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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 15 - 17

and insert:

Section 1. Paragraphs (c) and (d) of subsection (1) of section 443.091, Florida Statutes, are 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 (c) To make continued claims for benefits, she or he is  
12 reporting to the department in accordance with this paragraph  
13 and department rules. Department rules may not conflict with s.  
14 443.111(1)(b), which requires that each claimant continue to  
15 report regardless of any pending appeal relating to her or his  
16 eligibility or disqualification for benefits.

17 1. For each week of unemployment claimed, each report must,  
18 at a minimum, include the name ~~and~~, address, ~~and telephone~~  
19 ~~number~~ of each prospective employer contacted, or the date the  
20 claimant reported to a one-stop career center, pursuant to  
21 paragraph (d). For the purposes of this subparagraph, the term  
22 "address" means a website address, a physical address, or an e-  
23 mail address.

24 2. The department shall offer an online assessment aimed at  
25 identifying an individual's skills, abilities, and career  
26 aptitude. The skills assessment must be voluntary, and the  
27 department shall allow a claimant to choose whether to take the  
28 skills assessment. The online assessment shall be made available  
29 to any person seeking services from a local workforce  
30 development board or a one-stop career center.

31 a. If the claimant chooses to take the online assessment,  
32 the outcome of the assessment shall be made available to the  
33 claimant, local workforce development board, and one-stop career  
34 center. The department, local workforce development board, or  
35 one-stop career center shall use the assessment to develop a  
36 plan for referring individuals to training and employment  
37 opportunities. Aggregate data on assessment outcomes may be made  
38 available to CareerSource Florida, Inc., and Enterprise Florida,  
39 Inc., for use in the development of policies related to



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40 education and training programs that will ensure that businesses  
41 in this state have access to a skilled and competent workforce.

42 b. Individuals shall be informed of and offered services  
43 through the one-stop delivery system, including career  
44 counseling, the provision of skill match and job market  
45 information, and skills upgrade and other training  
46 opportunities, and shall be encouraged to participate in such  
47 services at no cost to the individuals. The department shall  
48 coordinate with CareerSource Florida, Inc., the local workforce  
49 development boards, and the one-stop career centers to identify,  
50 develop, and use best practices for improving the skills of  
51 individuals who choose to participate in skills upgrade and  
52 other training opportunities. The department may contract with  
53 an entity to create the online assessment in accordance with the  
54 competitive bidding requirements in s. 287.057. The online  
55 assessment must work seamlessly with the Reemployment Assistance  
56 Claims and Benefits Information System.

57 (d) She or he is able to work and is available for work. In  
58 order to assess eligibility for a claimed week of unemployment,  
59 the department shall develop criteria to determine a claimant's  
60 ability to work and availability for work. A claimant must be  
61 actively seeking work in order to be considered available for  
62 work. This means engaging in systematic and sustained efforts to  
63 find work, including contacting at least three ~~five~~ prospective  
64 employers for each week of unemployment claimed. For the  
65 purposes of meeting the requirements of this paragraph, a  
66 claimant may contact a prospective employer by submitting a  
67 resume to an employer through an online job search service. A  
68 claimant who submits a resume to at least three employers



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69 through an online job search service satisfies the work search  
70 requirements of this paragraph. The department may require the  
71 claimant to provide proof of such efforts to the one-stop career  
72 center as part of reemployment services. A claimant's proof of  
73 work search efforts may not include the same prospective  
74 employer at the same location in 3 consecutive weeks, unless the  
75 employer has indicated since the time of the initial contact  
76 that the employer is hiring. The department shall conduct random  
77 reviews of work search information provided by claimants. As an  
78 alternative to contacting at least three ~~five~~ prospective  
79 employers for any week of unemployment claimed, a claimant may,  
80 for that same week, report in person to a one-stop career center  
81 to meet with a representative of the center and access  
82 reemployment services of the center. The center shall keep a  
83 record of the services or information provided to the claimant  
84 and shall provide the records to the department upon request by  
85 the department. However:

86 1. Notwithstanding any other provision of this paragraph or  
87 paragraphs (b) and (e), an otherwise eligible individual may not  
88 be denied benefits for any week because she or he is in training  
89 with the approval of the department, or by reason of s.  
90 443.101(2) relating to failure to apply for, or refusal to  
91 accept, suitable work. Training may be approved by the  
92 department in accordance with criteria prescribed by rule. A  
93 claimant's eligibility during approved training is contingent  
94 upon satisfying eligibility conditions prescribed by rule.

95 2. Notwithstanding any other provision of this chapter, an  
96 otherwise eligible individual who is in training approved under  
97 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be



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98 determined ineligible or disqualified for benefits due to  
99 enrollment in such training or because of leaving work that is  
100 not suitable employment to enter such training. As used in this  
101 subparagraph, the term "suitable employment" means work of a  
102 substantially equal or higher skill level than the worker's past  
103 adversely affected employment, as defined for purposes of the  
104 Trade Act of 1974, as amended, the wages for which are at least  
105 80 percent of the worker's average weekly wage as determined for  
106 purposes of the Trade Act of 1974, as amended.

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

111 4. Union members who customarily obtain employment through  
112 a union hiring hall may satisfy the work search requirements of  
113 this paragraph by reporting daily to their union hall.

114 5. The work search requirements of this paragraph do not  
115 apply to persons who are unemployed as a result of a temporary  
116 layoff or who are claiming benefits under an approved short-time  
117 compensation plan as provided in s. 443.1116.

118 6. In small counties as defined in s. 120.52(19), a  
119 claimant engaging in systematic and sustained efforts to find  
120 work must contact at least three prospective employers for each  
121 week of unemployment claimed.

122 7. The work search requirements of this paragraph do not  
123 apply to persons required to participate in reemployment  
124 services under paragraph (e).

125 Section 2. Subsection (3) and paragraph (b) of subsection  
126 (5) of section 443.111, Florida Statutes, are amended, and



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127 paragraph (b) of subsection (1) is republished, to read:

128 443.111 Payment of benefits.—

129 (1) MANNER OF PAYMENT.—Benefits are payable from the fund  
130 in accordance with rules adopted by the Department of Economic  
131 Opportunity, subject to the following requirements:

132 (b) As required under s. 443.091(1), each claimant must  
133 report at least biweekly to receive reemployment assistance  
134 benefits and to attest to the fact that she or he is able and  
135 available for work, has not refused suitable work, is seeking  
136 work and has met the requirements of s. 443.091(1)(d), and, if  
137 she or he has worked, to report earnings from that work. Each  
138 claimant must continue to report regardless of any appeal or  
139 pending appeal relating to her or his eligibility or  
140 disqualification for benefits.

141

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

143 And the title is amended as follows:

144 Between lines 2 and 3

145 insert:

146 s. 443.091, F.S.; revising requirements for  
147 reemployment assistance benefits eligibility; amending