

Amendment No. 1

COMMITTEE/SUBCOMMITTEE 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WITHDRAWN _____ (Y/N)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 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative LaMarca offered the following:

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

5 Remove lines 411-732 and insert:

6 Section 8. Subsection (43) of section 443.036, Florida
7 Statutes, is amended to read:

8 443.036 Definitions.—As used in this chapter, the term:

9 (43) "Temporary layoff" means an individual's a job
10 separation due to lack of work which does not exceed 8
11 consecutive weeks and which has a fixed or approximate return-
12 to-work date; or an individual's employer-initiated furlough
13 that causes a mandatory complete stoppage of work if such
14 furlough is temporary and the individual remains job attached
15 and is expected to return to work with the employer.

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16 Section 9. Paragraph (c) of subsection (1) of section
17 443.091, Florida Statutes, is amended to read:

18 443.091 Benefit eligibility conditions.—

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

22 (c) To make continued claims for benefits, she or he is
23 reporting to the department in accordance with this paragraph
24 and department rules. Department rules may not conflict with s.
25 443.111(1)(b), which requires that each claimant continue to
26 report regardless of any pending appeal relating to her or his
27 eligibility or disqualification for benefits.

28 1. For each week of unemployment claimed, each report
29 must, at a minimum, include the name and, ~~address, and telephone~~
30 ~~number~~ of each prospective employer contacted, or the date the
31 claimant reported to a one-stop career center, pursuant to
32 paragraph (d). For the purposes of this subparagraph, the term
33 "address" means a website address, a physical address, or an e-
34 mail address.

35 2. The department shall offer an online assessment aimed
36 at identifying an individual's skills, abilities, and career
37 aptitude. The skills assessment must be voluntary, and the
38 department shall allow a claimant to choose whether to take the
39 skills assessment. The online assessment shall be made available

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40 to any person seeking services from a local workforce
41 development board or a one-stop career center.

42 a. If the claimant chooses to take the online assessment,
43 the outcome of the assessment shall be made available to the
44 claimant, local workforce development board, and one-stop career
45 center. The department, local workforce development board, or
46 one-stop career center shall use the assessment to develop a
47 plan for referring individuals to training and employment
48 opportunities. Aggregate data on assessment outcomes may be made
49 available to CareerSource Florida, Inc., and Enterprise Florida,
50 Inc., for use in the development of policies related to
51 education and training programs that will ensure that businesses
52 in this state have access to a skilled and competent workforce.

53 b. Individuals shall be informed of and offered services
54 through the one-stop delivery system, including career
55 counseling, the provision of skill match and job market
56 information, and skills upgrade and other training
57 opportunities, and shall be encouraged to participate in such
58 services at no cost to the individuals. The department shall
59 coordinate with CareerSource Florida, Inc., the local workforce
60 development boards, and the one-stop career centers to identify,
61 develop, and use best practices for improving the skills of
62 individuals who choose to participate in skills upgrade and
63 other training opportunities. The department may contract with
64 an entity to create the online assessment in accordance with the

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65 competitive bidding requirements in s. 287.057. The online
66 assessment must work seamlessly with the Reemployment Assistance
67 Claims and Benefits Information System.

68 Section 10. Paragraph (a) of subsection (1) and subsection
69 (6) of section 443.101, Florida Statutes, are amended to read:

70 443.101 Disqualification for benefits.—An individual shall
71 be disqualified for benefits:

72 (1) (a) For the week in which he or she has voluntarily
73 left work without good cause attributable to his or her
74 employing unit or for the week in which he or she has been
75 discharged by the employing unit for misconduct connected with
76 his or her work, based on a finding by the Department of
77 Economic Opportunity. As used in this paragraph, the term "work"
78 means any work, whether full-time, part-time, or temporary.

