



238872

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/30/2021	.	
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The Committee on Commerce and Tourism (Powell) recommended the following:

**Senate Amendment (with title amendment)**

Before line 15

insert:

Section 1. Paragraph (d) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

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



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11 (d) She or he is able to work and is available for work. In  
12 order to assess eligibility for a claimed week of unemployment,  
13 the department shall develop criteria to determine a claimant's  
14 ability to work and availability for work. A claimant must be  
15 actively seeking work in order to be considered available for  
16 work. This means engaging in systematic and sustained efforts to  
17 find work, including contacting at least five prospective  
18 employers for each week of unemployment claimed. The department  
19 may require the claimant to provide proof of such efforts to the  
20 one-stop career center as part of reemployment services. A  
21 claimant's proof of work search efforts may not include the same  
22 prospective employer at the same location in 3 consecutive  
23 weeks, unless the employer has indicated since the time of the  
24 initial contact that the employer is hiring. The department  
25 shall conduct random reviews of work search information provided  
26 by claimants. As an alternative to contacting at least five  
27 prospective employers for any week of unemployment claimed, a  
28 claimant may, for that same week, report in person to a one-stop  
29 career center to meet with a representative of the center and  
30 access reemployment services of the center. The center shall  
31 keep a record of the services or information provided to the  
32 claimant and shall provide the records to the department upon  
33 request by the department. However:

34 1. Notwithstanding any other provision of this paragraph,  
35 an individual who is otherwise eligible for benefits may not be  
36 deemed ineligible for benefits for any week if his or her  
37 ability to work, or availability to work, is precluded by the  
38 claimant's:

39 a. Lack of available transportation to work;



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- 40           b. Sickness or disability;
- 41           c. Caring for a family member or a child; or
- 42           d. Pregnancy.

43           2. Notwithstanding any other provision of this paragraph or  
44 paragraphs (b) and (e), an otherwise eligible individual may not  
45 be denied benefits for any week because she or he is in training  
46 with the approval of the department, or by reason of s.  
47 443.101(2) relating to failure to apply for, or refusal to  
48 accept, suitable work. Training may be approved by the  
49 department in accordance with criteria prescribed by rule. A  
50 claimant's eligibility during approved training is contingent  
51 upon satisfying eligibility conditions prescribed by rule.

52           ~~3.2.~~ Notwithstanding any other provision of this chapter,  
53 an otherwise eligible individual who is in training approved  
54 under s. 236(a)(1) of the Trade Act of 1974, as amended, may not  
55 be determined ineligible or disqualified for benefits due to  
56 enrollment in such training or because of leaving work that is  
57 not suitable employment to enter such training. As used in this  
58 subparagraph, the term "suitable employment" means work of a  
59 substantially equal or higher skill level than the worker's past  
60 adversely affected employment, as defined for purposes of the  
61 Trade Act of 1974, as amended, the wages for which are at least  
62 80 percent of the worker's average weekly wage as determined for  
63 purposes of the Trade Act of 1974, as amended.

64           ~~4.3.~~ Notwithstanding any other provision of this section,  
65 an otherwise eligible individual may not be denied benefits for  
66 any week because she or he is before any state or federal court  
67 pursuant to a lawfully issued summons to appear for jury duty.

68           ~~5.4.~~ Union members who customarily obtain employment



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69 through a union hiring hall may satisfy the work search  
70 requirements of this paragraph by reporting daily to their union  
71 hall.

72 ~~6.5.~~ The work search requirements of this paragraph do not  
73 apply to persons who are unemployed as a result of a temporary  
74 layoff or who are claiming benefits under an approved short-time  
75 compensation plan as provided in s. 443.1116.

76 ~~7.6.~~ In small counties as defined in s. 120.52(19), a  
77 claimant engaging in systematic and sustained efforts to find  
78 work must contact at least three prospective employers for each  
79 week of unemployment claimed.

80 ~~8.7.~~ The work search requirements of this paragraph do not  
81 apply to persons required to participate in reemployment  
82 services under paragraph (e).

83

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

85 And the title is amended as follows:

86 Between lines 2 and 3

87 insert:

88 s. 443.091, F.S.; prohibiting otherwise eligible  
89 individuals from being deemed ineligible to receive  
90 reemployment assistance benefits if their ability or  
91 availability to work is precluded by specified  
92 circumstances; amending