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# **Finance & Tax Committee**

**Thursday, February 17, 2011  
1:00 p.m.**

**Morris Hall**

**ACTION PACKET**

# COMMITTEE MEETING REPORT

## Finance & Tax Committee

2/17/2011 1:00:00PM

**Location:** Morris Hall (17 HOB)

### Summary:

#### Finance & Tax Committee

Thursday February 17, 2011 01:00 pm

HB 7005 Favorable With Committee Substitute

Yeas: 16 Nays: 8

Amendment 01 Adopted

Amendment 02 Adopted

Amendment 03 Adopted

Amendment 04 Adopted

Amendment 05 Not Considered

Committee meeting was reported out: Thursday, February 17, 2011 4:26:49PM

# COMMITTEE MEETING REPORT

## Finance & Tax Committee

2/17/2011 1:00:00PM

**Location:** Morris Hall (17 HOB)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Stephen Precourt (Chair)	X		
Joseph Abruzzo	X		
Larry Ahern	X		
Lori Berman	X		
Jason Brodeur	X		
Douglas Broxson	X		
Fredrick Costello	X		
Jose Diaz	X		
Chris Dorworth	X		
Erik Fresen	X		
James Grant	X		
John Julien	X		
Debbie Mayfield	X		
George Moraitis, Jr.	X		
Scott Randolph	X		
Lake Ray	X		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
Perry Thurston, Jr.	X		
Carlos Trujillo	X		
Charles Van Zant	X		
James Waldman	X		
Michael Weinstein	X		
<b>Totals:</b>	<b>24</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Thursday, February 17, 2011 4:26:49PM

# COMMITTEE MEETING REPORT

## Finance & Tax Committee

2/17/2011 1:00:00PM

Location: Morris Hall (17 HOB)

### HB 7005 : Unemployment Compensation

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Larry Ahern	X				
Lori Berman		X			
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien		X			
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph		X			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.		X			
Carlos Trujillo	X				
Charles Van Zant	X				
James Waldman		X			
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
<b>Total Yeas: 16</b>		<b>Total Nays: 8</b>			

#### HB 7005 Amendments

##### Amendment 01

Adopted

##### Amendment 02

Adopted

##### Amendment 03

Adopted

##### Amendment 04

Adopted

Committee meeting was reported out: Thursday, February 17, 2011 4:26:49PM

# COMMITTEE MEETING REPORT

## Finance & Tax Committee

2/17/2011 1:00:00PM

**Location:** Morris Hall (17 HOB)

### Amendment 05

*Not Considered*

### Appearances:

Woodall, Karen (Lobbyist) - Opponent  
Florida Center for Fiscal  
545 E. Tennessee Street  
Tallahassee FL 32308  
Phone: 850-321-9386

HB 7005  
Templin, Rich (Lobbyist) - Opponent  
Florida AFL-CIO  
135 S. Monroe  
Tallahassee FL 32301  
Phone: 850-224-6926

Hb 7005  
Reeves, Teye (Lobbyist) - Proponent  
Florida Chamber of Commerce  
136 S. Bronough Street  
Tallahassee FL  
Phone: 850-521-1235

HB 7005  
Daniel, David (Lobbyist) - Proponent  
Florida Association of Professional Employer Organizations  
311 E. Park Avenue  
Tallahassee FL 32301  
Phone: 850-224-5081

HB 7005  
Douglas, Allen (Lobbyist) - Information Only  
National Federation of Independent Business  
110 E. Jefferson St.  
Tallahassee FL 32301  
Phone: 850-681-0416

HB 7005  
Lozano , Lance (Lobbyist) - Proponent  
Florida United Businesses Association  
PO Box 1302  
Tallahassee FL 32302  
Phone: (850)681-6265

Committee meeting was reported out: Thursday, February 17, 2011 4:26:49PM

# COMMITTEE MEETING REPORT

## Finance & Tax Committee

2/17/2011 1:00:00PM

**Location:** Morris Hall (17 HOB)

HB 7005

Husband , Warren (Lobbyist) - Proponent

Florida Associated General Contractors Council

PO Box 10909

Tallahassee FL 32302

Phone: (850)205-9000

HB 7005

Padgett, Samantha (Lobbyist) - Proponent

Florida Retail Federation

227 South Adams St.

Tallahassee FL 32301

Phone: 850-222-4082

HB 7005

Perdue , Tamela (Lobbyist) - Proponent

Associated Industries of Florida

PO Box 784

Tallahassee FL 32302

Phone: (850)224-7173

Committee meeting was reported out: Thursday, February 17, 2011 4:26:49PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Finance & Tax Committee  
2 Representative(s) Holder offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 92 and 93, insert:

6 (26) "Individual in continued reporting status" means an  
7 individual who has been determined to be eligible pursuant to s.  
8 443.091 who is reporting to the Agency for Workforce Innovation  
9 in accordance with s. 443.091(1)(c).

