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A bill to be entitled
 An act relating to unemployment compensation; amending s. 443.036, F.S.; conforming a cross-reference; defining the terms "community service" and "reemployment services"; amending s. 443.091, F.S.; providing that an unemployed individual is eligible to receive benefits if she or he participates in a community service program administered by a one-stop career center; amending ss. 443.1216, 443.131, and 443.151, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsection (9) and present subsections (13) through (36) of section 443.036, Florida Statutes, are renumbered as subsections (14) through (37), respectively, present subsections (37) through (45) of that subsection are renumbered as subsections (39) through (47), respectively, and amended, and new subsections (13) and (38) are added to that section, to read:

443.036 Definitions.—As used in this chapter, the term:
 (9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s.

HB 1283

2011

29 443.151(2) is a valid claim under this subsection if the
 30 individual was paid wages for insured work in accordance with s.
 31 443.091(1)(h) ~~s. 443.091(1)(g)~~ and is unemployed ~~as defined in~~
 32 ~~subsection (43)~~ at the time of filing the claim. However, the
 33 Agency for Workforce Innovation may adopt rules providing for
 34 the establishment of a uniform benefit year for all workers in
 35 one or more groups or classes of service or within a particular
 36 industry if the agency determines, after notice to the industry
 37 and to the workers in the industry and an opportunity to be
 38 heard in the matter, that those groups or classes of workers in
 39 a particular industry periodically experience unemployment
 40 resulting from layoffs or shutdowns for limited periods of time.

41 (13) "Community service" means any program operated by a
 42 one-stop career center in which unemployed persons are required
 43 to perform volunteer services for private nonprofit or public
 44 entities.

45 (14)~~(13)~~ "Contributing employer" means an employer who is
 46 liable for contributions under this chapter.

47 (15)~~(14)~~ "Contribution" means a payment of payroll tax to
 48 the Unemployment Compensation Trust Fund ~~which is required under~~
 49 ~~this chapter~~ to finance unemployment benefits.

50 (16)~~(15)~~ "Crew leader" means an individual who:

51 (a) Furnishes individuals to perform service in
 52 agricultural labor for another person.

53 (b) Pays, ~~either~~ on his or her own behalf or on behalf of
 54 the other person, the individuals furnished by him or her for
 55 the service in agricultural labor performed by those
 56 individuals.

HB 1283

2011

57 (c) Has not entered into a written agreement with the
 58 other person under which the individual is designated as an
 59 employee of the other person.

60 ~~(17)-(16)~~ "Earned income" means gross remuneration derived
 61 from work, professional service, or self-employment. The term
 62 includes commissions, bonuses, back pay awards, and the cash
 63 value of all remuneration paid in a medium other than cash. The
 64 term does not include income derived from invested capital or
 65 ownership of property.

66 ~~(18)-(17)~~ "Educational institution" means an institution,
 67 except for an institution of higher education:

68 (a) In which participants, trainees, or students are
 69 offered an organized course of study or training designed to
 70 transfer to them knowledge, skills, information, doctrines,
 71 attitudes, or abilities from, by, or under the guidance of, an
 72 instructor or teacher;

73 (b) Which ~~That~~ is approved, licensed, or issued a permit
 74 to operate as a school by the Department of Education or other
 75 governmental agency that is authorized within the state to
 76 approve, license, or issue a permit for the operation of a
 77 school; and

78 (c) Which ~~That~~ offers courses of study or training which
 79 are academic, technical, trade, or preparation for gainful
 80 employment in a recognized occupation.

81 ~~(19)-(18)~~ "Employee leasing company" means an employing
 82 unit that has a valid and active license under chapter 468, and
 83 ~~that~~ maintains the records required by s. 443.171(5), and
 84 produces, ~~in addition, is responsible for producing~~ quarterly

HB 1283

2011

85 reports concerning the clients and the internal staff of the
 86 employee leasing company ~~and the internal staff of the employee~~
 87 ~~leasing company~~. As used in this subsection, the term "client"
 88 means a party who has contracted with an employee leasing
 89 company that provides ~~to provide a worker, or workers,~~ to
 90 perform services for the client. Leased employees include
 91 employees subsequently placed on the payroll of the employee
 92 leasing company on behalf of the client. An employee leasing
 93 company must notify the tax collection service provider within
 94 30 days after the initiation or termination of the company's
 95 relationship with a ~~any~~ client company under chapter 468.

