*—If the department receives
 1676 information that may result in a denial of benefits, the
 1677 department must complete an investigation of the claim required
 1678 by subsection (2) and provide notice of a nonmonetary
 1679 determination to the claimant and the employer from whom the
 1680 claimant's reason for separation affects his or her entitlement

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1681 to benefits. The determination must state the reason for the
 1682 determination and whether the reemployment assistance
 1683 ~~unemployment~~ tax account of the contributing employer is charged
 1684 for benefits paid on the claim. The nonmonetary determination is
 1685 final unless within 20 days after the mailing of the notices to
 1686 the parties' last known addresses, or in lieu of mailing, within
 1687 20 days after the delivery of the notices, an appeal or written
 1688 request for reconsideration is filed by the claimant or other
 1689 party entitled to notice. The department may adopt rules as
 1690 necessary to implement the processes described in this paragraph
 1691 relating to notices of nonmonetary determination and the appeals
 1692 or reconsideration requests filed in response to such notices,
 1693 and may adopt rules prescribing the manner and procedure by
 1694 which employers within the base period of a claimant become
 1695 entitled to notice of nonmonetary determination.

1696 (6) RECOVERY AND RECOUPMENT.—

1697 (a) Any person who, by reason of her or his fraud,
 1698 receives benefits under this chapter to which she or he is not
 1699 entitled is liable for repaying those benefits to the Department
 1700 of Economic Opportunity on behalf of the trust fund or, in the
 1701 discretion of the department, to have those benefits deducted
 1702 from future benefits payable to her or him under this chapter.
 1703 To enforce this paragraph, the department must find the
 1704 existence of fraud through a redetermination or decision under
 1705 this section within 2 years after the fraud was committed. Any
 1706 recovery or recoupment of benefits must be commenced ~~effected~~
 1707 within 7 ~~5~~ years after the redetermination or decision.

1708 (b) Any person who, by reason other than her or his fraud,

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1709 receives benefits under this chapter to which, under a
 1710 redetermination or decision pursuant to this section, she or he
 1711 is not entitled, is liable for repaying those benefits to the
 1712 department on behalf of the trust fund or, in the discretion of
 1713 the department, to have those benefits deducted from any future
 1714 benefits payable to her or him under this chapter. Any recovery
 1715 or recoument of benefits must be commenced ~~effected~~ within 7 ~~3~~
 1716 years after the redetermination or decision.

1717 Section 23. Subsection (1) and paragraph (c) of subsection
 1718 (3) of section 443.163, Florida Statutes, are amended to read:

1719 443.163 Electronic reporting and remitting of
 1720 contributions and reimbursements.—

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1737 reimbursements due by electronic means approved by the tax
 1738 collection service provider. A person who prepared and reported
 1739 for 100 or more employers in any quarter during the preceding
 1740 state fiscal year must file the Employers Quarterly Reports
 1741 (UCT-6) for each calendar quarter in the current calendar year,
 1742 beginning with reports due for the second calendar quarter of
 1743 2003, by electronic means approved by the tax collection service
 1744 provider.

1745 (3) The tax collection service provider may waive the
 1746 requirement to file an Employers Quarterly Report (UCT-6) by
 1747 electronic means for employers that are unable to comply despite
 1748 good faith efforts or due to circumstances beyond the employer's
 1749 reasonable control.

1750 (c) The department or the state agency providing
 1751 reemployment assistance ~~unemployment~~ tax collection services may
 1752 establish by rule the length of time a waiver is valid and may
 1753 determine whether subsequent waivers will be authorized, based
 1754 on this subsection.

1755 Section 24. Subsections (2) and (5) and paragraphs (a) and
 1756 (c) of subsection (9) of section 443.171, Florida Statutes, are
 1757 amended to read:

1758 443.171 Department of Economic Opportunity and commission;
 1759 powers and duties; records and reports; proceedings; state-
 1760 federal cooperation.—

1761 (2) PUBLICATION OF ACTS AND RULES.—The Department of
 1762 Economic Opportunity shall cause to be printed and distributed
 1763 to the public, or otherwise distributed to the public through
 1764 the Internet or similar electronic means, the text of this

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1765 chapter and of the rules for administering this chapter adopted
 1766 by the department or the state agency providing reemployment
 1767 assistance ~~unemployment~~ tax collection services and any other
 1768 matter relevant and suitable. The department shall furnish this
 1769 information to any person upon request. However, any pamphlet,
 1770 rules, circulars, or reports required by this chapter may not
 1771 contain any matter except the actual data necessary to complete
 1772 them or the actual language of the rule, together with the
 1773 proper notices.

1774 (5) RECORDS AND REPORTS.—Each employing unit shall keep
 1775 true and accurate work records, containing the information
 1776 required by the Department of Economic Opportunity or its tax
 1777 collection service provider. These records must be open to
 1778 inspection and are subject to being copied by the department or
 1779 its tax collection service provider at any reasonable time and
 1780 as often as necessary. The department or its tax collection
 1781 service provider may require from any employing unit any sworn
 1782 or unsworn reports, for persons employed by the employing unit,
 1783 necessary for the effective administration of this chapter.
 1784 However, a state or local governmental agency performing
 1785 intelligence or counterintelligence functions need not report an
 1786 employee if the head of that agency determines that reporting
 1787 the employee could endanger the safety of the employee or
 1788 compromise an ongoing investigation or intelligence mission.
 1789 ~~Information revealing the employing unit's or individual's~~
 1790 ~~identity obtained from the employing unit or from any individual~~
 1791 ~~through the administration of this chapter, is, except to the~~
 1792 ~~extent necessary for the proper presentation of a claim or upon~~

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1793 ~~written authorization of the claimant who has a workers'~~
 1794 ~~compensation claim pending, confidential and exempt from s.~~
 1795 ~~119.07(1). This confidential information is available only to~~
 1796 ~~public employees in the performance of their public duties. Any~~
 1797 ~~claimant, or the claimant's legal representative, at a hearing~~
 1798 ~~before an appeals referee or the commission must be supplied~~
 1799 ~~with information from these records to the extent necessary for~~
 1800 ~~the proper presentation of her or his claim. Any employee or~~
 1801 ~~member of the commission, any employee of the department or its~~
 1802 ~~tax collection service provider, or any other person receiving~~
 1803 ~~confidential information who violates this subsection commits a~~
 1804 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1805 ~~775.082 or s. 775.083. However, the department or its tax~~
 1806 ~~collection service provider may furnish to any employer copies~~
 1807 ~~of any report previously submitted by that employer, upon the~~
 1808 ~~request of the employer. The department or its tax collection~~
 1809 ~~service provider may charge a reasonable fee for copies of~~
 1810 ~~reports, which may not exceed the actual reasonable cost of the~~
 1811 ~~preparation of the copies as prescribed by rules adopted by the~~
 1812 ~~department or the state agency providing tax collection~~
 1813 ~~services. Fees received by the department or its tax collection~~
 1814 ~~service provider for copies furnished under this subsection must~~
 1815 ~~be deposited in the Employment Security Administration Trust~~
 1816 ~~Fund.~~

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the
 Department of Economic Opportunity and its tax collection
 service provider shall cooperate with the United States

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1821 Department of Labor to the fullest extent consistent with this
 1822 chapter and shall take those actions, through the adoption of
 1823 appropriate rules, administrative methods, and standards,
 1824 necessary to secure for this state all advantages available
 1825 under the provisions of federal law relating to reemployment
 1826 assistance ~~unemployment compensation~~.

1827 2. In the administration of the provisions in s. 443.1115,
 1828 which are enacted to conform with the Federal-State Extended
 1829 Unemployment Compensation Act of 1970, the department shall take
 1830 those actions necessary to ensure that those provisions are
 1831 interpreted and applied to meet the requirements of the federal
 1832 act as interpreted by the United States Department of Labor and
 1833 to secure for this state the full reimbursement of the federal
 1834 share of extended benefits paid under this chapter which is
 1835 reimbursable under the federal act.

1836 3. The department and its tax collection service provider
 1837 shall comply with the regulations of the United States
 1838 Department of Labor relating to the receipt or expenditure by
 1839 this state of funds granted under federal law; shall submit the
 1840 reports in the form and containing the information the United
 1841 States Department of Labor requires; and shall comply with
 1842 directions of the United States Department of Labor necessary to
 1843 assure the correctness and verification of these reports.

1844 (c) The department and its tax collection service provider
 1845 shall cooperate with the agencies of other states, and shall
 1846 make every proper effort within their means, to oppose and
 1847 prevent any further action leading to the complete or
 1848 substantial federalization of state reemployment assistance

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1849 ~~unemployment compensation~~ funds or state employment security
 1850 programs. The department and its tax collection service provider
 1851 may make, and may cooperate with other appropriate agencies in
 1852 making, studies as to the practicability and probable cost of
 1853 possible new state-administered social security programs and the
 1854 relative desirability of state, rather than federal, action in
 1855 that field of study.

1856 Section 25. Subsections (1) and (2) of section 443.1715,
 1857 Florida Statutes, are amended to read:

1858 443.1715 Disclosure of information; confidentiality.-

1859 (1) RECORDS AND REPORTS.—Information revealing an
 1860 employing unit's or individual's identity obtained from the
 1861 employing unit or any individual under the administration of
 1862 this chapter, and any determination revealing that information,
 1863 ~~except to the extent necessary for the proper presentation of a~~
 1864 ~~claim or upon written authorization of the claimant who has a~~
 1865 ~~workers' compensation claim pending or is receiving compensation~~
 1866 ~~benefits,~~ is confidential and exempt from s. 119.07(1) and s.
 1867 24(a), Art. I of the State Constitution. This confidential
 1868 information may be released in accordance with the provisions in
 1869 20 C.F.R. part 603 ~~only to public employees in the performance~~
 1870 ~~of their public duties. Except as otherwise provided by law,~~
 1871 ~~public employees receiving this confidential information must~~
 1872 ~~maintain the confidentiality of the information. Any claimant,~~
 1873 ~~or the claimant's legal representative, at a hearing before an~~
 1874 ~~appeals referee or the commission is entitled to information~~
 1875 ~~from these records to the extent necessary for the proper~~
 1876 ~~presentation of her or his claim. A person receiving~~

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1877 ~~confidential information who violates this subsection commits a~~
 1878 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1879 ~~775.082 or s. 775.083.~~ The Department of Economic Opportunity or
 1880 its tax collection service provider may, however, furnish to any
 1881 employer copies of any report submitted by that employer upon
 1882 the request of the employer and may furnish to any claimant
 1883 copies of any report submitted by that claimant upon the request
 1884 of the claimant. The department or its tax collection service
 1885 provider may charge a reasonable fee for copies of these reports
 1886 as prescribed by rule, which may not exceed the actual
 1887 reasonable cost of the preparation of the copies. Fees received
 1888 for copies under this subsection must be deposited in the
 1889 Employment Security Administration Trust Fund.

1890 (2) DISCLOSURE OF INFORMATION.—

1891 (a) Subject to restrictions the Department of Economic
 1892 Opportunity or the state agency providing reemployment
 1893 assistance ~~unemployment~~ tax collection services adopts by rule,
 1894 information declared confidential under this section is
 1895 available to any agency of this or any other state, or any
 1896 federal agency, charged with the administration of any
 1897 reemployment assistance or unemployment compensation law or the
 1898 maintenance of the one-stop delivery system, or the Bureau of
 1899 Internal Revenue of the United States Department of the
 1900 Treasury, or the Florida Department of Revenue. Information
 1901 obtained in connection with the administration of the one-stop
 1902 delivery system may be made available to persons or agencies for
 1903 purposes appropriate to the operation of a public employment
 1904 service or a job-preparatory or career education or training

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1905 program. The department shall, on a quarterly basis, furnish the
 1906 National Directory of New Hires with information concerning the
 1907 wages and reemployment assistance ~~unemployment~~ benefits paid to
 1908 individuals, by the dates, in the format, and containing the
 1909 information specified in the regulations of the United States
 1910 Secretary of Health and Human Services. Upon request, the
 1911 department shall furnish any agency of the United States charged
 1912 with the administration of public works or assistance through
 1913 public employment, and may furnish to any state agency similarly
 1914 charged, the name, address, ordinary occupation, and employment
 1915 status of each recipient of benefits and the recipient's rights
 1916 to further benefits under this chapter. Except as otherwise
 1917 provided by law, the receiving agency must retain the
 1918 confidentiality of this information as provided in this section.
 1919 The tax collection service provider may request the Comptroller
 1920 of the Currency of the United States to examine the correctness
 1921 of any return or report of any national banking association
 1922 rendered under this chapter and may in connection with that
 1923 request transmit any report or return for examination to the
 1924 Comptroller of the Currency of the United States as provided in
 1925 s. 3305(c) of the federal Internal Revenue Code.

1926 (b) The employer or the employer's workers' compensation
 1927 carrier against whom a claim for benefits under chapter 440 has
 1928 been made, or a representative of either, may request from the
 1929 department records of wages of the employee reported to the
 1930 department by any employer for the quarter that includes the
 1931 date of the accident that is the subject of such claim and for
 1932 subsequent quarters.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1933 1. The request must be made with the authorization or
 1934 consent of the employee or any employer who paid wages to the
 1935 employee after the date of the accident.

1936 2. The employer or carrier shall make the request on a
 1937 form prescribed by rule for such purpose by the department
 1938 ~~agency~~. Such form shall contain a certification by the
 1939 requesting party that it is a party entitled to the information
 1940 requested.

1941 3. The department shall provide the most current
 1942 information readily available within 15 days after receiving the
 1943 request.

1944 Section 26. Subsections (1), (4), (5), (6), and (7) and
 1945 paragraph (c) of subsection (2) of section 443.17161, Florida
 1946 Statutes, are amended to read:

1947 443.17161 Authorized electronic access to employer
 1948 information.—

1949 (1) Notwithstanding any other provision of this chapter,
 1950 the Department of Economic Opportunity ~~Agency for Workforce~~
 1951 ~~Innovation~~ shall contract with one or more consumer reporting
 1952 agencies to provide users with secured electronic access to
 1953 employer-provided information relating to the quarterly wages
 1954 report submitted in accordance with the state's reemployment
 1955 assistance ~~unemployment compensation~~ law. The access is limited
 1956 to the wage reports for the appropriate amount of time for the
 1957 purpose the information is requested.