10 (27) "Initial skills review" means an online education or  
11 training program, such as that established under s. 1004.99,  
12 which is approved by the Agency for Workforce Innovation and  
13 designed to measure an individual's mastery level of workplace  
14 skills.

15  
16  
17 -----  
18 **T I T L E A M E N D M E N T**

19 Remove line 8 and insert:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No.

20 | revising and creating definitions; revising the term

21 | "misconduct" to



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No. 02

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y)  (N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Finance & Tax Committee  
2 Representative(s) Holder offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove lines 163-183 and insert:

6 (c) 1. To make continued claims for benefits, she or he is  
7 reporting to the agency in accordance with its rules.

8 2. These rules may not conflict with s. 443.111(1)(b),  
9 including the requirement that each claimant continue to report  
10 regardless of any pending appeal relating to her or his  
11 eligibility or disqualification for benefits.

12 3. An individual in continued reporting status must  
13 participate in an initial skills review as directed by the  
14 Agency for Workforce Innovation. The failure of the individual  
15 to comply with this requirement will result in the individual  
16 being determined ineligible for the week in which the  
17 noncompliance occurred and for any subsequent week of  
18 unemployment until the requirement is satisfied. However, this  
19 requirement does not apply if the individual is able to  
20 affirmatively attest to being unable to complete such review due

Amendment No.

21 to illiteracy, language barrier, or technological impediment.

22 4. The administrator or operator of the initial skills  
23 review must notify the agency when the individual completes  
24 participation in the initial skills review. The administrator or  
25 operator of the initial skills review must also report the  
26 results of the individual's initial skills review to the  
27 regional workforce board or the one-stop career center as  
28 directed by the workforce board for reemployment services.  
29

30  
31 -----  
32 **D I R E C T O R Y A M E N D M E N T**

33 Remove lines 154-158 and insert:

34 Section 5. Effective August 1, 2011, paragraph (c) of  
35 subsection (1) of section 443.091, Florida Statutes, is amended  
36 to read:  
37

38  
39 -----  
40 **T I T L E A M E N D M E N T**

41 Remove line 12 and insert:

42 that an applicant for benefits participate in an initial skills

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No. 03

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y)  (N)  
ADOPTED AS AMENDED  (Y/N)  
ADOPTED W/O OBJECTION  (Y/N)  
FAILED TO ADOPT  (Y/N)  
WITHDRAWN  (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Finance & Tax Committee  
2 Representative(s) Holder offered the following:

3

4 **Amendment**

5 Remove lines 336-344 and insert:

6 ~~for violation of any criminal law punishable by imprisonment, or~~  
7 ~~for any dishonest act, in connection with his or her work, as~~  
8 follows:

9 (a) If the Agency for Workforce Innovation or the  
10 Unemployment Appeals Commission finds that the individual was  
11 terminated from ~~his or her~~ work for violation of any criminal  
12 law, under any jurisdiction, which was punishable by  
13 ~~imprisonment~~ in connection with his or her work, and the  
14 individual was convicted ~~found~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No. 04

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Finance & Tax Committee  
2 Representative(s) Holder offered the following:

3  
4 **Amendment (with title amendment)**

5 Between lines 959 and 960, insert:

6 Section 14. For the 2011-2012 fiscal year, the sum of  
7 \$242,300 in nonrecurring funds is appropriated from the  
8 Operating Trust Fund to the Administration of Unemployment  
9 Compensation Tax Special Category in the Department of Revenue  
10 to be used to implement this act. In addition for the 2010-2011  
11 fiscal year, the sum of \$256,891 in nonrecurring funds is  
12 appropriated from the Employment Security Administration Trust  
13 Fund in the contracted services appropriation category to the  
14 Agency for Workforce Innovation to be used to contract with the  
15 Department of Revenue for tax-related services as required to  
16 implement this act.

17  
18  
19 -----

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7005 (2011)

Amendment No.

20

T I T L E A M E N D M E N T

21

Remove line 36 and insert:

22

high unemployment; providing applicability; providing

23

appropriations for purposes of implementation; providing that

Amendment No. **05**

COUNCIL/COMMITTEE ACTION

ADOPTED  (Y/N)

ADOPTED AS AMENDED  (Y/N)

ADOPTED W/O OBJECTION  (Y/N)

FAILED TO ADOPT  (Y/N)

WITHDRAWN  (Y/N)

OTHER  **Not Considered**

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1 Council/Committee hearing bill: Finance & Tax Committee  
2 Representative Randolph offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove lines 390-420 and insert:

6 exceed \$7,150. However, the total amount of benefits, if not a  
7 multiple of \$1, is rounded downward to the nearest full dollar  
8 amount. These benefits are payable at a weekly rate no greater  
9 than the weekly benefit amount.