96 (20)~~(19)~~ "Employer" means an employing unit subject to
 97 this chapter under s. 443.1215.

98 (21)~~(20)~~ "Employing unit" means an individual; an ~~or type~~
 99 ~~of~~ organization, including a partnership, limited liability
 100 company, association, trust, estate, joint-stock company,
 101 insurance company, or corporation, whether domestic or foreign;
 102 the receiver, trustee in bankruptcy, trustee, or successor of
 103 any of the foregoing; or the legal representative of a deceased
 104 person, who ~~which~~ has or had in his or her ~~its~~ employ one or
 105 more individuals performing services for it within this state.

106 (a) Each individual employed to perform or to assist in
 107 performing the work of any agent or employee of an employing
 108 unit is deemed to be employed by the employing unit ~~for the~~
 109 ~~purposes of this chapter,~~ regardless of whether the individual
 110 was hired or paid directly by the employing unit or by an agent
 111 or employee of the employing unit, if the employing unit had
 112 actual or constructive knowledge of the work.

HB 1283

2011

113 (b) Each individual performing services in this state for
 114 an employing unit maintaining at least two separate
 115 establishments in this state is deemed to be performing services
 116 for a single employing unit ~~for the purposes of this chapter.~~

117 (c) A person who is an officer of a corporation, or a
 118 member of a limited liability company classified as a
 119 corporation for federal income tax purposes, and who performs
 120 services for the corporation or limited liability company in
 121 this state, regardless of whether those services are continuous,
 122 is deemed an employee of the corporation or the limited
 123 liability company during all of each week of his or her tenure
 124 of office, regardless of whether he or she is compensated for
 125 those services. Services are presumed to be rendered for the
 126 corporation if ~~in cases in which~~ the officer is compensated by
 127 means other than dividends upon shares of stock of the
 128 corporation owned by him or her.

129 (d) A limited liability company shall be treated as having
 130 the same status as it is classified for federal income tax
 131 purposes. However, a single-member limited liability company
 132 shall be treated as the employer.

133 ~~(22)-(21)~~ "Employment" means a service subject to ~~this~~
 134 ~~chapter under~~ s. 443.1216 which is performed by an employee for
 135 his or her employer ~~the person employing him or her.~~

136 ~~(23)-(22)~~ "Farm" includes stock, dairy, poultry, fruit,
 137 fur-bearing animal, and truck farms, plantations, ranches,
 138 nurseries, ranges, greenhouses or other similar structures used
 139 primarily for the raising of agricultural or horticultural
 140 commodities, and orchards.

HB 1283

2011

141 ~~(24)-(23)~~ "Fund" means the Unemployment Compensation Trust
 142 Fund ~~created under this chapter,~~ into which all contributions
 143 and reimbursements required under this chapter are deposited and
 144 from which all benefits provided under this chapter are paid.

145 ~~(25)-(24)~~ "High quarter" means the quarter in an
 146 individual's base period in which the individual has the
 147 greatest amount of wages paid, regardless of the number of
 148 employers paying wages in that quarter.

149 ~~(26)-(25)~~ "Hospital" means an establishment ~~institution~~
 150 ~~that is licensed as a hospital under chapter 395, certified, or~~
 151 ~~approved by the Agency for Health Care Administration as a~~
 152 ~~hospital.~~

153 ~~(27)-(26)~~ "Institution of higher education" means an
 154 educational institution that:

155 (a) Admits as regular students only individuals having a
 156 certificate of graduation from a high school, or the recognized
 157 equivalent of a certificate of graduation;

158 (b) Is legally authorized in this state to provide a
 159 program of education beyond high school;

160 (c) Provides an educational program that ~~for which it~~
 161 awards a bachelor's or higher degree, or ~~provides a program~~ that
 162 is acceptable for full credit toward a bachelor's or higher
 163 degree; a program of postgraduate or postdoctoral studies; or a
 164 program of training to prepare students for gainful employment
 165 in a recognized occupation; and

166 (d) Is a public or other nonprofit institution.

