

CHAPTER 2003-36

Committee Substitute for Committee Substitute for Senate Bill No. 1448

An act relating to unemployment compensation; amending ss. 45.031, 69.041, F.S., relating to judicial sales and disbursement of funds; providing for disbursements in conformance with changes made by the act; amending s. 120.80, F.S.; specifying that a judge adjudicating a claim under the unemployment compensation law is not an agency for purposes of chapter 120, F.S.; providing for the conduct of hearings; conforming provisions to the transfer of certain duties of the Department of Labor and Employment Security to the Agency for Workforce Innovation; exempting certain appeal proceedings from the uniform rules of procedure; amending s. 213.053, F.S.; clarifying duties of the Department of Revenue with respect to tax collection performed under a contract with the Agency for Workforce Innovation; amending s. 216.292, F.S.; clarifying procedures for transferring delinquent reimbursements due to the Unemployment Compensation Trust Fund; amending s. 220.191, F.S.; revising definitions for purposes of the capital investment tax credit; amending s. 222.15, F.S., relating to payments upon the death of an employee; conforming provisions; amending ss. 288.106, 288.107, 288.108, F.S.; revising definitions governing the tax-refund program for qualified target industry businesses, brownfield redevelopment bonus refunds, and high-impact businesses; conforming provisions; amending s. 440.15, F.S., relating to compensation for disability; conforming provisions; amending s. 440.381, F.S.; conforming provisions governing an employer's quarterly earning reports; amending ss. 443.011, 443.012, F.S., relating to the Unemployment Compensation Law and the Unemployment Appeals Commission; clarifying provisions; amending s. 443.031, F.S.; revising provisions governing construction of the Unemployment Compensation Law; amending ss. 443.0315, 443.036, 443.041, F.S., relating to subsequent proceedings, definitions, and certain waivers; clarifying and conforming provisions; providing a penalty; specifying that the term "employing unit" applies to a limited liability company; amending s. 443.051, F.S.; specifying additional duties of the Department of Revenue with respect to individuals who are obligated to pay child support; amending s. 443.061, F.S.; providing that the Unemployment Compensation Law does not create vested rights; amending s. 443.071, F.S.; revising penalties; amending s. 443.091, F.S., relating to benefit eligibility; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting obsolete provisions; requiring an individual to submit a valid social security number to be eligible for unemployment benefits; providing for verification of social security numbers; conforming provisions; amending s. 443.101, F.S.; clarifying

and conforming provisions under which an individual may be disqualified for benefits; amending s. 443.111, F.S., relating to the payment of benefits; conforming provisions to changes made by the act and the transfer of duties to the Agency for Workforce Innovation; requiring claimants to continue reporting to certify for benefits regardless of any appeal; creating ss. 443.1115, 443.1116, F.S., relating to extended benefits and short-time compensation; providing definitions; providing for eligibility; providing payment amounts; providing for recovery of overpayments; amending s. 443.121, F.S., relating to employing units; conforming provisions in accordance with the tax collection services performed by the Department of Revenue; creating s. 443.1215, F.S.; specifying employing units that are subject to the Unemployment Compensation Law; creating s. 443.1216, F.S.; specifying types of services that constitute employment for purposes of the Unemployment Compensation Law; creating s. 443.1217, F.S.; specifying wages and payments that are subject to the Unemployment Compensation Law; amending s. 443.131, F.S.; providing for payment of contributions; providing contribution rates; providing benefit ratios; creating s. 443.1312, F.S.; providing for benefits paid to employees of nonprofit organizations; creating s. 443.1313, F.S.; providing for benefits paid to employees of public employers; amending s. 443.1315, F.S., relating to Indian tribes; conforming provisions to changes made by the act; amending s. 443.1316, F.S.; revising requirements governing the duties of the Department of Revenue under its contract with the Agency for Workforce Innovation to provide tax collection services; creating s. 443.1317, F.S.; authorizing the Agency for Workforce Innovation and the state agency providing unemployment tax collection services to adopt rules to administer ch. 443, F.S.; amending s. 443.141, F.S., relating to the collection of contributions; conforming provisions; providing duties of the tax collection service provider; providing rulemaking authority; authorizing civil actions to enforce the collection of contributions, penalties, and interest; prohibiting the payment of interest on refunds or adjustments; amending s. 443.151, F.S., relating to procedures concerning claims; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting certain qualification requirements for appeals referees; amending s. 443.163, F.S., relating to reporting and remitting taxes; conforming provisions; revising requirements of electronic reporting and remitting for certain persons who prepare and report; revising penalties for persons who fail to report by electronic means; amending s. 443.171, F.S.; specifying duties of the Agency for Workforce Innovation with respect to administering ch. 443, F.S.; requiring the publication of acts and rules; deleting provisions creating the Unemployment Compensation Advisory Council; providing for employment stabilization to be under the direction of Workforce Florida, Inc.; conforming provisions governing records, reports, and subpoenas and governing the administration of ch. 443, F.S.; amending s. 443.1715, F.S., relating to the confidentiality of information;