10 (c) For claims submitted during a calendar year, the  
11 duration of benefits is limited to:

12 1. 16 weeks if the Florida average unemployment rate is at  
13 or below 5 percent.

14 2. An additional week in addition to the 16 weeks for each  
15 0.5 percent increment in the Florida average unemployment rate  
16 above 5 percent, up to a maximum of 26 weeks.

17 (d) Notwithstanding any other provision in this section,  
18 an eligible individual whose employer has violated the  
19 provisions of s. 435.12 within 36 months after the individual

Amendment No.

20 filing for benefits is entitled to benefits equal to twice the  
21 amount described in this section.

22 (e)2- For the purposes of this subsection, wages are  
23 counted as "wages for insured work" for benefit purposes with  
24 respect to any benefit year only if the benefit year begins  
25 after the date the employing unit by whom the wages were paid  
26 has satisfied the conditions of this chapter for becoming an  
27 employer.

28 (f)(b) If the remuneration of an individual is not based  
29 upon a fixed period or duration of time or if the individual's  
30 wages are paid at irregular intervals or in a manner that does  
31 not extend regularly over the period of employment, the wages  
32 for any week or for any calendar quarter for the purpose of  
33 computing an individual's right to employment benefits only are  
34 determined in the manner prescribed by rule. These rules, to the  
35 extent practicable, must secure results reasonably similar to  
36 those that would prevail if the individual were paid her or his  
37 wages at regular intervals.

38 Section 8. Section 435.12, Florida Statutes, is created to  
39 read:

40 435.12 Employment of unauthorized aliens.-

41 (1) As used in this section, the term:

42 (a) "Employee" means any person who performs employment  
43 services in this state for an employer pursuant to an employment  
44 relationship between the employee and employer.

45 (b) "Employer" means any individual or type of  
46 organization transacting business in this state and employing

Amendment No.

47 one or more individuals who perform employment services in this  
48 state.

49 (c) "E-Verify system" means the Employment Authorization  
50 Program, formerly the "Basic Pilot Program," under Pub. L. No.  
51 104-208, Div. C, Title IV, Subtitle A, 110 Stat. 3009-655 (Sept.  
52 30, 1996), as amended, or any successor program designated by  
53 the Federal Government for verification that an employee is an  
54 employment-authorized alien.

55 (d) "Knowingly employ an unauthorized alien" means the  
56 actions described in 8 U.S.C. s. 1324a. This term shall be  
57 interpreted consistently with 8 U.S.C. s. 1324a and any  
58 applicable federal rules and regulations.

59 (e) "Unauthorized alien" means an alien who is not  
60 authorized under federal law to be employed in the United  
61 States, as described in 8 U.S.C. s. 1324a(h)(3).

62 (2) An employer may not knowingly employ an unauthorized  
63 alien.

64 (3) Beginning July 1, 2011, an employer with more than 25  
65 employees must use the E-Verify system to verify the employment  
66 eligibility of all newly hired employees.

67 (4) For the purposes of this section, compliance with  
68 subsection (3) creates a rebuttable presumption that an employer  
69 did not knowingly employ an unauthorized alien in violation of  
70 subsection (2).

71 (5) (a) An employer who knowingly employs an unauthorized  
72 alien commits a misdemeanor of the second degree, punishable as  
73 provided in s. 775.082 or s. 775.083, shall be assessed a fine  
74 of \$10,000 for each unauthorized alien knowingly employed, and



Amendment No.

75 shall be ineligible to bid on any local or state government  
76 project or contract for 3 years. Any and all fines collected  
77 pursuant to this subsection shall be deposited into the  
78 Unemployment Compensation Trust Fund.

79 (b) On receipt of a complaint that an employer allegedly  
80 knowingly employs an unauthorized alien, the state attorney with  
81 jurisdiction over the county in which the unauthorized alien was  
82 employed shall investigate the complaint and shall verify the  
83 employment eligibility of the alleged unauthorized alien. A  
84 person who knowingly files a false or frivolous complaint under  
85 this section commits a misdemeanor of the second degree,  
86 punishable as provided in s. 775.082 or s. 775.083.

87  
88  
89 -----  
90 **T I T L E A M E N D M E N T**

91 Remove lines 19-20 and insert:

92 revising the calculation of the number of weeks of a claimant's  
93 benefit eligibility; creating s. 435.12, F.S.; providing  
94 definitions; prohibiting an employer from employing an  
95 unauthorized alien; requiring certain employers to use the  
96 Employment Authorization Program to verify the employment  
97 eligibility of each newly hired employee on or after a specified  
98 date; providing penalties; providing procedures for complaints  
99 alleging that an employer has employed an unauthorized alien;  
100 providing penalties;