1958 (2) Users must obtain consent in writing or by electronic
 1959 signature from an applicant for credit, employment, or other
 1960 permitted purposes. Any written or electronic signature consent

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

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1961 from an applicant must be signed and must include the following:

1962 (c) Notice that the files of the Department of Economic
 1963 Opportunity Agency for Workforce Innovation or its tax
 1964 collection service provider containing information concerning
 1965 wage and employment history which is submitted by the applicant
 1966 or his or her employers may be accessed; and

1967 (4) If a consumer reporting agency or user violates this
 1968 section, the Department of Economic Opportunity Agency for
 1969 Workforce Innovation shall, upon 30 days' written notice to the
 1970 consumer reporting agency, terminate the contract established
 1971 between the department Agency for Workforce Innovation and the
 1972 consumer reporting agency or require the consumer reporting
 1973 agency to terminate the contract established between the
 1974 consumer reporting agency and the user under this section.

1975 (5) The Department of Economic Opportunity Agency for
 1976 Workforce Innovation shall establish minimum audit, security,
 1977 net worth, and liability insurance standards, technical
 1978 requirements, and any other terms and conditions considered
 1979 necessary in the discretion of the state agency to safeguard the
 1980 confidentiality of the information released under this section
 1981 and to otherwise serve the public interest. The department
 1982 Agency for Workforce Innovation shall also include, in
 1983 coordination with any necessary state agencies, necessary audit
 1984 procedures to ensure that these rules are followed.

1985 (6) In contracting with one or more consumer reporting
 1986 agencies under this section, any revenues generated by the
 1987 contract must be used to pay the entire cost of providing access
 1988 to the information. Further, in accordance with federal

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

1989 regulations, any additional revenues generated by the Department
 1990 of Economic Opportunity ~~Agency for Workforce Innovation~~ or the
 1991 state under this section must be paid into the Administrative
 1992 Trust Fund of the department ~~Agency for Workforce Innovation~~ for
 1993 the administration of the unemployment compensation system or be
 1994 used as program income.

1995 (7) The Department of Economic Opportunity ~~Agency for~~
 1996 ~~Workforce Innovation~~ may not provide wage and employment history
 1997 information to any consumer reporting agency before the consumer
 1998 reporting agency or agencies under contract with the department
 1999 ~~Agency for Workforce Innovation~~ pay all development and other
 2000 startup costs incurred by the state in connection with the
 2001 design, installation, and administration of technological
 2002 systems and procedures for the electronic access program.

2003 Section 27. Subsection (2) of section 443.181, Florida
 2004 Statutes, is amended to read:

2005 443.181 Public employment service.—

2006 (2) All funds received by this state under 29 U.S.C. ss.
 2007 49-491-1 must be paid into the Employment Security
 2008 Administration Trust Fund, and these funds are available to the
 2009 Department of Economic Opportunity for expenditure as provided
 2010 by this chapter or by federal law. For the purpose of
 2011 establishing and maintaining one-stop career centers, the
 2012 department may enter into agreements with the Railroad
 2013 Retirement Board or any other agency of the United States
 2014 charged with the administration of a reemployment assistance or
 2015 ~~an~~ unemployment compensation law, with any political subdivision
 2016 of this state, or with any private, nonprofit organization. As a

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2017 part of any such agreement, the department may accept moneys,
 2018 services, or quarters as a contribution to the Employment
 2019 Security Administration Trust Fund.

2020 Section 28. Subsection (6) of section 443.191, Florida
 2021 Statutes, is amended to read:

2022 443.191 Unemployment Compensation Trust Fund;
 2023 establishment and control.—

2024 (6) TRUST FUND SOLE SOURCE FOR BENEFITS.—The Unemployment
 2025 Compensation Trust Fund is the sole and exclusive source for
 2026 paying reemployment assistance ~~unemployment~~ benefits, and these
 2027 benefits are due and payable only to the extent that
 2028 contributions or reimbursements, with increments thereon,
 2029 actually collected and credited to the fund and not otherwise
 2030 appropriated or allocated, are available for payment. The state
 2031 shall administer the fund without any liability on the part of
 2032 the state beyond the amount of moneys received from the United
 2033 States Department of Labor or other federal agency.

2034 Section 29. Paragraphs (b), (c), and (d) of subsection (1)
 2035 and subsections (3) and (4) of section 443.221, Florida
 2036 Statutes, are amended to read:

2037 443.221 Reciprocal arrangements.—

2038 (1)

2039 (b) For services to be considered as performed within a
 2040 state under a reciprocal agreement, the employing unit must have
 2041 an election in effect for those services, which is approved by
 2042 the agency charged with the administration of such state's
 2043 reemployment assistance or unemployment compensation law, under
 2044 which all the services performed by the individual for the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2045 | employing unit are deemed to be performed entirely within that
2046 | state.

2047 | (c) The department shall participate in any arrangements
2048 | for the payment of compensation on the basis of combining an
2049 | individual's wages and employment covered under this chapter
2050 | with her or his wages and employment covered under the
2051 | reemployment assistance or unemployment compensation laws of
2052 | other states, which are approved by the United States Secretary
2053 | of Labor, in consultation with the state reemployment assistance
2054 | or unemployment compensation agencies, as reasonably calculated
2055 | to assure the prompt and full payment of compensation in those
2056 | situations and which include provisions for:

2057 | 1. Applying the base period of a single state law to a
2058 | claim involving the combining of an individual's wages and
2059 | employment covered under two or more state reemployment
2060 | assistance or unemployment compensation laws; and

2061 | 2. Avoiding the duplicate use of wages and employment
2062 | because of the combination.

2063 | (d) Contributions or reimbursements due under this chapter
2064 | with respect to wages for insured work are, for the purposes of
2065 | ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
2066 | to the fund as of the date payment was made as contributions or
2067 | reimbursements therefor under another state or federal
2068 | reemployment assistance or unemployment compensation law, but an
2069 | arrangement may not be entered into unless it contains
2070 | provisions for reimbursement to the fund of the contributions or
2071 | reimbursements and the actual earnings thereon as the department
2072 | or its tax collection service provider finds are fair and

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2073 reasonable as to all affected interests.

2074 (3) The Department of Economic Opportunity or its tax
2075 collection service provider may enter into reciprocal
2076 arrangements with other states or the Federal Government, or
2077 both, for exchanging services, determining and enforcing payment
2078 obligations, and making available facilities and information.
2079 The department or its tax collection service provider may
2080 conduct investigations, secure and transmit information, make
2081 available services and facilities, and exercise other powers
2082 provided under this chapter to facilitate the administration of
2083 any reemployment assistance or unemployment compensation or
2084 public employment service law and, in a similar manner, accept
2085 and use information, services, and facilities made available to
2086 this state by the agency charged with the administration of any
2087 other unemployment compensation or public employment service
2088 law.

2089 (4) To the extent permissible under federal law, the
2090 Department of Economic Opportunity may enter into or cooperate
2091 in arrangements whereby facilities and services provided under
2092 this chapter and facilities and services provided under the
2093 reemployment assistance or unemployment compensation law of any
2094 foreign government may be used for the taking of claims and the
2095 payment of benefits under the employment security law of the
2096 state or under a similar law of that government.

2097 Section 30. Paragraph (c) of subsection (5) and subsection
2098 (8) of section 20.60, Florida Statutes, are amended to read:

2099 20.60 Department of Economic Opportunity; creation; powers
2100 and duties.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2101 (5) The divisions within the department have specific
 2102 responsibilities to achieve the duties, responsibilities, and
 2103 goals of the department. Specifically:
 2104 (c) The Division of Workforce Services shall:
 2105 1. Prepare and submit a unified budget request for
 2106 workforce in accordance with chapter 216 for, and in conjunction
 2107 with, Workforce Florida, Inc., and its board.
 2108 2. Ensure that the state appropriately administers federal
 2109 and state workforce funding by administering plans and policies
 2110 of Workforce Florida, Inc., under contract with Workforce
 2111 Florida, Inc. The operating budget and midyear amendments
 2112 thereto must be part of such contract.
 2113 a. All program and fiscal instructions to regional
 2114 workforce boards shall emanate from the Department of Economic
 2115 Opportunity pursuant to plans and policies of Workforce Florida,
 2116 Inc., which shall be responsible for all policy directions to
 2117 the regional workforce boards.
 2118 b. Unless otherwise provided by agreement with Workforce
 2119 Florida, Inc., administrative and personnel policies of the
 2120 Department of Economic Opportunity shall apply.
 2121 3. Implement the state's reemployment assistance
 2122 ~~unemployment compensation~~ program. The Department of Economic
 2123 Opportunity shall ensure that the state appropriately
 2124 administers the reemployment assistance ~~unemployment~~
 2125 ~~compensation~~ program pursuant to state and federal law.
 2126 4. Assist in developing the 5-year statewide strategic
 2127 plan required by this section.
 2128 (8) The Reemployment Assistance ~~Unemployment~~ Appeals

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2129 Commission, authorized by s. 443.012, is not subject to control,
 2130 supervision, or direction by the department in the performance
 2131 of its powers and duties but shall receive any and all support
 2132 and assistance from the department which is required for the
 2133 performance of its duties.

2134 Section 31. Paragraph (a) of subsection (1) of section
 2135 27.52, Florida Statutes, is amended to read:

2136 27.52 Determination of indigent status.—

2137 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 2138 of a public defender under s. 27.51 based upon an inability to
 2139 pay must apply to the clerk of the court for a determination of
 2140 indigent status using an application form developed by the
 2141 Florida Clerks of Court Operations Corporation with final
 2142 approval by the Supreme Court.

2143 (a) The application must include, at a minimum, the
 2144 following financial information:

2145 1. Net income, consisting of total salary and wages, minus
 2146 deductions required by law, including court-ordered support
 2147 payments.

2148 2. Other income, including, but not limited to, social
 2149 security benefits, union funds, veterans' benefits, workers'
 2150 compensation, other regular support from absent family members,
 2151 public or private employee pensions, reemployment assistance or
 2152 unemployment compensation, dividends, interest, rent, trusts,
 2153 and gifts.

2154 3. Assets, including, but not limited to, cash, savings
 2155 accounts, bank accounts, stocks, bonds, certificates of deposit,
 2156 equity in real estate, and equity in a boat or a motor vehicle

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2157 or in other tangible property.

2158 4. All liabilities and debts.

2159 5. If applicable, the amount of any bail paid for the
 2160 applicant's release from incarceration and the source of the
 2161 funds.

2162
 2163 The application must include a signature by the applicant which
 2164 attests to the truthfulness of the information provided. The
 2165 application form developed by the corporation must include
 2166 notice that the applicant may seek court review of a clerk's
 2167 determination that the applicant is not indigent, as provided in
 2168 this section.

2169 Section 32. Subsection (6) of section 40.24, Florida
 2170 Statutes, is amended to read:

2171 40.24 Compensation and reimbursement policy.—

2172 (6) A juror who receives reemployment assistance
 2173 ~~unemployment~~ benefits does not lose such benefits because he or
 2174 she receives compensation for juror service.

2175 Section 33. Paragraph (a) of subsection (7) of section
 2176 45.031, Florida Statutes, is amended to read:

2177 45.031 Judicial sales procedure.—In any sale of real or
 2178 personal property under an order or judgment, the procedures
 2179 provided in this section and ss. 45.0315-45.035 may be followed
 2180 as an alternative to any other sale procedure if so ordered by
 2181 the court.

2182 (7) DISBURSEMENTS OF PROCEEDS.—

2183 (a) On filing a certificate of title, the clerk shall
 2184 disburse the proceeds of the sale in accordance with the order

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2185 or final judgment and shall file a report of such disbursements
 2186 and serve a copy of it on each party, and on the Department of
 2187 Revenue if the department was named as a defendant in the action
 2188 or if the Department of Economic Opportunity or the former
 2189 Agency for Workforce Innovation was named as a defendant while
 2190 the Department of Revenue was providing reemployment assistance
 2191 ~~unemployment~~ tax collection services under contract with the
 2192 Department of Economic Opportunity or the former Agency for
 2193 Workforce Innovation through an interagency agreement pursuant
 2194 to s. 443.1316.

2195 Section 34. Subsection (2) of section 55.204, Florida
 2196 Statutes, is amended to read:

2197 55.204 Duration and continuation of judgment lien;
 2198 destruction of records.—

2199 (2) Liens securing the payment of child support or tax
 2200 obligations under s. 95.091(1)(b) lapse 20 years after the date
 2201 of the original filing of the warrant or other document required
 2202 by law to establish a lien. Liens securing the payment of
 2203 reemployment assistance ~~unemployment~~ tax obligations lapse 10
 2204 years after the date of the original filing of the notice of
 2205 lien. A second lien based on the original filing may not be
 2206 obtained.

2207 Section 35. Paragraph (a) of subsection (1) of section
 2208 57.082, Florida Statutes, is amended to read:

2209 57.082 Determination of civil indigent status.—

2210 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 2211 of an attorney in a civil case eligible for court-appointed
 2212 counsel, or seeking relief from payment of filing fees and

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2213 prepayment of costs under s. 57.081, based upon an inability to
 2214 pay must apply to the clerk of the court for a determination of
 2215 civil indigent status using an application form developed by the
 2216 Florida Clerks of Court Operations Corporation with final
 2217 approval by the Supreme Court.

2218 (a) The application must include, at a minimum, the
 2219 following financial information:

2220 1. Net income, consisting of total salary and wages, minus
 2221 deductions required by law, including court-ordered support
 2222 payments.

2223 2. Other income, including, but not limited to, social
 2224 security benefits, union funds, veterans' benefits, workers'
 2225 compensation, other regular support from absent family members,
 2226 public or private employee pensions, reemployment assistance or
 2227 unemployment compensation, dividends, interest, rent, trusts,
 2228 and gifts.

2229 3. Assets, including, but not limited to, cash, savings
 2230 accounts, bank accounts, stocks, bonds, certificates of deposit,
 2231 equity in real estate, and equity in a boat or a motor vehicle
 2232 or in other tangible property.