167
 168 The term includes each community college and state university in

HB 1283

2011

169 | this state, and any ~~each other~~ institution in this state
 170 | authorized ~~under s. 1005.03~~ to use the designation "college" or
 171 | "university-" under s. 1005.03.

172 | (28) ~~(27)~~ "Insured work" means employment for employers.

173 | (29) ~~(28)~~ "Leave of absence" means a temporary break in
 174 | service to an employer, for a specified period of time, during
 175 | which the employing unit guarantees the same or a comparable
 176 | position to the worker at the expiration of the leave.

177 | (30) ~~(29)~~ "Misconduct" includes, but is not limited to, the
 178 | following, which may not be construed in pari materia with each
 179 | other:

180 | (a) Conduct demonstrating willful or wanton disregard of
 181 | an employer's interests and found to be a deliberate violation
 182 | or disregard of the standards of behavior which the employer has
 183 | a right to expect of his or her employee; or

184 | (b) Carelessness or negligence to a degree or recurrence
 185 | that manifests culpability, wrongful intent, or evil design or
 186 | shows an intentional and substantial disregard of the employer's
 187 | interests or of the employee's duties and obligations to his or
 188 | her employer.

189 | (31) ~~(30)~~ "Monetary determination" means a determination of
 190 | whether and in what amount a claimant is eligible for benefits
 191 | based on the claimant's employment during the base period of the
 192 | claim.

193 | (32) ~~(31)~~ "Nonmonetary determination" means a determination
 194 | of the claimant's eligibility for benefits based on an issue
 195 | other than monetary entitlement and benefit overpayment.

196 | (33) ~~(32)~~ "Not in the course of the employer's trade or

HB 1283

2011

197 business" means not promoting or advancing the trade or business
 198 of the employer.

199 ~~(34)(33)~~ "One-stop career center" means a service site
 200 established and maintained as part of the one-stop delivery
 201 system under s. 445.009.

202 ~~(35)(34)~~ "Pay period" means ~~a period of~~ 31 or fewer
 203 consecutive days for which a payment or remuneration is
 204 ordinarily made to the employee by the person employing him or
 205 her.

206 ~~(36)(35)~~ "Public employer" means:

- 207 (a) A state agency or political subdivision of the state;
- 208 (b) An instrumentality that is wholly owned by one or more
 209 state agencies or political subdivisions of the state; or
- 210 (c) An instrumentality that is wholly owned by one or more
 211 state agencies, political subdivisions, or instrumentalities of
 212 the state and one or more state agencies or political
 213 subdivisions of one or more other states.

214 ~~(37)(36)~~ "Reasonable assurance" means a written or verbal
 215 agreement, an agreement between an employer and a worker
 216 understood through tradition within the trade or occupation, or
 217 an agreement defined in an employer's policy.

218 (38) "Reemployment services" means all activities provided
 219 to unemployed persons which are designed to assist them in
 220 finding work, including, but not limited to:

- 221 (a) Job search, referral and placement assistance, and
 222 provision of labor market information.
- 223 (b) Creation of an individualized employability

224 development plan that is developed by a case manager and job

HB 1283

2011

225 seeker and includes career goals, work history, certification,
226 and services required to meet such goals. The plan is agreed to
227 by the job seeker who must meet each goal in order to continue
228 participating in job training programs.

229 (c) Assessment of skill levels, abilities, and aptitudes.

230 (d) Career guidance, if appropriate, and referral to
231 training as required.

232 (e) Job search workshops such as resume writing and
233 interviewing classes.

234 (f) Community service programs operated by a one-stop
235 career center.

236 ~~(39)-(37)~~ "Reimbursement" means a payment of money to the
237 Unemployment Compensation Trust Fund in lieu of a contribution
238 which is required under this chapter to finance unemployment
239 benefits.

240 ~~(40)-(38)~~ "Reimbursing employer" means an employer who is
241 liable for reimbursements in lieu of contributions made under
242 this chapter.

243 ~~(41)-(39)~~ "State" includes the states of the United States,
244 the District of Columbia, Canada, the Commonwealth of Puerto
245 Rico, and the Virgin Islands.