79 1. Disqualification for voluntarily quitting continues for
80 the full period of unemployment next ensuing after the
81 individual has left his or her full-time, part-time, or
82 temporary work voluntarily without good cause and until the
83 individual has earned income equal to or greater than 17 times
84 his or her weekly benefit amount. As used in this subsection,
85 the term "good cause" includes only that cause attributable to
86 the employing unit which would compel a reasonable employee to
87 cease working or attributable to the individual's illness or
88 disability requiring separation from his or her work. Any other
89 disqualification may not be imposed.

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90 2. An individual is not disqualified under this subsection
91 for:

92 a. Voluntarily leaving temporary work to return
93 immediately when called to work by the permanent employing unit
94 that temporarily terminated his or her work within the previous
95 6 calendar months;

96 b. Voluntarily leaving work to relocate as a result of his
97 or her military-connected spouse's permanent change of station
98 orders, activation orders, or unit deployment orders; or

99 c. Voluntarily leaving work if he or she proves that his
100 or her discontinued employment is a direct result of
101 circumstances related to domestic violence as defined in s.
102 741.28. An individual who voluntarily leaves work under this
103 sub-subparagraph must:

104 (I) Make reasonable efforts to preserve employment, unless
105 the individual establishes that such remedies are likely to be
106 futile or to increase the risk of future incidents of domestic
107 violence. Such efforts may include seeking a protective
108 injunction, relocating to a secure place, or seeking reasonable
109 accommodation from the employing unit, such as a transfer or
110 change of assignment;

111 (II) Provide evidence such as an injunction, a protective
112 order, or other documentation authorized by state law which
113 reasonably proves that domestic violence has occurred; and

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114 (III) Reasonably believe that he or she is likely to be
115 the victim of a future act of domestic violence at, in transit
116 to, or departing from his or her place of employment. ~~An~~
117 ~~individual who is otherwise eligible for benefits under this~~
118 ~~sub-subparagraph is ineligible for each week that he or she no~~
119 ~~longer meets such criteria or refuses a reasonable accommodation~~
120 ~~offered in good faith by his or her employing unit.~~

121 3. The employment record of an employing unit may not be
122 charged for the payment of benefits to an individual who has
123 voluntarily left work under sub-subparagraph 2.c.

124 4. Disqualification for being discharged for misconduct
125 connected with his or her work continues for the full period of
126 unemployment next ensuing after having been discharged and until
127 the individual is reemployed and has earned income of at least
128 17 times his or her weekly benefit amount and for not more than
129 52 weeks immediately following that week, as determined by the
130 department in each case according to the circumstances or the
131 seriousness of the misconduct, under the department's rules for
132 determining disqualification for benefits for misconduct.

133 5. If an individual has provided notification to the
134 employing unit of his or her intent to voluntarily leave work
135 and the employing unit discharges the individual for reasons
136 other than misconduct before the date the voluntary quit was to
137 take effect, the individual, if otherwise entitled, shall

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138 receive benefits from the date of the employer's discharge until
139 the effective date of his or her voluntary quit.

140 6. If an individual is notified by the employing unit of
141 the employer's intent to discharge the individual for reasons
142 other than misconduct and the individual quits without good
143 cause before the date the discharge was to take effect, the
144 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
145 for failing to be available for work for the week or weeks of
146 unemployment occurring before the effective date of the
147 discharge.

148 (6) For making any false or fraudulent representation for
149 the purpose of obtaining benefits contrary to this chapter,
150 constituting a violation under s. 443.071. The disqualification
151 imposed under this subsection shall begin with the week for ~~in~~
152 which the false or fraudulent representation was ~~is~~ made and
153 shall continue for a period not to exceed 1 year after the date
154 the Department of Economic Opportunity discovers the false or
155 fraudulent representation and until any overpayment of benefits
156 resulting from such representation has been repaid in full. This
157 disqualification may be appealed in the same manner as any other
158 disqualification imposed under this section. A conviction by any
159 court of competent jurisdiction in this state of the offense
160 prohibited or punished by s. 443.071 is conclusive upon the
161 appeals referee and the commission of the making of the false or

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162 fraudulent representation for which disqualification is imposed
163 under this section.