2233 4. All liabilities and debts.

2234
 2235 The application must include a signature by the applicant which
 2236 attests to the truthfulness of the information provided. The
 2237 application form developed by the corporation must include
 2238 notice that the applicant may seek court review of a clerk's
 2239 determination that the applicant is not indigent, as provided in
 2240 this section.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2241 Section 36. Subsection (8) of section 61.046, Florida
 2242 Statutes, is amended to read:

2243 61.046 Definitions.—As used in this chapter, the term:

2244 (8) "Income" means any form of payment to an individual,
 2245 regardless of source, including, but not limited to: wages,
 2246 salary, commissions and bonuses, compensation as an independent
 2247 contractor, worker's compensation, disability benefits, annuity
 2248 and retirement benefits, pensions, dividends, interest,
 2249 royalties, trusts, and any other payments, made by any person,
 2250 private entity, federal or state government, or any unit of
 2251 local government. United States Department of Veterans Affairs
 2252 disability benefits and reemployment assistance or unemployment
 2253 compensation, as defined in chapter 443, are excluded from this
 2254 definition of income except for purposes of establishing an
 2255 amount of support.

2256 Section 37. Paragraph (a) of subsection (3) of section
 2257 61.1824, Florida Statutes, is amended to read:

2258 61.1824 State Disbursement Unit.—

2259 (3) The State Disbursement Unit shall perform the
 2260 following functions:

2261 (a) Disburse all receipts from intercepts, including, but
 2262 not limited to, United States Internal Revenue Service,
 2263 reemployment assistance or unemployment compensation, lottery,
 2264 and administrative offset intercepts.

2265 Section 38. Paragraph (a) of subsection (2) of section
 2266 61.30, Florida Statutes, is amended to read:

2267 61.30 Child support guidelines; retroactive child
 2268 support.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2269 (2) Income shall be determined on a monthly basis for each
 2270 parent as follows:

2271 (a) Gross income shall include, but is not limited to, the
 2272 following:

2273 1. Salary or wages.

2274 2. Bonuses, commissions, allowances, overtime, tips, and
 2275 other similar payments.

2276 3. Business income from sources such as self-employment,
 2277 partnership, close corporations, and independent contracts.

2278 "Business income" means gross receipts minus ordinary and
 2279 necessary expenses required to produce income.

2280 4. Disability benefits.

2281 5. All workers' compensation benefits and settlements.

2282 6. Reemployment assistance or unemployment compensation.

2283 7. Pension, retirement, or annuity payments.

2284 8. Social security benefits.

2285 9. Spousal support received from a previous marriage or
 2286 court ordered in the marriage before the court.

2287 10. Interest and dividends.

2288 11. Rental income, which is gross receipts minus ordinary
 2289 and necessary expenses required to produce the income.

2290 12. Income from royalties, trusts, or estates.

2291 13. Reimbursed expenses or in kind payments to the extent
 2292 that they reduce living expenses.

2293 14. Gains derived from dealings in property, unless the
 2294 gain is nonrecurring.

2295 Section 39. Paragraph (a) of subsection (4) of section
 2296 69.041, Florida Statutes, is amended to read:

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2297 69.041 State named party; lien foreclosure, suit to quiet
 2298 title.—

2299 (4) (a) The Department of Revenue has the right to
 2300 participate in the disbursement of funds remaining in the
 2301 registry of the court after distribution pursuant to s.
 2302 45.031(7). The department shall participate in accordance with
 2303 applicable procedures in any mortgage foreclosure action in
 2304 which the department has a duly filed tax warrant, or interests
 2305 under a lien arising from a judgment, order, or decree for
 2306 support, as defined in s. 409.2554, or interest in an
 2307 reemployment assistance ~~unemployment compensation~~ tax lien under
 2308 contract with the Department of Economic Opportunity through an
 2309 interagency agreement pursuant to s. 443.1316, against the
 2310 subject property and with the same priority, regardless of
 2311 whether a default against the department, the Department of
 2312 Economic Opportunity, or the former Agency for Workforce
 2313 Innovation has been entered for failure to file an answer or
 2314 other responsive pleading.

2315 Section 40. Subsection (1) of section 77.041, Florida
 2316 Statutes, is amended to read:

2317 77.041 Notice to individual defendant for claim of
 2318 exemption from garnishment; procedure for hearing.—

2319 (1) Upon application for a writ of garnishment by a
 2320 plaintiff, if the defendant is an individual, the clerk of the
 2321 court shall attach to the writ the following "Notice to
 2322 Defendant":

2323
 2324 NOTICE TO DEFENDANT OF RIGHT AGAINST

ENROLLED
 CS/HB 7027, Engrossed 2

2012 Legislature

2325 GARNISHMENT OF WAGES, MONEY,
 2326 AND OTHER PROPERTY
 2327

2328 The Writ of Garnishment delivered to you with this Notice
 2329 means that wages, money, and other property belonging to you
 2330 have been garnished to pay a court judgment against you.

2331 HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY,
 2332 OR PROPERTY. READ THIS NOTICE CAREFULLY.

2333 State and federal laws provide that certain wages, money,
 2334 and property, even if deposited in a bank, savings and loan, or
 2335 credit union, may not be taken to pay certain types of court
 2336 judgments. Such wages, money, and property are exempt from
 2337 garnishment. The major exemptions are listed below on the form
 2338 for Claim of Exemption and Request for Hearing. This list does
 2339 not include all possible exemptions. You should consult a lawyer
 2340 for specific advice.

2341 TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING
 2342 GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST
 2343 COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING
 2344 AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE
 2345 THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE
 2346 YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU
 2347 MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF
 2348 AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF
 2349 GARNISHMENT.

2350 If you request a hearing, it will be held as soon as
 2351 possible after your request is received by the court. The
 2352 plaintiff must file any objection within 3 business days if you

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2353 hand delivered to the plaintiff a copy of the form for Claim of
 2354 Exemption and Request for Hearing or, alternatively, 8 business
 2355 days if you mailed a copy of the form for claim and request to
 2356 the plaintiff. If the plaintiff files an objection to your Claim
 2357 of Exemption and Request for Hearing, the clerk will notify you
 2358 and the other parties of the time and date of the hearing. You
 2359 may attend the hearing with or without an attorney. If the
 2360 plaintiff fails to file an objection, no hearing is required,
 2361 the writ of garnishment will be dissolved and your wages, money,
 2362 or property will be released.

2363 YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY
 2364 TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE
 2365 COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU
 2366 NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT
 2367 AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE.
 2368 CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE
 2369 ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

2370
 2371 CLAIM OF EXEMPTION AND
 2372 REQUEST FOR HEARING

2373
 2374 I claim exemptions from garnishment under the following
 2375 categories as checked:

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

2376
 a. I provide more than one-half of the support for a child
 or other dependent and have net earnings of \$750 or less

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

per week.

2377

.... 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.

2378

.... 2. Social Security benefits.

2379

.... 3. Supplemental Security Income benefits.

2380

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

2381

.... 5. Workers' Compensation.

2382

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

2383

.... 7. Veterans' benefits.

2384

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

2385

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

2386

.... 10. Disability income benefits.

2387

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

2388

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

.... 12. Other exemptions as provided by law.

.....(explain)

2389

2390

2391 I request a hearing to decide the validity of my claim. Notice
2392 of the hearing should be given to me at:

2393

2394 Address:

2395 Telephone number:.....

2396

2397 The statements made in this request are true to the best of my
2398 knowledge and belief.

2399

2400

2401 Defendant's signature

2402 Date.....

2403

2404 STATE OF FLORIDA

2405 COUNTY OF

2406

2407 Sworn and subscribed to before me this day of ... (month
2408 and year)...., by ... (name of person making statement)...

2409 Notary Public/Deputy Clerk

2410 Personally KnownOR Produced Identification....

2411 Type of Identification Produced.....

2412 Section 41. Paragraph (n) of subsection (2) of section

2413 110.205, Florida Statutes, is amended to read:

2414 110.205 Career service; exemptions.-

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2415 (2) EXEMPT POSITIONS.—The exempt positions that are not
 2416 covered by this part include the following:

2417 (n)1.a. In addition to those positions exempted by other
 2418 paragraphs of this subsection, each department head may
 2419 designate a maximum of 20 policymaking or managerial positions,
 2420 as defined by the department and approved by the Administration
 2421 Commission, as being exempt from the Career Service System.
 2422 Career service employees who occupy a position designated as a
 2423 position in the Selected Exempt Service under this paragraph
 2424 shall have the right to remain in the Career Service System by
 2425 opting to serve in a position not exempted by the employing
 2426 agency. Unless otherwise fixed by law, the department shall set
 2427 the salary and benefits of these positions in accordance with
 2428 the rules of the Selected Exempt Service; provided, however,
 2429 that if the agency head determines that the general counsel,
 2430 chief Cabinet aide, public information administrator or
 2431 comparable position for a Cabinet officer, inspector general, or
 2432 legislative affairs director has both policymaking and
 2433 managerial responsibilities and if the department determines
 2434 that any such position has both policymaking and managerial
 2435 responsibilities, the salary and benefits for each such position
 2436 shall be established by the department in accordance with the
 2437 rules of the Senior Management Service.

2438 b. In addition, each department may designate one
 2439 additional position in the Senior Management Service if that
 2440 position reports directly to the agency head or to a position in
 2441 the Senior Management Service and if any additional costs are
 2442 absorbed from the existing budget of that department.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2443 2. If otherwise exempt, employees of the Public Employees
 2444 Relations Commission, the Commission on Human Relations, and the
 2445 Reemployment Assistance ~~Unemployment~~ Appeals Commission, upon
 2446 the certification of their respective commission heads, may be
 2447 provided for under this paragraph as members of the Senior
 2448 Management Service, if otherwise qualified. However, the deputy
 2449 general counsel of the Public Employees Relations Commission
 2450 shall be compensated as members of the Selected Exempt Service.

2451 Section 42. Subsection (4) of section 110.502, Florida
 2452 Statutes, is amended to read:

2453 110.502 Scope of act; status of volunteers.—

2454 (4) Persons working with state agencies pursuant to this
 2455 part shall be considered as unpaid independent volunteers and
 2456 shall not be entitled to reemployment assistance ~~unemployment~~
 2457 ~~compensation~~.

2458 Section 43. Subsection (10) of section 120.80, Florida
 2459 Statutes, is amended to read:

2460 120.80 Exceptions and special requirements; agencies.—

2461 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY.—

2462 (a) Notwithstanding s. 120.54, the rulemaking provisions
 2463 of this chapter do not apply to reemployment assistance
 2464 ~~unemployment~~ appeals referees.

2465 (b) Notwithstanding s. 120.54(5), the uniform rules of
 2466 procedure do not apply to appeal proceedings conducted under
 2467 chapter 443 by the Reemployment Assistance ~~Unemployment~~ Appeals
 2468 Commission, special deputies, or reemployment assistance
 2469 ~~unemployment~~ appeals referees.

2470 (c) Notwithstanding s. 120.57(1)(a), hearings under

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2471 chapter 443 may not be conducted by an administrative law judge
 2472 assigned by the division, but instead shall be conducted by the
 2473 Reemployment Assistance ~~Unemployment~~ Appeals Commission in
 2474 reemployment assistance ~~unemployment compensation~~ appeals,
 2475 reemployment assistance ~~unemployment~~ appeals referees, and the
 2476 Department of Economic Opportunity or its special deputies under
 2477 s. 443.141.

2478 Section 44. Subsection (4) of section 125.9502, Florida
 2479 Statutes, is amended to read:

2480 125.9502 Scope of ss. 125.9501-125.9506; status of
 2481 volunteers.—

2482 (4) Persons working with a unit of county government or a
 2483 constitutional county officer pursuant to ss. 125.9501-125.9506
 2484 are considered unpaid independent volunteers and are not
 2485 entitled to reemployment assistance ~~unemployment compensation~~.

2486 Section 45. Paragraph (d) of subsection (1) and paragraph
 2487 (b) of subsection (2) of section 212.096, Florida Statutes, are
 2488 amended to read:

2489 212.096 Sales, rental, storage, use tax; enterprise zone
 2490 jobs credit against sales tax.—

2491 (1) For the purposes of the credit provided in this
 2492 section:

2493 (d) "Job" means a full-time position, as consistent with
 2494 terms used by the Department of Economic Opportunity ~~Agency for~~
 2495 ~~Workforce Innovation~~ and the United States Department of Labor
 2496 for purposes of reemployment assistance ~~unemployment~~
 2497 ~~compensation~~ tax administration and employment estimation
 2498 resulting directly from a business operation in this state. This

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2499 term may not include a temporary construction job involved with
2500 the construction of facilities or any job that has previously
2501 been included in any application for tax credits under s.
2502 220.181(1). The term also includes employment of an employee
2503 leased from an employee leasing company licensed under chapter
2504 468 if such employee has been continuously leased to the
2505 employer for an average of at least 36 hours per week for more
2506 than 6 months.

2507
2508 A person shall be deemed to be employed if the person performs
2509 duties in connection with the operations of the business on a
2510 regular, full-time basis, provided the person is performing such
2511 duties for an average of at least 36 hours per week each month.
2512 The person must be performing such duties at a business site
2513 located in the enterprise zone.