246 ~~(42)-(40)~~ "State law" means the unemployment insurance law
247 of any state, approved by the United States Secretary of Labor
248 under s. 3304 of the Internal Revenue Code of 1954.

249 ~~(43)-(41)~~ "Tax collection service provider" or "service
250 provider" means the state agency providing unemployment tax
251 collection services under contract with the Agency for Workforce
252 Innovation through an interagency agreement pursuant to s.

HB 1283

2011

253 443.1316.

254 ~~(44)-(42)~~ "Temporary layoff" means a job separation due to
 255 lack of work which does not exceed 8 consecutive weeks and which
 256 has a fixed or approximate return-to-work date.

257 ~~(45)-(43)~~ "Unemployment" or "unemployed" means:

258 (a) An individual is "totally unemployed" in any week
 259 during which he or she does not perform any services and for
 260 which earned income is not payable to him or her. An individual
 261 is "partially unemployed" in any week of less than full-time
 262 work if the earned income payable to him or her for that week is
 263 less than his or her weekly benefit amount. The Agency for
 264 Workforce Innovation may adopt rules prescribing distinctions in
 265 the procedures for unemployed individuals based on total
 266 unemployment, part-time unemployment, partial unemployment of
 267 individuals attached to their regular jobs, and other forms of
 268 short-time work.

269 (b) An individual's week of unemployment commences only
 270 after his or her registration with the Agency for Workforce
 271 Innovation as required in s. 443.091, except as the agency may
 272 otherwise prescribe by rule.

273 ~~(46)-(44)~~ "Wages" means remuneration subject to this
 274 chapter under s. 443.1217.

275 ~~(47)-(45)~~ "Week" means ~~a period of~~ 7 consecutive days as
 276 defined in the rules of the Agency for Workforce Innovation. The
 277 Agency for Workforce Innovation may by rule prescribe that a
 278 week is deemed to be "in," "within," or "during" the benefit
 279 year that contains the greater part of the week.

280 Section 2. Subsection (1) of section 443.091, Florida

HB 1283

2011

281 Statutes, is amended to read:

282 443.091 Benefit eligibility conditions.—

283 (1) An unemployed individual is eligible to receive
 284 benefits for any week only if the Agency for Workforce
 285 Innovation finds that:

286 (a) She or he has made a claim for benefits for that week
 287 in accordance with the rules adopted by the Agency for Workforce
 288 Innovation.

289 (b) She or he has registered with the agency for work and
 290 subsequently reports to the one-stop career center as directed
 291 by the regional workforce board for reemployment services. This
 292 requirement does not apply to persons who are:

- 293 1. Non-Florida residents;
- 294 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
- 295 3. Union members who customarily obtain employment through
 296 a union hiring hall; or
- 297 4. Claiming benefits under an approved short-time
 298 compensation plan as provided in s. 443.1116.

299 (c) To make continued claims for benefits, she or he is
 300 reporting to the agency in accordance with its rules. These
 301 rules may not conflict with s. 443.111(1)(b), including the
 302 requirement that each claimant continue to report regardless of
 303 any pending appeal relating to her or his eligibility or
 304 disqualification for benefits.

305 (d) She or he is able to work and is available for work.
 306 In order to assess eligibility for a claimed week of
 307 unemployment, the agency shall develop criteria to determine a
 308 claimant's ability to work and availability for work. However:

HB 1283

2011

309 1. Notwithstanding any other provision of this paragraph
310 or paragraphs (b) and (e), an otherwise eligible individual may
311 not be denied benefits for any week because she or he is in
312 training with the approval of the agency, or by reason of s.
313 443.101(2) relating to failure to apply for, or refusal to
314 accept, suitable work. Training may be approved by the agency in
315 accordance with criteria prescribed by rule. A claimant's
316 eligibility during approved training is contingent upon
317 satisfying eligibility conditions prescribed by rule.

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

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

334 4. Notwithstanding any other provision of this section, an
335 otherwise eligible individual may not be denied benefits for any
336 week because she or he is participating in a community service

HB 1283

2011

337 program as provided in paragraph (f).

338 (e) She or he participates in reemployment services, such
 339 as job search assistance services ~~if, whenever~~ the individual
 340 has been determined, by a profiling system established by agency
 341 rule, to be likely to exhaust regular benefits and to be in need
 342 of reemployment services.