164 Section 11. Section 443.1113, Florida Statutes, is amended
165 to read:

166 443.1113 Reemployment Assistance Claims and Benefits
167 Information System.—

168 (1) The Department of Economic Opportunity shall implement
169 an integrated, modular system hosted in a cloud computing
170 service, as defined in s. 282.0041, that provides for rapid
171 provisioning of additional data processing when necessary. The
172 system must support the efficient distribution of benefits and
173 the effective operation and management of the reemployment
174 assistance program. ~~To The extent that funds are appropriated~~
175 ~~for each phase of the Reemployment Assistance Claims and~~
176 ~~Benefits Information system may be cited by the Legislature, the~~
177 ~~Department of Economic Opportunity shall replace and enhance the~~
178 ~~functionality provided in the following systems with an~~
179 ~~integrated Internet-based system that is known as the~~
180 "Reemployment Assistance Claims and Benefits Information System"
181 and must:

182 (a) Be accessible through the Internet on both mobile
183 devices and personal computers ~~Claims and benefit mainframe~~
184 system.

185 (b) Process reemployment assistance claims ~~Florida~~
186 unemployment Internet direct.

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187 (c) Process benefit payments ~~Florida continued claim~~
188 ~~Internet directory.~~

189 (d) Process and manage overpayments ~~Call center~~
190 ~~interactive voice response system.~~

191 (e) Perform adjudication functions ~~Benefit overpayment~~
192 ~~screening system.~~

193 (f) Process appeals and manage appeal hearings ~~Internet~~
194 ~~and Intranet appeals system.~~

195 (g) Manage and process employer charging.

196 (2) Wherever cost-effective and operationally feasible,
197 the Reemployment Assistance Claims and Benefits System shall
198 accomplish the following main ~~business~~ objectives:

199 (a) ~~Wherever cost-effective and operationally feasible,~~
200 Eliminate or automate existing paper processes and enhance any
201 existing automated workflows in order to expedite customer
202 transactions and eliminate redundancy.

203 (b) Enable and enhance online, self-service capabilities
204 ~~access~~ to claimant and employer information and federal and
205 state reporting.

206 (c) Integrate benefit payment control with the
207 adjudication program and collection system in order to improve
208 the detection of fraud.

209 (d) Comply with all requirements established in federal
210 and state law for reemployment assistance.

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211 (e) Integrate with the Department of Revenue's statewide
212 unified tax system that collects reemployment assistance taxes.

213 (f) Maintain interoperability with other department
214 workforce systems.

215 (g) Allow for employer-assisted claims.

216 (3) The scope of the Reemployment Assistance Claims and
217 Benefits Information System does not include any of the
218 following functionalities:

219 (a) Collection of reemployment assistance taxes.

220 (b) General ledger, financial management, or budgeting
221 capabilities.

222 (c) Human resource planning or management capabilities.

223 (4) (a) The Department of Economic Opportunity shall
224 perform an annual review of the system and identify enhancements
225 or modernization efforts that improve the delivery of services
226 to claimants and employers and reporting to state and federal
227 entities. These improvements must include, but need not be
228 limited to:

229 1. Infrastructure upgrades through cloud services.

230 2. Software improvements.

231 3. Enhanced data analytics and reporting.

232 4. Increased cybersecurity pursuant to s. 282.318.

233 (b) The department shall seek input on recommended
234 enhancements from, at a minimum, the following entities:

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235 1. The Florida Digital Service within the Department of
236 Management Services.

237 2. The General Tax Administration Program Office within
238 the Department of Revenue.

239 3. The Division of Accounting and Auditing within the
240 Department of Financial Services.

241 (5) By October 1, 2023, and each year thereafter, the
242 Department of Economic Opportunity shall submit a Reemployment
243 Assistance Claims and Benefits Information System report to the
244 Governor, the President of the Senate, and the Speaker of the
245 House of Representatives. The report must, at a minimum,
246 include:

247 (a) A summary of maintenance, enhancement, and
248 modernization efforts over the last fiscal year.

249 (b) A 3-year outlook of recommended enhancements or
250 modernization efforts that includes projected costs and
251 timeframes for completion.