2514 (2)

2515 (b) The credit shall be computed as 20 percent of the
2516 actual monthly wages paid in this state to each new employee
2517 hired when a new job has been created, unless the business is
2518 located within a rural enterprise zone pursuant to s. 290.004,
2519 in which case the credit shall be 30 percent of the actual
2520 monthly wages paid. If no less than 20 percent of the employees
2521 of the business are residents of an enterprise zone, excluding
2522 temporary and part-time employees, the credit shall be computed
2523 as 30 percent of the actual monthly wages paid in this state to
2524 each new employee hired when a new job has been created, unless
2525 the business is located within a rural enterprise zone, in which
2526 case the credit shall be 45 percent of the actual monthly wages

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2527 | paid. If the new employee hired when a new job is created is a
 2528 | participant in the welfare transition program, the following
 2529 | credit shall be a percent of the actual monthly wages paid: 40
 2530 | percent for \$4 above the hourly federal minimum wage rate; 41
 2531 | percent for \$5 above the hourly federal minimum wage rate; 42
 2532 | percent for \$6 above the hourly federal minimum wage rate; 43
 2533 | percent for \$7 above the hourly federal minimum wage rate; and
 2534 | 44 percent for \$8 above the hourly federal minimum wage rate.
 2535 | For purposes of this paragraph, monthly wages shall be computed
 2536 | as one-twelfth of the expected annual wages paid to such
 2537 | employee. The amount paid as wages to a new employee is the
 2538 | compensation paid to such employee that is subject to
 2539 | reemployment assistance ~~unemployment~~ tax. The credit shall be
 2540 | allowed for up to 24 consecutive months, beginning with the
 2541 | first tax return due pursuant to s. 212.11 after approval by the
 2542 | department.

2543 | Section 46. Subsection (4) of section 213.053, Florida
 2544 | Statutes, is amended to read:

2545 | 213.053 Confidentiality and information sharing.—

2546 | (4) The department, while providing reemployment
 2547 | assistance ~~unemployment~~ tax collection services under contract
 2548 | with the Department of Economic Opportunity through an
 2549 | interagency agreement pursuant to s. 443.1316, may release
 2550 | reemployment assistance ~~unemployment~~ tax rate information to the
 2551 | agent of an employer who provides payroll services for more than
 2552 | 100 employers, pursuant to the terms of a memorandum of
 2553 | understanding. The memorandum of understanding must state that
 2554 | the agent affirms, subject to the criminal penalties contained

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2555 in ss. 443.171 and 443.1715, that the agent will retain the
 2556 confidentiality of the information, that the agent has in effect
 2557 a power of attorney from the employer which permits the agent to
 2558 obtain reemployment assistance ~~unemployment~~ tax rate
 2559 information, and that the agent shall provide the department
 2560 with a copy of the employer's power of attorney upon request.

2561 Section 47. Paragraph (a) of subsection (6) of section
 2562 216.292, Florida Statutes, is amended to read:

2563 216.292 Appropriations nontransferable; exceptions.—

2564 (6) The Chief Financial Officer shall transfer from any
 2565 available funds of an agency or the judicial branch the
 2566 following amounts and shall report all such transfers and the
 2567 reasons therefor to the legislative appropriations committees
 2568 and the Executive Office of the Governor:

2569 (a) The amount due to the Unemployment Compensation Trust
 2570 Fund which is more than 90 days delinquent on reimbursements due
 2571 to the Unemployment Compensation Trust Fund. The amount
 2572 transferred shall be that certified by the state agency
 2573 providing reemployment assistance ~~unemployment~~ tax collection
 2574 services under contract with the Department of Economic
 2575 Opportunity through an interagency agreement pursuant to s.
 2576 443.1316.

2577 Section 48. Paragraph (ff) of subsection (1) of section
 2578 220.03, Florida Statutes, is amended to read:

2579 220.03 Definitions.—

2580 (1) SPECIFIC TERMS.—When used in this code, and when not
 2581 otherwise distinctly expressed or manifestly incompatible with
 2582 the intent thereof, the following terms shall have the following

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2583 meanings:
 2584 (ff) "Job" means a full-time position, as consistent with
 2585 terms used by the Department of Economic Opportunity and the
 2586 United States Department of Labor for purposes of reemployment
 2587 assistance ~~unemployment compensation~~ tax administration and
 2588 employment estimation resulting directly from business
 2589 operations in this state. The term may not include a temporary
 2590 construction job involved with the construction of facilities or
 2591 any job that has previously been included in any application for
 2592 tax credits under s. 212.096. The term also includes employment
 2593 of an employee leased from an employee leasing company licensed
 2594 under chapter 468 if the employee has been continuously leased
 2595 to the employer for an average of at least 36 hours per week for
 2596 more than 6 months.

2597 Section 49. Paragraph (b) of subsection (1) of section
 2598 220.181, Florida Statutes, is amended to read:

2599 220.181 Enterprise zone jobs credit.—

2600 (1)

2601 (b) This credit applies only with respect to wages subject
 2602 to reemployment assistance ~~unemployment~~ tax. The credit provided
 2603 in this section does not apply:

2604 1. For any employee who is an owner, partner, or majority
 2605 stockholder of an eligible business.

2606 2. For any new employee who is employed for any period
 2607 less than 3 months.

2608 Section 50. Paragraph (e) of subsection (1) of section
 2609 220.191, Florida Statutes, is amended to read:

2610 220.191 Capital investment tax credit.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2611 (1) DEFINITIONS.—For purposes of this section:
 2612 (e) "Jobs" means full-time equivalent positions, as that
 2613 term is consistent with terms used by the Department of Economic
 2614 Opportunity and the United States Department of Labor for
 2615 purposes of reemployment assistance ~~unemployment~~ tax
 2616 administration and employment estimation, resulting directly
 2617 from a project in this state. The term does not include
 2618 temporary construction jobs involved in the construction of the
 2619 project facility.

2620 Section 51. Paragraph (d) of subsection (3) of section
 2621 220.194, Florida Statutes, is amended to read:

2622 220.194 Corporate income tax credits for spaceflight
 2623 projects.—

2624 (3) DEFINITIONS.—As used in this section, the term:

2625 (d) "New job" means the full-time employment of an
 2626 employee in a manner that is consistent with terms used by the
 2627 Department of Economic Opportunity ~~Agency for Workforce~~
 2628 ~~Innovation~~ and the United States Department of Labor for
 2629 purposes of reemployment assistance ~~unemployment compensation~~
 2630 tax administration and employment estimation. In order to meet
 2631 the requirement for certification specified in paragraph (5) (b),
 2632 a new job must:

2633 1. Pay new employees at least 115 percent of the statewide
 2634 or countywide average annual private sector wage for the 3
 2635 taxable years immediately preceding filing an application for
 2636 certification;

2637 2. Require a new employee to perform duties on a regular
 2638 full-time basis in this state for an average of at least 36

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2639 hours per week each month for the 3 taxable years immediately
 2640 preceding filing an application for certification; and

2641 3. Not be held by a person who has previously been
 2642 included as a new employee on an application for any credit
 2643 authorized under this section.

2644 Section 52. Section 222.15, Florida Statutes, is amended
 2645 to read:

2646 222.15 Wages or reemployment assistance or unemployment
 2647 compensation payments due deceased employee may be paid spouse
 2648 or certain relatives.—

2649 (1) It is lawful for any employer, in case of the death of
 2650 an employee, to pay to the wife or husband, and in case there is
 2651 no wife or husband, then to the child or children, provided the
 2652 child or children are over the age of 18 years, and in case
 2653 there is no child or children, then to the father or mother, any
 2654 wages or travel expenses that may be due such employee at the
 2655 time of his or her death.

2656 (2) It is also lawful for the Department of Economic
 2657 Opportunity, in case of death of any unemployed individual, to
 2658 pay to those persons referred to in subsection (1) any
 2659 reemployment assistance or unemployment compensation payments
 2660 that may be due to the individual at the time of his or her
 2661 death.

2662 Section 53. Section 222.16, Florida Statutes, is amended
 2663 to read:

2664 222.16 Wages or reemployment assistance or unemployment
 2665 compensation payments so paid not subject to administration.—Any
 2666 wages, travel expenses, or reemployment assistance or

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2667 unemployment compensation payments so paid under the authority
 2668 of s. 222.15 shall not be considered as assets of the estate and
 2669 subject to administration; provided, however, that the travel
 2670 expenses so exempted from administration shall not exceed the
 2671 sum of \$300.

2672 Section 54. Paragraph (m) of subsection (1) of section
 2673 255.20, Florida Statutes, is amended to read:

2674 255.20 Local bids and contracts for public construction
 2675 works; specification of state-produced lumber.—

2676 (1) A county, municipality, special district as defined in
 2677 chapter 189, or other political subdivision of the state seeking
 2678 to construct or improve a public building, structure, or other
 2679 public construction works must competitively award to an
 2680 appropriately licensed contractor each project that is estimated
 2681 in accordance with generally accepted cost-accounting principles
 2682 to cost more than \$300,000. For electrical work, the local
 2683 government must competitively award to an appropriately licensed
 2684 contractor each project that is estimated in accordance with
 2685 generally accepted cost-accounting principles to cost more than
 2686 \$75,000. As used in this section, the term "competitively award"
 2687 means to award contracts based on the submission of sealed bids,
 2688 proposals submitted in response to a request for proposal,
 2689 proposals submitted in response to a request for qualifications,
 2690 or proposals submitted for competitive negotiation. This
 2691 subsection expressly allows contracts for construction
 2692 management services, design/build contracts, continuation
 2693 contracts based on unit prices, and any other contract
 2694 arrangement with a private sector contractor permitted by any

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2695 applicable municipal or county ordinance, by district
 2696 resolution, or by state law. For purposes of this section, cost
 2697 includes the cost of all labor, except inmate labor, and the
 2698 cost of equipment and materials to be used in the construction
 2699 of the project. Subject to the provisions of subsection (3), the
 2700 county, municipality, special district, or other political
 2701 subdivision may establish, by municipal or county ordinance or
 2702 special district resolution, procedures for conducting the
 2703 bidding process.

2704 (m) Any contractor may be considered ineligible to bid by
 2705 the governmental entity if the contractor has been found guilty
 2706 by a court of any violation of federal labor or employment tax
 2707 laws regarding subjects such as safety, tax withholding,
 2708 workers' compensation, reemployment assistance or unemployment
 2709 tax, social security and Medicare tax, wage or hour, or
 2710 prevailing rate laws within the past 5 years.

2711 Section 55. Subsection (5) of section 288.075, Florida
 2712 Statutes, is amended to read:

2713 288.075 Confidentiality of records.—

2714 (5) IDENTIFICATION, ACCOUNT, AND REGISTRATION NUMBERS.—A
 2715 federal employer identification number, reemployment assistance
 2716 ~~unemployment compensation~~ account number, or Florida sales tax
 2717 registration number held by an economic development agency is
 2718 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 2719 of the State Constitution.

2720 Section 56. Paragraph (c) of subsection (1) of section
 2721 288.1045, Florida Statutes, is amended to read:

2722 288.1045 Qualified defense contractor and space flight

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2723 business tax refund program.—

2724 (1) DEFINITIONS.—As used in this section:

2725 (c) "Business unit" means an employing unit, as defined in
 2726 s. 443.036, that is registered with the department for
 2727 reemployment assistance ~~unemployment compensation~~ purposes or
 2728 means a subcategory or division of an employing unit that is
 2729 accepted by the department as a reporting unit.

2730 Section 57. Paragraph (d) of subsection (2) of section
 2731 288.106, Florida Statutes, is amended to read:

2732 288.106 Tax refund program for qualified target industry
 2733 businesses.—

2734 (2) DEFINITIONS.—As used in this section:

2735 (d) "Business" means an employing unit, as defined in s.
 2736 443.036, that is registered for reemployment assistance
 2737 ~~unemployment compensation~~ purposes with the state agency
 2738 providing reemployment assistance ~~unemployment~~ tax collection
 2739 services under an interagency agreement pursuant to s. 443.1316,
 2740 or a subcategory or division of an employing unit that is
 2741 accepted by the state agency providing reemployment assistance
 2742 ~~unemployment~~ tax collection services as a reporting unit.

2743 Section 58. Paragraph (b) of subsection (3) of section
 2744 288.1081, Florida Statutes, is amended to read:

2745 288.1081 Economic Gardening Business Loan Pilot Program.—

2746 (3)

2747 (b) A loan applicant must submit a written application to
 2748 the loan administrator in the format prescribed by the loan
 2749 administrator. The application must include:

2750 1. The applicant's federal employer identification number,

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2751 reemployment assistance ~~unemployment~~ account number, and sales
 2752 or other tax registration number.

2753 2. The street address of the applicant's principal place
 2754 of business in this state.

2755 3. A description of the type of economic activity,
 2756 product, or research and development undertaken by the
 2757 applicant, including the six-digit North American Industry
 2758 Classification System code for each type of economic activity
 2759 conducted by the applicant.

2760 4. The applicant's annual revenue, number of employees,
 2761 number of full-time equivalent employees, and other information
 2762 necessary to verify the applicant's eligibility for the pilot
 2763 program under s. 288.1082(4) (a).

2764 5. The projected investment in the business, if any, which
 2765 the applicant proposes in conjunction with the loan.

2766 6. The total investment in the business from all sources,
 2767 if any, which the applicant proposes in conjunction with the
 2768 loan.

2769 7. The number of net new full-time equivalent jobs that,
 2770 as a result of the loan, the applicant proposes to create in
 2771 this state as of December 31 of each year and the average annual
 2772 wage of the proposed jobs.

2773 8. The total number of full-time equivalent employees the
 2774 applicant currently employs in this state.

2775 9. The date that the applicant anticipates it needs the
 2776 loan.

2777 10. A detailed explanation of why the loan is needed to
 2778 assist the applicant in expanding jobs in the state.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2779 | 11. A statement that all of the applicant's available
 2780 | corporate assets are pledged as collateral for the amount of the
 2781 | loan.

2782 | 12. A statement that the applicant, upon receiving the
 2783 | loan, agrees not to seek additional long-term debt without prior
 2784 | approval of the loan administrator.

2785 | 13. A statement that the loan is a joint obligation of the
 2786 | business and of each person who owns at least 20 percent of the
 2787 | business.

2788 | 14. Any additional information requested by the department
 2789 | or the loan administrator.

2790 | Section 59. Paragraph (a) of subsection (3) of section
 2791 | 288.1089, Florida Statutes, is amended to read:

2792 | 288.1089 Innovation Incentive Program.—

2793 | (3) To be eligible for consideration for an innovation
 2794 | incentive award, an innovation business, a research and
 2795 | development entity, or an alternative and renewable energy
 2796 | company must submit a written application to the department
 2797 | before making a decision to locate new operations in this state
 2798 | or expand an existing operation in this state. The application
 2799 | must include, but not be limited to:

2800 | (a) The applicant's federal employer identification
 2801 | number, reemployment assistance ~~unemployment~~ account number, and
 2802 | state sales tax registration number. If such numbers are not
 2803 | available at the time of application, they must be submitted to
 2804 | the department in writing before the disbursement of any
 2805 | payments under this section.