343 (f) She or he participates in a community service program
 344 administered by a one-stop career center. This requirement
 345 applies only to claims in which the 12th week of her or his
 346 regular benefits falls after July 2, 2011.

347 (g) ~~(f)~~ She or he has been unemployed for a waiting period
 348 of 1 week. A week may not be counted as a week of unemployment
 349 under this subsection unless:

350 1. ~~Unless~~ It occurs within the benefit year that includes
 351 the week for which she or he claims payment of benefits.

352 2. ~~If~~ Benefits have been paid for that week.

353 3. ~~Unless~~ The individual was eligible for benefits for
 354 that week as provided in this section and s. 443.101, except for
 355 the requirements of this subsection and of s. 443.101(5).

356 (h) ~~(g)~~ She or he has been paid wages for insured work
 357 equal to 1.5 times her or his high quarter wages during her or
 358 his base period, except that an unemployed individual is not
 359 eligible to receive benefits if the base period wages are less
 360 than \$3,400.

361 (i) ~~(h)~~ She or he submitted to the agency a valid social
 362 security number assigned to her or him. The agency may verify
 363 the social security number with the United States Social
 364 Security Administration and ~~may~~ deny benefits if the agency is

HB 1283

2011

365 | unable to verify the individual's social security number, the
 366 | social security number is invalid, or the social security number
 367 | is not assigned to the individual.

368 | Section 3. Paragraph (a) of subsection (1) and paragraph
 369 | (f) of subsection (13) of section 443.1216, Florida Statutes,
 370 | are amended to read:

371 | 443.1216 Employment.—Employment, as defined in s. 443.036,
 372 | is subject to this chapter under the following conditions:

373 | (1) (a) The employment ~~subject to this chapter~~ includes a
 374 | service performed, including a service performed in interstate
 375 | commerce, by:

376 | 1. An officer of a corporation.

377 | 2. An individual who, under the usual common-law rules
 378 | applicable for ~~in~~ determining the employer-employee
 379 | relationship, is an employee. However, if ~~whenever~~ a client who
 380 | ~~as defined in s. 443.036(18), which~~ would otherwise be
 381 | designated as an employing unit has contracted with an employee
 382 | leasing company to supply it with workers, those workers are
 383 | considered employees of the employee leasing company. An
 384 | employee leasing company may lease corporate officers of the
 385 | client to the client and other workers to the client, except as
 386 | prohibited by regulations of the Internal Revenue Service.
 387 | Employees of an employee leasing company must be reported under
 388 | the employee leasing company's tax identification number and
 389 | contribution rate for work performed for the employee leasing
 390 | company.

391 | a. In addition to any other report required to be filed by
 392 | law, an employee leasing company shall submit a report to the

HB 1283

2011

393 Labor Market Statistics Center within the Agency for Workforce
 394 Innovation which includes each client establishment and each
 395 establishment of the employee leasing company, or as otherwise
 396 directed by the agency. The report must include the following
 397 information for each establishment:

- 398 (I) The trade or establishment name;
- 399 (II) The former unemployment compensation account number,
 400 if available;
- 401 (III) The former federal employer's identification number
 402 (FEIN), if available;
- 403 (IV) The industry code recognized and published by the
 404 United States Office of Management and Budget, if available;
- 405 (V) A description of the client's primary business
 406 activity in order to verify or assign an industry code;
- 407 (VI) The address of the physical location;
- 408 (VII) The number of full-time and part-time employees who
 409 worked during, or received pay that was subject to unemployment
 410 compensation taxes for, the pay period including the 12th of the
 411 month for each month of the quarter;
- 412 (VIII) The total wages subject to unemployment
 413 compensation taxes paid during the calendar quarter;
- 414 (IX) An internal identification code to uniquely identify
 415 each establishment of each client;
- 416 (X) The month and year that the client entered into the
 417 contract for services; and
- 418 (XI) The month and year that the client terminated the
 419 contract for services.