252 (6) The Department of Economic Opportunity shall provide
253 monthly project status reports to the chair of the Senate
254 Appropriations Committee, the chair of the House Appropriations
255 Committee, the Office of Policy and Budget in the Executive
256 Office of the Governor, and the Florida Digital Service. Each
257 status report must include ongoing system maintenance activities
258 and progress made to date for each project milestone,
259 deliverable, and task order; planned and actual completion

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260 dates; planned and actual costs incurred; and any current
261 project issues and risks.

262 (7) The Department of Economic Opportunity shall provide
263 project-related data to the Florida Digital Service in support
264 of the Florida Digital Service's project oversight
265 responsibilities pursuant to s. 282.0051. ~~The project to~~
266 ~~implement the Reemployment Assistance Claims and Benefits~~
267 ~~Information System is comprised of the following phases and~~
268 ~~corresponding implementation timeframes:~~

269 ~~(a) No later than the end of fiscal year 2009-2010~~
270 ~~completion of the business re-engineering analysis and~~
271 ~~documentation of both the detailed system requirements and the~~
272 ~~overall system architecture.~~

273 ~~(b) The Reemployment Assistance Claims and Benefits~~
274 ~~Internet portal that replaces the Florida Unemployment Internet~~
275 ~~Direct and the Florida Continued Claims Internet Directory~~
276 ~~systems, the Call Center Interactive Voice Response System, the~~
277 ~~Benefit Overpayment Screening System, the Internet and Intranet~~
278 ~~Appeals System, and the Claims and Benefits Mainframe System~~
279 ~~shall be deployed to full operational status no later than the~~
280 ~~end of fiscal year 2013-2014.~~

281 ~~(5) The Department of Economic Opportunity shall implement~~
282 ~~the following project governance structure until such time as~~
283 ~~the project is completed, suspended, or terminated:~~

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284 ~~(a) The project sponsor for the Reemployment Assistance~~
285 ~~Claims and Benefits Information System project is the~~
286 ~~department.~~

287 ~~(b) The project shall be governed by an executive steering~~
288 ~~committee composed of the following voting members or their~~
289 ~~designees:~~

290 ~~1. The executive director of the department.~~

291 ~~2. The executive director of the Department of Revenue.~~

292 ~~3. The director of the Division of Workforce Services~~
293 ~~within the department.~~

294 ~~4. The program director of the General Tax Administration~~
295 ~~Program Office within the Department of Revenue.~~

296 ~~5. The chief information officer of the department.~~

297 ~~(c) The executive steering committee has the overall~~
298 ~~responsibility for ensuring that the project meets its primary~~
299 ~~objectives and is specifically responsible for:~~

300 ~~1. Providing management direction and support to the~~
301 ~~project management team.~~

302 ~~2. Assessing the project's alignment with the strategic~~
303 ~~goals of the department for administering the reemployment~~
304 ~~assistance program.~~

305 ~~3. Reviewing and approving or disapproving any changes to~~
306 ~~the project's scope, schedule, and costs.~~

307 ~~4. Reviewing, approving or disapproving, and determining~~
308 ~~whether to proceed with any major project deliverables.~~

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309 ~~5. Recommending suspension or termination of the project~~
310 ~~to the Governor, the President of the Senate, and the Speaker of~~
311 ~~the House of Representatives if it determines that the primary~~
312 ~~objectives cannot be achieved.~~

313 ~~(d) The project management team shall work under the~~
314 ~~direction of the executive steering committee and shall be~~
315 ~~minimally comprised of senior managers and stakeholders from the~~
316 ~~department and the Department of Revenue. The project management~~
317 ~~team is responsible for:~~

318 ~~1. Providing daily planning, management, and oversight of~~
319 ~~the project.~~

320 ~~2. Submitting an operational work plan and providing~~
321 ~~quarterly updates to that plan to the executive steering~~
322 ~~committee. The plan must specify project milestones,~~
323 ~~deliverables, and expenditures.~~

324 ~~3. Submitting written monthly project status reports to~~
325 ~~the executive steering committee which include:~~