2806 | Section 60. Subsection (1) of section 334.30, Florida

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2807 Statutes, is amended to read:

2808 334.30 Public-private transportation facilities.—The
 2809 Legislature finds and declares that there is a public need for
 2810 the rapid construction of safe and efficient transportation
 2811 facilities for the purpose of traveling within the state, and
 2812 that it is in the public's interest to provide for the
 2813 construction of additional safe, convenient, and economical
 2814 transportation facilities.

2815 (1) The department may receive or solicit proposals and,
 2816 with legislative approval as evidenced by approval of the
 2817 project in the department's work program, enter into agreements
 2818 with private entities, or consortia thereof, for the building,
 2819 operation, ownership, or financing of transportation facilities.
 2820 The department may advance projects programmed in the adopted 5-
 2821 year work program or projects increasing transportation capacity
 2822 and greater than \$500 million in the 10-year Strategic
 2823 Intermodal Plan using funds provided by public-private
 2824 partnerships or private entities to be reimbursed from
 2825 department funds for the project as programmed in the adopted
 2826 work program. The department shall by rule establish an
 2827 application fee for the submission of unsolicited proposals
 2828 under this section. The fee must be sufficient to pay the costs
 2829 of evaluating the proposals. The department may engage the
 2830 services of private consultants to assist in the evaluation.
 2831 Before approval, the department must determine that the proposed
 2832 project:

- 2833 (a) Is in the public's best interest;
- 2834 (b) Would not require state funds to be used unless the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2835 project is on the State Highway System;

2836 (c) Would have adequate safeguards in place to ensure that

2837 no additional costs or service disruptions would be realized by

2838 the traveling public and residents of the state in the event of

2839 default or cancellation of the agreement by the department;

2840 (d) Would have adequate safeguards in place to ensure that

2841 the department or the private entity has the opportunity to add

2842 capacity to the proposed project and other transportation

2843 facilities serving similar origins and destinations; and

2844 (e) Would be owned by the department upon completion or

2845 termination of the agreement.

2846

2847 The department shall ensure that all reasonable costs to the

2848 state, related to transportation facilities that are not part of

2849 the State Highway System, are borne by the private entity. The

2850 department shall also ensure that all reasonable costs to the

2851 state and substantially affected local governments and

2852 utilities, related to the private transportation facility, are

2853 borne by the private entity for transportation facilities that

2854 are owned by private entities. For projects on the State Highway

2855 System, the department may use state resources to participate in

2856 funding and financing the project as provided for under the

2857 department's enabling legislation. Because the Legislature

2858 recognizes that private entities or consortia thereof would

2859 perform a governmental or public purpose or function when they

2860 enter into agreements with the department to design, build,

2861 operate, own, or finance transportation facilities, the

2862 transportation facilities, including leasehold interests

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2863 | thereof, are exempt from ad valorem taxes as provided in chapter
 2864 | 196 to the extent property is owned by the state or other
 2865 | government entity, and from intangible taxes as provided in
 2866 | chapter 199 and special assessments of the state, any city,
 2867 | town, county, special district, political subdivision of the
 2868 | state, or any other governmental entity. The private entities or
 2869 | consortia thereof are exempt from tax imposed by chapter 201 on
 2870 | all documents or obligations to pay money which arise out of the
 2871 | agreements to design, build, operate, own, lease, or finance
 2872 | transportation facilities. Any private entities or consortia
 2873 | thereof must pay any applicable corporate taxes as provided in
 2874 | chapter 220, and reemployment assistance ~~unemployment~~
 2875 | ~~compensation~~ taxes as provided in chapter 443, and sales and use
 2876 | tax as provided in chapter 212 shall be applicable. The private
 2877 | entities or consortia thereof must also register and collect the
 2878 | tax imposed by chapter 212 on all their direct sales and leases
 2879 | that are subject to tax under chapter 212. The agreement between
 2880 | the private entity or consortia thereof and the department
 2881 | establishing a transportation facility under this chapter
 2882 | constitutes documentation sufficient to claim any exemption
 2883 | under this section.

2884 | Section 61. Subsection (8) of section 408.809, Florida
 2885 | Statutes, is amended to read:

2886 | 408.809 Background screening; prohibited offenses.—

2887 | (8) There is no reemployment assistance ~~unemployment~~
 2888 | ~~compensation~~ or other monetary liability on the part of, and no
 2889 | cause of action for damages arising against, an employer that,
 2890 | upon notice of a disqualifying offense listed under chapter 435

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2891 or this section, terminates the person against whom the report
 2892 was issued, whether or not that person has filed for an
 2893 exemption with the Department of Health or the agency.

2894 Section 62. Paragraph (e) of subsection (7) of section
 2895 409.2563, Florida Statutes, is amended to read:

2896 409.2563 Administrative establishment of child support
 2897 obligations.—

2898 (7) ADMINISTRATIVE SUPPORT ORDER.—

2899 (e) An administrative support order must comply with ss.
 2900 61.13(1) and 61.30. The department shall develop a standard form
 2901 or forms for administrative support orders. An administrative
 2902 support order must provide and state findings, if applicable,
 2903 concerning:

- 2904 1. The full name and date of birth of the child or
 2905 children;
- 2906 2. The name of the parent from whom support is being
 2907 sought and the other parent or caregiver;
- 2908 3. The parent's duty and ability to provide support;
- 2909 4. The amount of the parent's monthly support obligation;
- 2910 5. Any obligation to pay retroactive support;
- 2911 6. The parent's obligation to provide for the health care
 2912 needs of each child, whether through health insurance,
 2913 contribution toward the cost of health insurance, payment or
 2914 reimbursement of health care expenses for the child, or any
 2915 combination thereof;
- 2916 7. The beginning date of any required monthly payments and
 2917 health insurance;
- 2918 8. That all support payments ordered must be paid to the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2919 Florida State Disbursement Unit as provided by s. 61.1824;
 2920 9. That the parents, or caregiver if applicable, must file
 2921 with the department when the administrative support order is
 2922 rendered, if they have not already done so, and update as
 2923 appropriate the information required pursuant to paragraph
 2924 (13) (b);

2925 10. That both parents, or parent and caregiver if
 2926 applicable, are required to promptly notify the department of
 2927 any change in their mailing addresses pursuant to paragraph
 2928 (13) (c); and

2929 11. That if the parent ordered to pay support receives
 2930 reemployment assistance or unemployment compensation benefits,
 2931 the payor shall withhold, and transmit to the department, 40
 2932 percent of the benefits for payment of support, not to exceed
 2933 the amount owed.

2934
 2935 An income deduction order as provided by s. 61.1301 must be
 2936 incorporated into the administrative support order or, if not
 2937 incorporated into the administrative support order, the
 2938 department or the Division of Administrative Hearings shall
 2939 render a separate income deduction order.

2940 Section 63. Paragraph (a) of subsection (3), subsection
 2941 (8), and paragraph (a) of subsection (9) of section 409.2576,
 2942 Florida Statutes, are amended to read:

2943 409.2576 State Directory of New Hires.—

2944 (3) EMPLOYERS TO FURNISH REPORTS.—

2945 (a) Each employer subject to the reporting requirements of
 2946 chapter 443 with 250 or more employees, shall provide to the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2947 State Directory of New Hires, a report listing the employer's
 2948 legal name, address, and reemployment assistance ~~unemployment~~
 2949 ~~compensation~~ identification number. The report must also provide
 2950 the name and social security number of each new employee or
 2951 rehired employee at the end of the first pay period following
 2952 employment or reemployment.

2953 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—The State
 2954 Directory of New Hires must furnish information regarding newly
 2955 hired or rehired employees to the National Directory of New
 2956 Hires for matching with the records of other state case
 2957 registries within 3 business days of entering such information
 2958 from the employer into the State Directory of New Hires. The
 2959 State Directory of New Hires shall enter into an agreement with
 2960 the Department of Economic Opportunity or its tax collection
 2961 service provider for the quarterly reporting to the National
 2962 Directory of New Hires information on wages and reemployment
 2963 assistance ~~unemployment compensation~~ taken from the quarterly
 2964 report to the Secretary of Labor, now required by Title III of
 2965 the Social Security Act, except that no report shall be filed
 2966 with respect to an employee of a state or local agency
 2967 performing intelligence or counterintelligence functions, if the
 2968 head of such agency has determined that filing such a report
 2969 could endanger the safety of the employee or compromise an
 2970 ongoing investigation or intelligence mission.

2971 (9) DISCLOSURE OF INFORMATION.—

2972 (a) New hire information shall be disclosed to the state
 2973 agency administering the following programs for the purposes of
 2974 determining eligibility under those programs:

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

2975 | 1. Any state program funded under part A of Title IV of
 2976 | the Social Security Act;
 2977 | 2. The Medicaid program under Title XIX of the Social
 2978 | Security Act;
 2979 | 3. The reemployment assistance or unemployment
 2980 | compensation program under s. 3304 of the Internal Revenue Code
 2981 | of 1954;
 2982 | 4. The food assistance program under the Food and
 2983 | Nutrition Act of 2008; and
 2984 | 5. Any state program under a plan approved under Title I
 2985 | (Old-Age Assistance for the Aged), Title X (Aid to the Blind),
 2986 | Title XIV (Aid to the Permanently and Totally Disabled), or
 2987 | Title XVI (Aid to the Aged, Blind, or Disabled; Supplemental
 2988 | Security Income for the Aged, Blind, and Disabled) of the Social
 2989 | Security Act.
 2990 | Section 64. Paragraph (f) of subsection (1) of section
 2991 | 414.295, Florida Statutes, is amended to read:
 2992 | 414.295 Temporary cash assistance programs; public records
 2993 | exemption.—
 2994 | (1) Personal identifying information of a temporary cash
 2995 | assistance program participant, a participant's family, or a
 2996 | participant's family or household member, except for information
 2997 | identifying a parent who does not live in the same home as the
 2998 | child, held by the department, the Office of Early Learning,
 2999 | Workforce Florida, Inc., the Department of Health, the
 3000 | Department of Revenue, the Department of Education, or a
 3001 | regional workforce board or local committee created pursuant to
 3002 | s. 445.007 is confidential and exempt from s. 119.07(1) and s.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3003 24(a), Art. I of the State Constitution. Such confidential and
 3004 exempt information may be released for purposes directly
 3005 connected with:

3006 (f) The administration of the reemployment assistance
 3007 ~~unemployment-compensation~~ program.

3008 Section 65. Subsection (4) of section 435.06, Florida
 3009 Statutes, is amended to read:

3010 435.06 Exclusion from employment.—

3011 (4) There is no reemployment assistance ~~unemployment~~
 3012 ~~compensation~~ or other monetary liability on the part of, and no
 3013 cause of action for damages against, an employer that, upon
 3014 notice of a conviction or arrest for a disqualifying offense
 3015 listed under this chapter, terminates the person against whom
 3016 the report was issued or who was arrested, regardless of whether
 3017 or not that person has filed for an exemption pursuant to this
 3018 chapter.

3019 Section 66. Subsection (2) of section 440.12, Florida
 3020 Statutes, is amended to read:

3021 440.12 Time for commencement and limits on weekly rate of
 3022 compensation.—

3023 (2) Compensation for disability resulting from injuries
 3024 which occur after December 31, 1974, shall not be less than \$20
 3025 per week. However, if the employee's wages at the time of injury
 3026 are less than \$20 per week, he or she shall receive his or her
 3027 full weekly wages. If the employee's wages at the time of the
 3028 injury exceed \$20 per week, compensation shall not exceed an
 3029 amount per week which is:

3030 (a) Equal to 100 percent of the statewide average weekly

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3031 wage, determined as hereinafter provided for the year in which
 3032 the injury occurred; however, the increase to 100 percent from
 3033 66 2/3 percent of the statewide average weekly wage shall apply
 3034 only to injuries occurring on or after August 1, 1979; and
 3035 (b) Adjusted to the nearest dollar.

3036
 3037 For the purpose of this subsection, the "statewide average
 3038 weekly wage" means the average weekly wage paid by employers
 3039 subject to the Florida Reemployment Assistance Program
 3040 ~~Unemployment Compensation~~ Law as reported to the Department of
 3041 Economic Opportunity for the four calendar quarters ending each
 3042 June 30, which average weekly wage shall be determined by the
 3043 Department of Economic Opportunity on or before November 30 of
 3044 each year and shall be used in determining the maximum weekly
 3045 compensation rate with respect to injuries occurring in the
 3046 calendar year immediately following. The statewide average
 3047 weekly wage determined by the Department of Economic Opportunity
 3048 shall be reported annually to the Legislature.

3049 Section 67. Paragraph (c) of subsection (9) and subsection
 3050 (10) of section 440.15, Florida Statutes, are amended to read:

3051 440.15 Compensation for disability.—Compensation for
 3052 disability shall be paid to the employee, subject to the limits
 3053 provided in s. 440.12(2), as follows:

3054 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
 3055 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

3056 (c) Disability compensation benefits payable for any week,
 3057 including those benefits provided by paragraph (1)(f), may not
 3058 be reduced pursuant to this subsection until the Social Security

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3059 Administration determines the amount otherwise payable to the
 3060 employee under 42 U.S.C. ss. 402 and 423 and the employee has
 3061 begun receiving such social security benefit payments. The
 3062 employee shall, upon demand by the department, the employer, or
 3063 the carrier, authorize the Social Security Administration to
 3064 release disability information relating to her or him and
 3065 authorize the Department of Economic Opportunity to release
 3066 reemployment assistance ~~unemployment compensation~~ information
 3067 relating to her or him, in accordance with rules to be adopted
 3068 by the department prescribing the procedure and manner for
 3069 requesting the authorization and for compliance by the employee.
 3070 The department or the employer or carrier may not make any
 3071 payment of benefits for total disability or those additional
 3072 benefits provided by paragraph (1)(f) for any period during
 3073 which the employee willfully fails or refuses to authorize the
 3074 release of information in the manner and within the time
 3075 prescribed by such rules. The authority for release of
 3076 disability information granted by an employee under this
 3077 paragraph is effective for a period not to exceed 12 months and
 3078 such authority may be renewed, as the department prescribes by
 3079 rule.