420 b. The report shall be submitted electronically or as in a

421 ~~manner~~ otherwise prescribed by the Agency for Workforce
 422 Innovation and in the format specified by the Bureau of Labor
 423 Statistics of the United States Department of Labor for its
 424 Multiple Worksite Report for Professional Employer
 425 Organizations. The report must be provided quarterly to the
 426 Labor Market Statistics Center within the Agency for Workforce
 427 Innovation, or as otherwise directed by the agency, and must be
 428 filed by the last day of the month immediately following the end
 429 of the calendar quarter. The information required in sub-sub-
 430 subparagraphs a.(X) and (XI) need be provided only in the
 431 quarter in which the contract to which it relates was entered
 432 into or terminated. The sum of the employment data and the sum
 433 of the wage data in the ~~this~~ report must match the employment
 434 and wages reported in the unemployment compensation quarterly
 435 tax and wage report. A report is not required for any calendar
 436 quarter preceding the third calendar quarter of 2010.

437 c. The Agency for Workforce Innovation shall adopt rules
 438 as necessary to administer this subparagraph, and may
 439 administer, collect, enforce, and waive the penalty imposed by
 440 s. 443.141(1)(b) for the report required by this subparagraph.

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

444 3. An individual other than an individual who is an
 445 employee under subparagraph 1. or subparagraph 2., who performs
 446 services for remuneration for any person:

447 a. As an agent-driver or commission-driver engaged in
 448 distributing meat products, vegetable products, fruit products,

HB 1283

2011

449 bakery products, beverages other than milk, or laundry or
 450 drycleaning services for his or her principal.

451 b. As a traveling or city salesperson engaged on a full-
 452 time basis in the solicitation on behalf of, and the
 453 transmission to, his or her principal of orders from
 454 wholesalers, retailers, contractors, or operators of hotels,
 455 restaurants, or other similar establishments for merchandise for
 456 resale or supplies for use in their business operations. This
 457 sub-subparagraph does not apply to an agent-driver, ~~or~~ a
 458 commission-driver, or ~~and does not apply to~~ sideline sales
 459 activities performed on behalf of a person other than the
 460 salesperson's principal.

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

463 a. The contract of service contemplates that substantially
 464 all of the services are to be performed personally by the
 465 individual;

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

469 c. The services are not in the nature of a single
 470 transaction that is not part of a continuing relationship with
 471 the person for whom the services are performed.

472 (13) The following are exempt from coverage under this
 473 chapter:

474 (f) Service performed in the employ of a public employer
 475 ~~as defined in s. 443.036~~, except as provided in subsection (2),
 476 and service performed in the employ of an instrumentality of a

HB 1283

2011

477 public employer as described in s. 443.036(36)(b) or (c) ~~or~~
 478 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
 479 immune under the United States Constitution from the tax imposed
 480 by s. 3301 of the Internal Revenue Code for that service.

481 Section 4. Paragraph (f) of subsection (3) of section
 482 443.131, Florida Statutes, is amended to read:

483 443.131 Contributions.—

484 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 485 EXPERIENCE.—

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

487 1. For the purposes of this subsection, two or more
 488 employers who are parties to a transfer of business or the
 489 subject of a merger, consolidation, or other form of
 490 reorganization, effecting a change in legal identity or form,
 491 are deemed a single employer and are considered to be one
 492 employer with a continuous employment record if the tax
 493 collection service provider finds that the successor employer
 494 continues to carry on the employing enterprises of all of the
 495 predecessor employers, ~~and that the successor employer has paid~~
 496 all contributions required of and due from all of the
 497 predecessor employers, ~~and has assumed liability for all~~
 498 contributions that may become due from all of the predecessor
 499 employers. ~~In addition,~~ An employer may not be considered a
 500 successor under this subparagraph if the employer purchases a
 501 company with a lower rate into which employees with job
 502 functions unrelated to the business endeavors of the predecessor
 503 are transferred for the purpose of acquiring the low rate and
 504 avoiding payment of contributions. ~~As used in this paragraph,~~

HB 1283

2011

505 Notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term
506 "contributions," as used in this paragraph, means all
507 indebtedness to the tax collection service provider, including,
508 but not limited to, interest, penalty, collection fee, and
509 service fee.