326 ~~a. Planned versus actual project costs;~~

327 ~~b. An assessment of the status of major milestones and~~
328 ~~deliverables;~~

329 ~~c. Identification of any issues requiring resolution, the~~
330 ~~proposed resolution for these issues, and information regarding~~
331 ~~the status of the resolution;~~

332 ~~d. Identification of risks that must be managed; and~~

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333 ~~e. Identification of and recommendations regarding~~
334 ~~necessary changes in the project's scope, schedule, or costs.~~
335 ~~All recommendations must be reviewed by project stakeholders~~
336 ~~before submission to the executive steering committee in order~~
337 ~~to ensure that the recommendations meet required acceptance~~
338 ~~criteria.~~

339 Section 12. Section 443.1118, Florida Statutes, is created
340 to read:

341 443.1118 Employer-assisted claims.—

342 (1) For purposes of this section:

343 (a) "Employer-assisted claim" means an initial claim filed
344 by an employer on behalf of its employees who are a part of a
345 mass separation from the employer.

346 (b) "Mass separation" means a full, partial, permanent, or
347 temporary separation, including a temporary layoff, of full-time
348 employees from their employer if the separation occurs at or
349 around the same time, the employees are separated for the same
350 reason, and the separation is due to circumstances for which the
351 employees are not at fault. The department shall establish
352 criteria for determining what constitutes a mass separation.

353 (2) (a) An employer that commences a mass separation may
354 initiate an employer-assisted claim by submitting employee
355 information to the department pursuant to rules adopted by the
356 department.

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357 (b) Due to the sensitive nature of employee information,
358 an employer shall submit employee information through secure
359 means approved by department rule.

360 (c) For each employer-assisted claim, the employer shall
361 give notice and instructions to the employees regarding the
362 claim and provide an attestation in a form and format required
363 by the department.

364 (3) The effective date of an employer-assisted claim is
365 the Sunday immediately preceding the date on which the employer-
366 assisted claim was received by the department.

367 (4) Weeks of benefits paid to a claimant pursuant to an
368 employer-assisted claim count toward the maximum benefits for
369 which the claimant is eligible.

370 (5) A claimant covered by an employer-assisted claim must
371 file continued biweekly claims pursuant to department rule.

372 (6) This section does not limit, alter, or amend a
373 claimant's rights under this chapter relating to a hearing if a
374 claimant is denied a claim.

375 (7) The department shall adopt rules establishing
376 additional procedures for filing an employer-assisted claim and
377 may adopt additional rules to administer this section.

378
379 -----
380 **T I T L E A M E N D M E N T**

381 Remove lines 32-49 and insert:

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382 amending s. 443.036, F.S.; revising the definition of the term
383 "temporary layoff"; amending s. 443.091, F.S.; revising the
384 reporting requirements for reemployment assistance benefit
385 eligibility; defining the term "address"; amending s. 443.101,
386 F.S.; deleting a provision providing that individuals who
387 voluntarily leave work as a direct result of circumstances
388 relating to domestic violence are ineligible for benefits under
389 certain circumstances; amending s. 443.1113, F.S.; requiring the
390 department to implement an integrated, modular system hosted in
391 a cloud service, rather than an integrated Internet-based
392 system, for the reemployment assistance program; revising the
393 functions and objectives of the Reemployment Assistance Claims
394 and Benefits Information System; revising the duties of the
395 department; providing reporting requirements; deleting obsolete
396 language; deleting provisions relating to duties of the
397 governance structure of the system project; creating s.
398 443.1118, F.S.; defining terms; providing requirements for
399 employer-assisted claims relating to mass separations;
400 specifying the effective date of such claims; providing that
401 benefits paid to a claimant pursuant to an employer-assisted
402 claim count toward maximum benefits for which the claimant is
403 eligible; requiring a claimant covered by an employer-assisted
404 claim to file continued biweekly claims; providing construction;
405 requiring and authorizing the department to adopt specified
406 rules; amending s. 443.151, F.S.; revising

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