3080 (10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO
 3081 HAS RECEIVED OR IS ENTITLED TO RECEIVE REEMPLOYMENT ASSISTANCE
 3082 ~~UNEMPLOYMENT COMPENSATION.~~—

3083 (a) No compensation benefits shall be payable for
 3084 temporary total disability or permanent total disability under
 3085 this chapter for any week in which the injured employee has
 3086 received, or is receiving, reemployment assistance or

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3087 unemployment compensation benefits.

3088 (b) If an employee is entitled to temporary partial
 3089 benefits pursuant to subsection (4) and reemployment assistance
 3090 or unemployment compensation benefits, such reemployment
 3091 assistance or unemployment compensation benefits shall be
 3092 primary and the temporary partial benefits shall be supplemental
 3093 only, the sum of the two benefits not to exceed the amount of
 3094 temporary partial benefits which would otherwise be payable.

3095 Section 68. Subsections (4) and (7) of section 440.381,
 3096 Florida Statutes, are amended to read:

3097 440.381 Application for coverage; reporting payroll;
 3098 payroll audit procedures; penalties.—

3099 (4) Each employer must submit a copy of the quarterly
 3100 earnings report required by chapter 443 at the end of each
 3101 quarter to the carrier and submit self-audits supported by the
 3102 quarterly earnings reports required by chapter 443 and the rules
 3103 adopted by the Department of Economic Opportunity or by the
 3104 state agency providing reemployment assistance ~~unemployment~~ tax
 3105 collection services under contract with the Department of
 3106 Economic Opportunity through an interagency agreement pursuant
 3107 to s. 443.1316. The reports must include a sworn statement by an
 3108 officer or principal of the employer attesting to the accuracy
 3109 of the information contained in the report.

3110 (7) If an employee suffering a compensable injury was not
 3111 reported as earning wages on the last quarterly earnings report
 3112 filed with the Department of Economic Opportunity or the state
 3113 agency providing reemployment assistance ~~unemployment~~ tax
 3114 collection services under contract with the Department of

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3115 Economic Opportunity through an interagency agreement pursuant
 3116 to s. 443.1316 before the accident, the employer shall indemnify
 3117 the carrier for all workers' compensation benefits paid to or on
 3118 behalf of the employee unless the employer establishes that the
 3119 employee was hired after the filing of the quarterly report, in
 3120 which case the employer and employee shall attest to the fact
 3121 that the employee was employed by the employer at the time of
 3122 the injury. Failure of the employer to indemnify the insurer
 3123 within 21 days after demand by the insurer is grounds for the
 3124 insurer to immediately cancel coverage. Any action for
 3125 indemnification brought by the carrier is cognizable in the
 3126 circuit court having jurisdiction where the employer or carrier
 3127 resides or transacts business. The insurer is entitled to a
 3128 reasonable attorney's fee if it recovers any portion of the
 3129 benefits paid in the action.

3130 Section 69. Subsection (2) of section 440.42, Florida
 3131 Statutes, is amended to read:

3132 440.42 Insurance policies; liability.—

3133 (2) A workers' compensation insurance policy may require
 3134 the employer to release certain employment and wage information
 3135 maintained by the state pursuant to federal and state
 3136 reemployment assistance ~~unemployment compensation~~ laws except to
 3137 the extent prohibited or limited under federal law. By entering
 3138 into a workers' compensation insurance policy with such a
 3139 provision, the employer consents to the release of the
 3140 information. The insurance carrier requiring such consent shall
 3141 safeguard the information and maintain its confidentiality. The
 3142 carrier shall limit use of the information to verifying

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3143 compliance with the terms of the workers' compensation insurance
 3144 policy. The department may charge a fee to cover the cost of
 3145 disclosing the information.

3146 Section 70. Paragraph (i) of subsection (1) and paragraph
 3147 (b) of subsection (9) of section 445.009, Florida Statutes, are
 3148 amended to read:

3149 445.009 One-stop delivery system.—

3150 (1) The one-stop delivery system is the state's primary
 3151 customer-service strategy for offering every Floridian access,
 3152 through service sites or telephone or computer networks, to the
 3153 following services:

3154 (i) Claim filing for reemployment assistance ~~unemployment~~
 3155 ~~compensation~~ services.

3156 (9)

3157 (b) The network shall assure that a uniform method is used
 3158 to determine eligibility for and management of services provided
 3159 by agencies that conduct workforce development activities. The
 3160 Department of Management Services shall develop strategies to
 3161 allow access to the databases and information management systems
 3162 of the following systems in order to link information in those
 3163 databases with the one-stop delivery system:

3164 1. The Reemployment Assistance ~~Unemployment Compensation~~
 3165 Program under chapter 443.

3166 2. The public employment service described in s. 443.181.

3167 3. The FLORIDA System and the components related to
 3168 temporary cash assistance, food assistance, and Medicaid
 3169 eligibility.

3170 4. The Student Financial Assistance System of the

ENROLLED
 CS/HB 7027, Engrossed 2

2012 Legislature

3171 Department of Education.

3172 5. Enrollment in the public postsecondary education
 3173 system.

3174 6. Other information systems determined appropriate by
 3175 Workforce Florida, Inc.

3176 Section 71. Subsection (6) of section 445.016, Florida
 3177 Statutes, is amended to read:

3178 445.016 Untried Worker Placement and Employment Incentive
 3179 Act.—

3180 (6) During an untried worker's probationary placement, the
 3181 for-profit or not-for-profit agent shall be the employer of
 3182 record of that untried worker, and shall provide workers'
 3183 compensation and reemployment assistance ~~unemployment~~
 3184 ~~compensation~~ coverage as provided by law. The business employing
 3185 the untried worker through the agent may be eligible to apply
 3186 for any tax credits, wage supplementation, wage subsidy, or
 3187 employer payment for that employee that are authorized in law or
 3188 by agreement with the employer. After satisfactory completion of
 3189 such a probationary period, an untried worker shall not be
 3190 considered an untried worker.

3191 Section 72. Paragraph (c) of subsection (2) and paragraph
 3192 (a) of subsection (3) of section 446.50, Florida Statutes, are
 3193 amended to read:

3194 446.50 Displaced homemakers; multiservice programs; report
 3195 to the Legislature; Displaced Homemaker Trust Fund created.—

3196 (2) DEFINITION.—For the purposes of this section, the term
 3197 "displaced homemaker" means an individual who:

3198 (c) Is not adequately employed, as defined by rule of the

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3199 Department of Economic Opportunity ~~agency~~;

3200 (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC

3201 OPPORTUNITY.—

3202 (a) The Department of Economic Opportunity, under plans

3203 established by Workforce Florida, Inc., shall establish, or

3204 contract for the establishment of, programs for displaced

3205 homemakers which shall include:

3206 1. Job counseling, by professionals and peers,

3207 specifically designed for a person entering the job market after

3208 a number of years as a homemaker.

3209 2. Job training and placement services, including:

3210 a. Training programs for available jobs in the public and

3211 private sectors, taking into account the skills and job

3212 experiences of a homemaker and developed by working with public

3213 and private employers.

3214 b. Assistance in locating available employment for

3215 displaced homemakers, some of whom could be employed in existing

3216 job training and placement programs.

3217 c. Utilization of the services of the state employment

3218 service in locating employment opportunities.

3219 3. Financial management services providing information and

3220 assistance with respect to insurance, including, but not limited

3221 to, life, health, home, and automobile insurance, and taxes,

3222 estate and probate problems, mortgages, loans, and other related

3223 financial matters.

3224 4. Educational services, including high school equivalency

3225 degree and such other courses as the department determines would

3226 be of interest and benefit to displaced homemakers.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3227 5. Outreach and information services with respect to
 3228 federal and state employment, education, health, and
 3229 reemployment ~~unemployment~~ assistance programs that the
 3230 department determines would be of interest and benefit to
 3231 displaced homemakers.

3232 Section 73. Paragraph (b) of subsection (4) of section
 3233 448.110, Florida Statutes, is amended to read:

3234 448.110 State minimum wage; annual wage adjustment;
 3235 enforcement.—

3236 (4)

3237 (b) The Department of Revenue and the Department of
 3238 Economic Opportunity shall annually publish the amount of the
 3239 adjusted state minimum wage and the effective date. Publication
 3240 shall occur by posting the adjusted state minimum wage rate and
 3241 the effective date on the Internet home pages of the Department
 3242 of Economic Opportunity and the Department of Revenue by October
 3243 15 of each year. In addition, to the extent funded in the
 3244 General Appropriations Act, the Department of Economic
 3245 Opportunity shall provide written notice of the adjusted rate
 3246 and the effective date of the adjusted state minimum wage to all
 3247 employers registered in the most current reemployment assistance
 3248 ~~unemployment compensation~~ database. Such notice shall be mailed
 3249 by November 15 of each year using the addresses included in the
 3250 database. Employers are responsible for maintaining current
 3251 address information in the reemployment assistance ~~unemployment~~
 3252 ~~compensation~~ database. The Department of Economic Opportunity is
 3253 not responsible for failure to provide notice due to incorrect
 3254 or incomplete address information in the database. The

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3255 Department of Economic Opportunity shall provide the Department
 3256 of Revenue with the adjusted state minimum wage rate information
 3257 and effective date in a timely manner.

3258 Section 74. Paragraph (e) of subsection (2) of section
 3259 450.31, Florida Statutes, is amended to read:

3260 450.31 Issuance, revocation, and suspension of, and
 3261 refusal to issue or renew, certificate of registration.—

3262 (2) The department may revoke, suspend, or refuse to issue
 3263 or renew any certificate of registration when it is shown that
 3264 the farm labor contractor has:

3265 (e) Failed to pay reemployment assistance ~~unemployment~~
 3266 ~~compensation~~ taxes as determined by the Department of Economic
 3267 Opportunity; or

3268 Section 75. Subsection (9) of section 450.33, Florida
 3269 Statutes, is amended to read:

3270 450.33 Duties of farm labor contractor.—Every farm labor
 3271 contractor must:

3272 (9) Comply with all applicable statutes, rules, and
 3273 regulations of the United States and of the State of Florida for
 3274 the protection or benefit of labor, including, but not limited
 3275 to, those providing for wages, hours, fair labor standards,
 3276 social security, workers' compensation, reemployment assistance
 3277 or ~~unemployment~~ compensation, child labor, and transportation.

3278 Section 76. Subsections (1) and (3) of section 468.529,
 3279 Florida Statutes, are amended to read:

3280 468.529 Licensee's insurance; employment tax; benefit
 3281 plans.—

3282 (1) A licensed employee leasing company is the employer of

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3283 the leased employees, except that this provision is not intended
 3284 to affect the determination of any issue arising under Pub. L.
 3285 No. 93-406, the Employee Retirement Income Security Act, as
 3286 amended from time to time. An employee leasing company shall be
 3287 responsible for timely payment of reemployment assistance
 3288 ~~unemployment~~ taxes pursuant to chapter 443, and shall be
 3289 responsible for providing workers' compensation coverage
 3290 pursuant to chapter 440. However, no licensed employee leasing
 3291 company shall sponsor a plan of self-insurance for health
 3292 benefits, except as may be permitted by the provisions of the
 3293 Florida Insurance Code or, if applicable, by Pub. L. No. 93-406,
 3294 the Employee Retirement Income Security Act, as amended from
 3295 time to time. For purposes of this section, a "plan of self-
 3296 insurance" shall exclude any arrangement where an admitted
 3297 insurance carrier has issued a policy of insurance primarily
 3298 responsible for the obligations of the health plan.

3299 (3) A licensed employee leasing company shall within 30
 3300 days after initiation or termination notify its workers'
 3301 compensation insurance carrier, the Division of Workers'
 3302 Compensation of the Department of Financial Services, and the
 3303 state agency providing reemployment assistance ~~unemployment~~ tax
 3304 collection services under contract with the Department of
 3305 Economic Opportunity through an interagency agreement pursuant
 3306 to s. 443.1316 of both the initiation or the termination of the
 3307 company's relationship with any client company.

3308 Section 77. Subsection (8) of section 553.791, Florida
 3309 Statutes, is amended to read:

3310 553.791 Alternative plans review and inspection.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3311 (8) A private provider performing required inspections
 3312 under this section shall inspect each phase of construction as
 3313 required by the applicable codes. The private provider shall be
 3314 permitted to send a duly authorized representative to the
 3315 building site to perform the required inspections, provided all
 3316 required reports are prepared by and bear the signature of the
 3317 private provider or the private provider's duly authorized
 3318 representative. The duly authorized representative must be an
 3319 employee of the private provider entitled to receive
 3320 reemployment assistance ~~unemployment compensation~~ benefits under
 3321 chapter 443. The contractor's contractual or legal obligations
 3322 are not relieved by any action of the private provider.

3323 Section 78. Paragraph (b) of subsection (5) of section
 3324 624.509, Florida Statutes, is amended to read:

3325 624.509 Premium tax; rate and computation.—

3326 (5)

3327 (b) For purposes of this subsection:

3328 1. The term "salaries" does not include amounts paid as
 3329 commissions.

3330 2. The term "employees" does not include independent
 3331 contractors or any person whose duties require that the person
 3332 hold a valid license under the Florida Insurance Code, except
 3333 adjusters, managing general agents, and service representatives,
 3334 as defined in s. 626.015.

3335 3. The term "net tax" means the tax imposed by this
 3336 section after applying the calculations and credits set forth in
 3337 subsection (4).

3338 4. An affiliated group of corporations that created a

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3339 service company within its affiliated group on July 30, 2002,
3340 shall allocate the salary of each service company employee
3341 covered by contracts with affiliated group members to the
3342 companies for which the employees perform services. The salary
3343 allocation is based on the amount of time during the tax year
3344 that the individual employee spends performing services or
3345 otherwise working for each company over the total amount of time
3346 the employee spends performing services or otherwise working for
3347 all companies. The total amount of salary allocated to an
3348 insurance company within the affiliated group shall be included
3349 as that insurer's employee salaries for purposes of this
3350 section.