510 2. A successor employer must accept the transfer of all of
511 the predecessor employers' employment records within 30 days
512 after the date of the official notification of liability by
513 succession. If a predecessor employer has unpaid contributions
514 or outstanding quarterly reports, the successor employer must
515 pay the total amount with certified funds within 30 days after
516 the date of the notice listing the total amount due. After the
517 total indebtedness is paid, the tax collection service provider
518 shall transfer the employment records of all of the predecessor
519 employers to the successor employer's employment record. The tax
520 collection service provider shall determine the contribution
521 rate of the combined successor and predecessor employers upon
522 the transfer of the employment records, as prescribed by rule,
523 in order to calculate any change in the contribution rate
524 resulting from the transfer of the employment records.

525 ~~3.2.~~ Regardless of whether a predecessor employer's
526 employment record is transferred to a successor employer under
527 this paragraph, the tax collection service provider shall treat
528 the predecessor employer, if he or she subsequently employs
529 individuals, as an employer without a previous employment record
530 or, if his or her coverage is terminated under s. 443.121, as a
531 new employing unit.

532 ~~4.3.~~ The state agency providing unemployment tax

HB 1283

2011

533 collection services may adopt rules governing the partial
534 transfer of experience rating when an employer transfers an
535 identifiable and segregable portion of his or her payrolls and
536 business to a successor employing unit. As a condition of each
537 partial transfer, these rules must require the following to be
538 filed with the tax collection service provider: an application
539 by the successor employing unit, an agreement by the predecessor
540 employer, and the evidence required by the tax collection
541 service provider to show the benefit experience and payrolls
542 attributable to the transferred portion through the date of the
543 transfer. These rules must provide that the successor employing
544 unit, if not an employer subject to this chapter, becomes an
545 employer as of the date of the transfer and that the transferred
546 portion of the predecessor employer's employment record is
547 removed from the employment record of the predecessor employer.
548 For each calendar year after the date of the transfer of the
549 employment record in the records of the tax collection service
550 provider, the service provider shall compute the contribution
551 rate payable by the successor employer or employing unit based
552 on his or her employment record, combined with the transferred
553 portion of the predecessor employer's employment record. These
554 rules may also prescribe what contribution rates are payable by
555 the predecessor and successor employers for the period between
556 the date of the transfer of the transferred portion of the
557 predecessor employer's employment record in the records of the
558 tax collection service provider and the first day of the next
559 calendar year.

560 5.4. This paragraph does not apply to an employee leasing

HB 1283

2011

561 company and client contractual agreement ~~as defined in s.~~
562 ~~443.036~~. The tax collection service provider shall, if the
563 contractual agreement is terminated or the employee leasing
564 company fails to submit reports or pay contributions as required
565 by the service provider, treat the client as a new employer
566 without previous employment record unless the client is
567 otherwise eligible for a variation from the standard rate.

568 Section 5. Paragraph (b) of subsection (3) of section
569 443.151, Florida Statutes, is amended to read:

570 443.151 Procedure concerning claims.—

571 (3) DETERMINATION OF ELIGIBILITY.—

572 (b) Monetary determinations.—In addition to the notice of
573 claim, the agency shall also promptly provide an initial
574 monetary determination to the claimant and each base period
575 employer whose account is subject to being charged for its
576 respective share of benefits on the claim. The monetary
577 determination must include a statement of whether and in what
578 amount the claimant is entitled to benefits, and, in the event
579 of a denial, must state the reasons for the denial. A monetary
580 determination for the first week of a benefit year must also
581 include a statement of whether the claimant was paid the wages
582 required under s. 443.091(1)(h) ~~s. 443.091(1)(g)~~ and, if so, the
583 first day of the benefit year, the claimant's weekly benefit
584 amount, and the maximum total amount of benefits payable to the
585 claimant for a benefit year. The monetary determination is final
586 unless within 20 days after the mailing of the notices to the
587 parties' last known addresses, or in lieu of mailing, within 20
588 days after the delivery of the notices, an appeal or written

HB 1283

2011

589 | request for reconsideration is filed by the claimant or other
590 | party entitled to notice. The agency may adopt rules as
591 | necessary to implement the processes described in this paragraph
592 | relating to notices of monetary determinations and the appeals
593 | or reconsideration requests filed in response to such notices.

594 | Section 6. This act shall take effect July 1, 2011.