conforming provisions; deleting obsolete provisions; amending s. 443.181, F.S.; conforming provisions governing the public employment service in accordance with the duties transferred to the Agency for Workforce Innovation; amending ss. 443.191, 443.211, F.S., relating to the Unemployment Compensation Trust Fund and the Employment Security Administration Trust Fund; conforming provisions; specifying that the Unemployment Compensation Trust Fund is the sole source for paying unemployment compensation benefits; limiting the state's liability; deleting obsolete provisions; amending s. 443.221, F.S.; revising provisions governing reciprocal arrangements with other states and the Federal Government; conforming provisions; amending s. 445.009, F.S., relating to the onestop delivery system operated under the Workforce Innovation Act; conforming provisions to the transfer of duties from the Department of Labor and Employment Security to the Agency for Workforce Innovation; amending ss. 468.529, 896.101, F.S.; conforming provisions governing employee leasing companies and the Florida Money Laundering Act; repealing s. 6 of ch. 94-347, Laws of Florida, relating to payment of benefits; repealing ss. 443.021, 443.161, 443.1716, 443.201, 443.231, 443.232, F.S., relating to public policy, administrative provisions, authorized access to employer information, the Florida Training Investment Program, and rulemaking; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; providing effective dates.

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

Section 3. Subsections (1) and (10) of section 120.80, Florida Statutes, are amended to read:

120.80 Exceptions and special requirements; agencies.—

(1) DIVISION OF ADMINISTRATIVE HEARINGS.—

(a) Division as a party.—Notwithstanding s. 120.57(1)(a), a hearing in which the division is a party may shall not be conducted by an administrative law judge assigned by the division. An attorney assigned by the Administration Commission shall be the hearing officer.

(b) Workers' compensation.—Notwithstanding s. 120.52(1), a judge of compensation claims, in adjudicating matters under chapter 440, is not an agency or part of an agency for purposes of this chapter.

(10) AGENCY FOR WORKFORCE INNOVATION DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY.—

(a) Unemployment compensation.—

1. Notwithstanding s. 120.54, the rulemaking provisions of this chapter do not apply to unemployment compensation appeals referees.

(b) Notwithstanding s. 120.54(5), the uniform rules of procedure do not apply to appeal proceedings conducted under chapter 443 by the Unemployment Appeals Commission or unemployment appeals referees.

(c)2. Notwithstanding s. 120.57(1)(a), hearings under chapter 443 may not be conducted by an administrative law judge assigned by the division, but instead shall may be conducted by the Unemployment Appeals Commission in unemployment compensation appeals, unemployment compensation appeals referees, and the Agency for Workforce Innovation or its special deputies under pursuant to s. 443.141.

(b) Workers' compensation.—Notwithstanding s. 120.52(1), a judge of compensation claims, in the adjudication of matters pursuant to chapter 440, shall not be considered an agency or part of an agency for the purposes of this chapter.