3351 a. Except as provided in subparagraph (a)2., the term
3352 "affiliated group of corporations" means two or more
3353 corporations that are entirely owned by a single corporation and
3354 that constitute an affiliated group of corporations as defined
3355 in s. 1504(a) of the Internal Revenue Code.

3356 b. The term "service company" means a separate corporation
3357 within the affiliated group of corporations whose employees
3358 provide services to affiliated group members and which are
3359 treated as service company employees for reemployment assistance
3360 or unemployment compensation and common law purposes. The
3361 holding company of an affiliated group may not qualify as a
3362 service company. An insurance company may not qualify as a
3363 service company.

3364 c. If an insurance company fails to substantiate, whether
3365 by means of adequate records or otherwise, its eligibility to
3366 claim the service company exception under this section, or its

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3367 salary allocation under this section, no credit shall be
 3368 allowed.

3369 5. A service company that is a subsidiary of a mutual
 3370 insurance holding company, which mutual insurance holding
 3371 company was in existence on or before January 1, 2000, shall
 3372 allocate the salary of each service company employee covered by
 3373 contracts with members of the mutual insurance holding company
 3374 system to the companies for which the employees perform
 3375 services. The salary allocation is based on the ratio of the
 3376 amount of time during the tax year which the individual employee
 3377 spends performing services or otherwise working for each company
 3378 to the total amount of time the employee spends performing
 3379 services or otherwise working for all companies. The total
 3380 amount of salary allocated to an insurance company within the
 3381 mutual insurance holding company system shall be included as
 3382 that insurer's employee salaries for purposes of this section.
 3383 However, this subparagraph does not apply for any tax year
 3384 unless funds sufficient to offset the anticipated salary credits
 3385 have been appropriated to the General Revenue Fund prior to the
 3386 due date of the final return for that year.

3387 a. The term "mutual insurance holding company system"
 3388 means two or more corporations that are subsidiaries of a mutual
 3389 insurance holding company and in compliance with part IV of
 3390 chapter 628.

3391 b. The term "service company" means a separate corporation
 3392 within the mutual insurance holding company system whose
 3393 employees provide services to other members of the mutual
 3394 insurance holding company system and are treated as service

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3395 | company employees for reemployment assistance or unemployment
 3396 | compensation and common-law purposes. The mutual insurance
 3397 | holding company may not qualify as a service company.

3398 | c. If an insurance company fails to substantiate, whether
 3399 | by means of adequate records or otherwise, its eligibility to
 3400 | claim the service company exception under this section, or its
 3401 | salary allocation under this section, no credit shall be
 3402 | allowed.

3403 | Section 79. Paragraph (c) of subsection (8) of section
 3404 | 679.4061, Florida Statutes, is amended to read:

3405 | 679.4061 Discharge of account debtor; notification of
 3406 | assignment; identification and proof of assignment; restrictions
 3407 | on assignment of accounts, chattel paper, payment intangibles,
 3408 | and promissory notes ineffective.—

3409 | (8) This section is subject to law other than this chapter
 3410 | which establishes a different rule for an account debtor who is
 3411 | an individual and who incurred the obligation primarily for
 3412 | personal, family, or household purposes. Subsections (4) and (6)
 3413 | do not apply to the creation, attachment, perfection, or
 3414 | enforcement of a security interest in:

3415 | (c) The interest of a debtor who is a natural person in
 3416 | reemployment assistance or unemployment, alimony, disability,
 3417 | pension, or retirement benefits or victim compensation funds.

3418 | Section 80. Paragraph (c) of subsection (6) of section
 3419 | 679.4081, Florida Statutes, is amended to read:

3420 | 679.4081 Restrictions on assignment of promissory notes,
 3421 | health-care-insurance receivables, and certain general
 3422 | intangibles ineffective.—

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3423 (6) Subsections (1) and (3) do not apply to the creation,
 3424 attachment, perfection, or enforcement of a security interest
 3425 in:

3426 (c) The interest of a debtor who is a natural person in
 3427 reemployment assistance or unemployment, alimony, disability,
 3428 pension, or retirement benefits or victim compensation funds.

3429 Section 81. Paragraph (a) of subsection (1) of section
 3430 895.02, Florida Statutes, is amended to read:

3431 895.02 Definitions.—As used in ss. 895.01-895.08, the
 3432 term:

3433 (1) "Racketeering activity" means to commit, to attempt to
 3434 commit, to conspire to commit, or to solicit, coerce, or
 3435 intimidate another person to commit:

3436 (a) Any crime that is chargeable by petition, indictment,
 3437 or information under the following provisions of the Florida
 3438 Statutes:

3439 1. Section 210.18, relating to evasion of payment of
 3440 cigarette taxes.

3441 2. Section 316.1935, relating to fleeing or attempting to
 3442 elude a law enforcement officer and aggravated fleeing or
 3443 eluding.

3444 3. Section 403.727(3)(b), relating to environmental
 3445 control.

3446 4. Section 409.920 or s. 409.9201, relating to Medicaid
 3447 fraud.

3448 5. Section 414.39, relating to public assistance fraud.

3449 6. Section 440.105 or s. 440.106, relating to workers'
 3450 compensation.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

- 3451 7. Section 443.071(4), relating to creation of a
- 3452 fictitious employer scheme to commit reemployment assistance
- 3453 ~~unemployment compensation~~ fraud.
- 3454 8. Section 465.0161, relating to distribution of medicinal
- 3455 drugs without a permit as an Internet pharmacy.
- 3456 9. Section 499.0051, relating to crimes involving
- 3457 contraband and adulterated drugs.
- 3458 10. Part IV of chapter 501, relating to telemarketing.
- 3459 11. Chapter 517, relating to sale of securities and
- 3460 investor protection.
- 3461 12. Section 550.235 or s. 550.3551, relating to dogracing
- 3462 and horseracing.
- 3463 13. Chapter 550, relating to jai alai frontons.
- 3464 14. Section 551.109, relating to slot machine gaming.
- 3465 15. Chapter 552, relating to the manufacture,
- 3466 distribution, and use of explosives.
- 3467 16. Chapter 560, relating to money transmitters, if the
- 3468 violation is punishable as a felony.
- 3469 17. Chapter 562, relating to beverage law enforcement.
- 3470 18. Section 624.401, relating to transacting insurance
- 3471 without a certificate of authority, s. 624.437(4)(c)1., relating
- 3472 to operating an unauthorized multiple-employer welfare
- 3473 arrangement, or s. 626.902(1)(b), relating to representing or
- 3474 aiding an unauthorized insurer.
- 3475 19. Section 655.50, relating to reports of currency
- 3476 transactions, when such violation is punishable as a felony.
- 3477 20. Chapter 687, relating to interest and usurious
- 3478 practices.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3479 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 3480 real estate timeshare plans.

3481 22. Section 775.13(5)(b), relating to registration of
 3482 persons found to have committed any offense for the purpose of
 3483 benefiting, promoting, or furthering the interests of a criminal
 3484 gang.

3485 23. Section 777.03, relating to commission of crimes by
 3486 accessories after the fact.

3487 24. Chapter 782, relating to homicide.

3488 25. Chapter 784, relating to assault and battery.

3489 26. Chapter 787, relating to kidnapping or human
 3490 trafficking.

3491 27. Chapter 790, relating to weapons and firearms.

3492 28. Chapter 794, relating to sexual battery, but only if
 3493 such crime was committed with the intent to benefit, promote, or
 3494 further the interests of a criminal gang, or for the purpose of
 3495 increasing a criminal gang member's own standing or position
 3496 within a criminal gang.

3497 29. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s.
 3498 796.05, or s. 796.07, relating to prostitution and sex
 3499 trafficking.

3500 30. Chapter 806, relating to arson and criminal mischief.

3501 31. Chapter 810, relating to burglary and trespass.

3502 32. Chapter 812, relating to theft, robbery, and related
 3503 crimes.

3504 33. Chapter 815, relating to computer-related crimes.

3505 34. Chapter 817, relating to fraudulent practices, false
 3506 pretenses, fraud generally, and credit card crimes.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

- 3507 | 35. Chapter 825, relating to abuse, neglect, or
- 3508 | exploitation of an elderly person or disabled adult.
- 3509 | 36. Section 827.071, relating to commercial sexual
- 3510 | exploitation of children.
- 3511 | 37. Chapter 831, relating to forgery and counterfeiting.
- 3512 | 38. Chapter 832, relating to issuance of worthless checks
- 3513 | and drafts.
- 3514 | 39. Section 836.05, relating to extortion.
- 3515 | 40. Chapter 837, relating to perjury.
- 3516 | 41. Chapter 838, relating to bribery and misuse of public
- 3517 | office.
- 3518 | 42. Chapter 843, relating to obstruction of justice.
- 3519 | 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 3520 | s. 847.07, relating to obscene literature and profanity.
- 3521 | 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 3522 | 849.25, relating to gambling.
- 3523 | 45. Chapter 874, relating to criminal gangs.
- 3524 | 46. Chapter 893, relating to drug abuse prevention and
- 3525 | control.
- 3526 | 47. Chapter 896, relating to offenses related to financial
- 3527 | transactions.
- 3528 | 48. Sections 914.22 and 914.23, relating to tampering with
- 3529 | or harassing a witness, victim, or informant, and retaliation
- 3530 | against a witness, victim, or informant.
- 3531 | 49. Sections 918.12 and 918.13, relating to tampering with
- 3532 | jurors and evidence.
- 3533 | Section 82. Paragraph (g) of subsection (8) of section
- 3534 | 896.101, Florida Statutes, is amended to read:

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3535 896.101 Florida Money Laundering Act; definitions;
 3536 penalties; injunctions; seizure warrants; immunity.—

3537 (8)

3538 (g)1. Upon service of the temporary order served pursuant
 3539 to this section, the petitioner shall immediately notify by
 3540 certified mail, return receipt requested, or by personal
 3541 service, both the person or entity in possession of the monetary
 3542 instruments or funds and the owner of the monetary instruments
 3543 or funds if known, of the order entered pursuant to this section
 3544 and that the lawful owner of the monetary instruments or funds
 3545 being enjoined may request a hearing to contest and modify the
 3546 order entered pursuant to this section by petitioning the court
 3547 that issued the order, so that such notice is received within 72
 3548 hours.

3549 2. The notice shall advise that the hearing shall be held
 3550 within 3 days of the request, and the notice must state that the
 3551 hearing will be set and noticed by the person against whom the
 3552 order is served.

3553 3. The notice shall specifically state that the lawful
 3554 owner has the right to produce evidence of legitimate business
 3555 expenses, obligations, and liabilities, including but not
 3556 limited to, employee payroll expenses verified by current
 3557 reemployment assistance ~~unemployment compensation~~ records,
 3558 employee workers' compensation insurance, employee health
 3559 insurance, state and federal taxes, and regulatory or licensing
 3560 fees only as may become due before the expiration of the
 3561 temporary order.

3562 4. Upon determination by the court that the expenses are

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3563 valid, payment of such expenses may be effected by the owner of
 3564 the enjoined monetary instruments or funds only to the court-
 3565 ordered payees through court-reviewed checks, issued by the
 3566 owner of, and the person or entity in possession of, the
 3567 enjoined monetary instruments or funds. Upon presentment, the
 3568 person or entity in possession of the enjoined funds or monetary
 3569 instruments shall only honor the payment of the check to the
 3570 court-ordered payee.

3571 Section 83. Paragraph (a) of subsection (3) of section
 3572 921.0022, Florida Statutes, is amended to read:

3573 921.0022 Criminal Punishment Code; offense severity
 3574 ranking chart.—

3575 (3) OFFENSE SEVERITY RANKING CHART

3576 (a) LEVEL 1

3577

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but

3578

3579

3580

ENROLLED
CS/HB 7027, Engrossed 2

2012 Legislature

less than \$20,000.

3581

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

3582

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

3583

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

3584

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

3585

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

3586

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

3587

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

ENROLLED
CS/HB 7027, Engrossed 2

2012 Legislature

3588			license or identification card.
	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food assistance program, Medicaid ID, value greater than \$200.
3589			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
3590			
	443.071 (1)	3rd	False statement or representation to obtain or increase <u>reemployment assistance</u> unemployment compensation benefits.
3591			
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
3592			
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3593			
	562.27 (1)	3rd	Possess still or still

ENROLLED
CS/HB 7027, Engrossed 2

2012 Legislature

3594			apparatus.
	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
3595			
	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
3596			
	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
3597			
	815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
3598			
	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
3599			
	817.569(2)	3rd	Use of public record or public records information to facilitate commission of a felony.
3600			
	826.01	3rd	Bigamy.
3601			

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3602	828.122 (3)	3rd	Fighting or baiting animals.
3603	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
3604	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
3605	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
3606	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
3607	838.15 (2)	3rd	Commercial bribe receiving.
3608	838.16	3rd	Commercial bribery.
3609	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3610	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3611	849.01	3rd	Keeping gambling house.
3612	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.
3613	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3614	849.25 (2)	3rd	Engaging in bookmaking.
3615	860.08	3rd	Interfere with a railroad signal.
3616	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
3617	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
	893.13 (6) (a)	3rd	Possession of cannabis (more

ENROLLED
CS/HB 7027, Engrossed 2

2012 Legislature

than 20 grams).

3618

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

3619

3620 Section 84. Subsection (2) of section 946.513, Florida
3621 Statutes, is amended to read:

3622 946.513 Private employment of inmates; disposition of
3623 compensation received.—

3624 (2) No inmate is eligible for reemployment assistance
3625 benefits ~~unemployment compensation~~, whether employed by the
3626 corporation or by any other private enterprise operating on the
3627 grounds of a correctional institution or elsewhere, when such
3628 employment is part of a correctional work program or work-
3629 release program of either the corporation or the department.

3630 Section 85. Subsection (2) of section 946.523, Florida
3631 Statutes, is amended to read:

3632 946.523 Prison industry enhancement (PIE) programs.—

3633 (2) Notwithstanding any other law to the contrary,
3634 including s. 440.15(8), private sector employers shall provide
3635 workers' compensation coverage to inmates who participate in
3636 prison industry enhancement (PIE) programs under subsection (1).
3637 However, inmates are not entitled to reemployment assistance
3638 benefits ~~unemployment compensation~~.

3639 Section 86. Paragraph (c) of subsection (5) of section
3640 985.618, Florida Statutes, is amended to read:

3641 985.618 Educational and career-related programs.—

ENROLLED
 CS/HB 7027, Engrossed 2

2012 Legislature

3642 (5)
 3643 (c) Notwithstanding any other law to the contrary,
 3644 including s. 440.15(8), private sector employers shall provide
 3645 juveniles participating in juvenile work programs under
 3646 paragraph (b) with workers' compensation coverage, and juveniles
 3647 shall be entitled to the benefits of such coverage. Nothing in
 3648 this subsection shall be construed to allow juveniles to
 3649 participate in reemployment assistance ~~unemployment compensation~~
 3650 benefits.

3651 Section 87. Subsection (3) of section 1003.496, Florida
 3652 Statutes, is amended to read:

3653 1003.496 High School to Business Career Enhancement
 3654 Program.—

3655 (3) Employment under this section of a student intern who
 3656 meets the criteria of s. 443.1216(13)(q) is not employment for
 3657 purposes of reemployment assistance ~~unemployment compensation~~
 3658 under chapter 443.

3659 Section 88. Subsection (3) of section 1008.39, Florida
 3660 Statutes, is amended to read:

3661 1008.39 Florida Education and Training Placement
 3662 Information Program.—

3663 (3) The Florida Education and Training Placement
 3664 Information Program must not make public any information that
 3665 could identify an individual or the individual's employer. The
 3666 Department of Education must ensure that the purpose of
 3667 obtaining placement information is to evaluate and improve
 3668 public programs or to conduct research for the purpose of
 3669 improving services to the individuals whose social security

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3670 numbers are used to identify their placement. If an agreement
 3671 assures that this purpose will be served and that privacy will
 3672 be protected, the Department of Education shall have access to
 3673 the reemployment assistance ~~unemployment insurance~~ wage reports
 3674 maintained by the Department of Economic Opportunity, the files
 3675 of the Department of Children and Family Services that contain
 3676 information about the distribution of public assistance, the
 3677 files of the Department of Corrections that contain records of
 3678 incarcerations, and the files of the Department of Business and
 3679 Professional Regulation that contain the results of licensure
 3680 examination.

3681 Section 89. Paragraph (b) of subsection (1) of section
 3682 1008.41, Florida Statutes, is amended to read:

3683 1008.41 Workforce education; management information
 3684 system.—

3685 (1) The Commissioner of Education shall coordinate uniform
 3686 program structures, common definitions, and uniform management
 3687 information systems for workforce education for all divisions
 3688 within the department. In performing these functions, the
 3689 commissioner shall designate deadlines after which data elements
 3690 may not be changed for the coming fiscal or school year. School
 3691 districts and Florida College System institutions shall be
 3692 notified of data element changes at least 90 days prior to the
 3693 start of the subsequent fiscal or school year. Such systems must
 3694 provide for:

3695 (b) Compliance with state and federal confidentiality
 3696 requirements, except that the department shall have access to
 3697 the reemployment assistance ~~unemployment insurance~~ wage reports

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3698 to collect and report placement information about former
 3699 students. Such placement reports must not disclose the
 3700 individual identities of former students.

3701 Section 90. Notwithstanding the expiration date contained
 3702 in section 13 of chapter 2011-235, Laws of Florida, operating
 3703 retroactive to January 4, 2012, and expiring January 5, 2013,
 3704 section 443.1117, Florida Statutes, is revived, readopted, and
 3705 amended to read:

3706 443.1117 Temporary extended benefits.—

3707 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if
 3708 the result is inconsistent with other provisions of this
 3709 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
 3710 claims covered by this section.

3711 (2) DEFINITIONS.—As used in this section, the term:

3712 (a) "Regular benefits" and "extended benefits" have the
 3713 same meaning as in s. 443.1115.

3714 (b) "Eligibility period" means the weeks in an
 3715 individual's benefit year or emergency benefit period which
 3716 begin in an extended benefit period and, if the benefit year or
 3717 emergency benefit period ends within that extended benefit
 3718 period, any subsequent weeks beginning in that period.

3719 (c) "Emergency benefits" means benefits ~~Emergency~~
 3720 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
 3721 and any subsequent federal law that provides for the payment of
 3722 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
 3723 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
 3724 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
 3725 ~~No. 111-312.~~

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3726 (d) "Extended benefit period" means a period that:
 3727 1. Begins with the third week after a week for which there
 3728 is a state "on" indicator; and
 3729 2. Ends with any of the following weeks, whichever occurs
 3730 later:
 3731 a. The third week after the first week for which there is
 3732 a state "off" indicator; or
 3733 b. The 13th consecutive week of that period.
 3734 However, an extended benefit period may not begin by reason
 3735 of a state "on" indicator before the 14th week after the end of
 3736 a prior extended benefit period that was in effect for this
 3737 state.
 3738 (e) "Emergency benefit period" means the period during
 3739 which an individual receives emergency benefits.
 3740 (f) "Exhaustee" means an individual who, for any week of
 3741 unemployment in her or his eligibility period:
 3742 1. Has received, before that week, all of the regular
 3743 benefits and emergency benefits, if any, available under this
 3744 chapter or any other law, including dependents' allowances and
 3745 benefits payable to federal civilian employees and ex-
 3746 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
 3747 benefit year or emergency benefit period that includes that
 3748 week. For the purposes of this subparagraph, an individual has
 3749 received all of the regular benefits and emergency benefits, if
 3750 any, available even if, as a result of a pending appeal for
 3751 wages paid for insured work which were not considered in the
 3752 original monetary determination in the benefit year, she or he
 3753 may subsequently be determined to be entitled to added regular

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3754 benefits;
 3755 2. Had a benefit year that expired before that week, and
 3756 was paid no, or insufficient, wages for insured work on the
 3757 basis of which she or he could establish a new benefit year that
 3758 includes that week; and

3759 3.a. Has no right to unemployment benefits or allowances
 3760 under the Railroad Unemployment Insurance Act or other federal
 3761 laws as specified in regulations issued by the United States
 3762 Secretary of Labor; and

3763 b. Has not received and is not seeking unemployment
 3764 benefits under the unemployment compensation law of Canada; but
 3765 if an individual is seeking those benefits and the appropriate
 3766 agency finally determines that she or he is not entitled to
 3767 benefits under that law, she or he is considered an exhaustee.

3768 (g) "State 'on' indicator" means, with respect to weeks of
 3769 unemployment ending on or before December 8, 2012 ~~December 10,~~
 3770 ~~2011~~, the occurrence of a week in which the average total
 3771 unemployment rate, seasonally adjusted, as determined by the
 3772 United States Secretary of Labor, for the most recent 3 months
 3773 for which data for all states are published by the United States
 3774 Department of Labor:

3775 1. Equals or exceeds 110 percent of the average of those
 3776 rates for the corresponding 3-month period ending in any or all
 3777 of the preceding 3 calendar years; and

3778 2. Equals or exceeds 6.5 percent.

3779 (h) "High unemployment period" means, with respect to
 3780 weeks of unemployment ending on or before December 8, 2012
 3781 ~~December 10, 2011~~, any week in which the average total

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3782 unemployment rate, seasonally adjusted, as determined by the
 3783 United States Secretary of Labor, for the most recent 3 months
 3784 for which data for all states are published by the United States
 3785 Department of Labor:

3786 1. Equals or exceeds 110 percent of the average of those
 3787 rates for the corresponding 3-month period ending in any or all
 3788 of the preceding 3 calendar years; and

3789 2. Equals or exceeds 8 percent.

3790 (i) "State 'off' indicator" means the occurrence of a week
 3791 in which there is no state "on" indicator or which does not
 3792 constitute a high unemployment period.

3793 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
 3794 subsection (4):

3795 (a) For any week for which there is an "on" indicator
 3796 pursuant to paragraph (2)(g), the total extended benefit amount
 3797 payable to an eligible individual for her or his applicable
 3798 benefit year is the lesser of:

3799 1. Fifty percent of the total regular benefits payable
 3800 under this chapter in the applicable benefit year; or

3801 2. Thirteen times the weekly benefit amount payable under
 3802 this chapter for a week of total unemployment in the applicable
 3803 benefit year.

3804 (b) For any high unemployment period, the total extended
 3805 benefit amount payable to an eligible individual for her or his
 3806 applicable benefit year is the lesser of:

3807 1. Eighty percent of the total regular benefits payable
 3808 under this chapter in the applicable benefit year; or

3809 2. Twenty times the weekly benefit amount payable under

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3810 this chapter for a week of total unemployment in the applicable
3811 benefit year.

3812 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any
3813 other provision of this chapter, if the benefit year of an
3814 individual ends within an extended benefit period, the number of
3815 weeks of extended benefits the individual is entitled to receive
3816 in that extended benefit period for weeks of unemployment
3817 beginning after the end of the benefit year, except as provided
3818 in this section, is reduced, but not to below zero, by the
3819 number of weeks for which the individual received, within that
3820 benefit year, trade readjustment allowances under the Trade Act
3821 of 1974, as amended.

3822 Section 91. The provisions of s. 443.1117, Florida
3823 Statutes, as revived, readopted, and amended by this act, apply
3824 only to claims for weeks of unemployment in which an exhaustee
3825 establishes entitlement to extended benefits pursuant to that
3826 section which are established for the period between January 4,
3827 2012, and January 5, 2013.

3828 Section 92. The Department of Economic Opportunity shall
3829 convene a work group to study Florida's reemployment assistance
3830 contribution calculation as specified in s. 443.131, Florida
3831 Statutes, and other related law.

3832 (1) The work group shall consist of 10 members as follows:

3833 (a) The executive director of the Department of Economic
3834 Opportunity, or his or her designee, who shall serve as the
3835 chair of the work group.

3836 (b) The executive director of the Department of Revenue,
3837 or his or her designee.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3838 (c) Four representatives of the business community, two of
 3839 whom shall represent small businesses, to be appointed by joint
 3840 agreement of the executive directors of the departments.

3841 (d) The director of the Division of Workforce Services
 3842 within the Department of Economic Opportunity, or his or her
 3843 designee.

3844 (e) The program director of the General Tax Administration
 3845 Program Office within the Department of Revenue, or his or her
 3846 designee.

3847 (f) A member of the Senate designated by the President of
 3848 the Senate.

3849 (g) A member of the House of Representatives designated by
 3850 the Speaker of the House of Representatives.

3851 (2) The work group shall convene its first meeting by July
 3852 15, 2012. Thereafter, the chair of the work group shall call a
 3853 meeting as often as necessary to carry out the provisions of
 3854 this section. The Department of Economic Opportunity shall keep
 3855 a complete record of the proceedings of each meeting, which
 3856 includes the names of the members present at each meeting and
 3857 the actions taken. The records shall be public records pursuant
 3858 to chapter 119, Florida Statutes. A quorum shall consist of a
 3859 majority of the group members. Members of the group shall not
 3860 receive compensation.

3861 (3) The purpose of the work group is to study Florida's
 3862 reemployment assistance contribution calculation and provide
 3863 recommendations to the Legislature for changes to the
 3864 calculation designed to ensure the long-term solvency of the
 3865 reemployment assistance program while promoting equitable,

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3866 minimal tax burdens on Florida employers. The recommendations
3867 shall be limited to changes to the calculation and related law
3868 and shall not include changes to eligibility for benefits or any
3869 other portion of the reemployment assistance program. The work
3870 group may review the laws of other states to develop
3871 recommendations appropriate to Florida.

3872 (4) Relevant staff from the Department of Economic
3873 Opportunity and the Department of Revenue who are knowledgeable
3874 in the subject area may be assigned to assist the work group.
3875 The President of the Senate and the Speaker of the House of
3876 Representatives may also assign their respective staff to
3877 provide technical guidance and assistance to the work group in
3878 the development of alternative proposals.

3879 (5) Members of the work group are entitled to
3880 reimbursement for travel and per diem expenses, as provided in
3881 s. 112.061, Florida Statutes, while performing their duties
3882 under this section. Travel and per diem expenses of work group
3883 members and other staff who are state employees shall be
3884 reimbursed by the respective state agency employing the member
3885 or staff. The Department of Economic Opportunity and the
3886 Department of Revenue shall jointly provide administrative
3887 support for the work group, shall pay equally for travel and per
3888 diem expenses of work group members who are not state employees,
3889 and shall pay equally any other operational expenses of the work
3890 group as deemed reasonable and appropriate by joint agreement of
3891 the executive directors of the departments.

3892 (6) The findings and recommendations of the work group
3893 shall be submitted to the Legislature by December 31, 2012.

ENROLLED

CS/HB 7027, Engrossed 2

2012 Legislature

3894 (7) This section expires January 31, 2013.

3895 Section 93. If any provision of this act or its
 3896 application to any person or circumstance is held invalid, the
 3897 invalidity does not affect other provisions or applications of
 3898 the act which can be given effect without the invalid provision
 3899 or application, and to this end the provision of the act are
 3900 severable.

3901 Section 94. The Legislature finds that this act fulfills
 3902 an important state interest.

3903 Section 95. There is appropriated to the Department of
 3904 Economic Opportunity from the Employment Security Administration
 3905 Trust Fund \$346,463 for the 2011-2012 fiscal year and \$100,884
 3906 for the 2012-2013 fiscal year, which funds shall be used to
 3907 contract with the Department of Revenue to implement the
 3908 provisions of this act. There is appropriated to the Department
 3909 of Revenue from the Federal Grants Fund \$346,463 for the 2011-
 3910 2012 fiscal year and \$100,884 for the 2012-2013 fiscal year to
 3911 implement the provisions of this act. This section shall be
 3912 effective upon this act becoming a law.

3913 Section 96. Except as otherwise expressly provided in this
 3914 act and except for this section, which shall take effect upon
 3915 this act becoming a law, this act shall take effect July 1,
 3916 2012.