

By the Committee on Commerce and Tourism; and Senators Brodeur, Taddeo, Stewart, Garcia, and Gruters

577-03547-21

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1 A bill to be entitled
2 An act relating to reemployment assistance; amending
3 s. 443.091, F.S.; revising requirements for
4 reemployment assistance benefits eligibility; amending
5 s. 443.111, F.S.; increasing the weekly benefit
6 amounts an individual may receive; increasing the cap
7 on the total benefit amount an individual is entitled
8 to receive during a benefit year; reenacting ss.
9 443.041(2)(b) and 443.1116(6) and (8)(a), F.S.,
10 relating to fees and short-time compensation,
11 respectively, to incorporate the amendments made to s.
12 443.111, F.S., in references thereto; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraphs (c) and (d) of subsection (1) of
18 section 443.091, Florida Statutes, are amended to read:

19 443.091 Benefit eligibility conditions.—

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

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

29 1. For each week of unemployment claimed, each report must,

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

36 2. The department shall offer an online assessment aimed at
37 identifying an individual's skills, abilities, and career
38 aptitude. The skills assessment must be voluntary, and the
39 department shall allow a claimant to choose whether to take the
40 skills assessment. The online assessment shall be made available
41 to any person seeking services from a local workforce
42 development board or a one-stop career center.

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

54 b. Individuals shall be informed of and offered services
55 through the one-stop delivery system, including career
56 counseling, the provision of skill match and job market
57 information, and skills upgrade and other training
58 opportunities, and shall be encouraged to participate in such

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59 services at no cost to the individuals. The department shall
60 coordinate with CareerSource Florida, Inc., the local workforce
61 development boards, and the one-stop career centers to identify,
62 develop, and use best practices for improving the skills of
63 individuals who choose to participate in skills upgrade and
64 other training opportunities. The department may contract with
65 an entity to create the online assessment in accordance with the
66 competitive bidding requirements in s. 287.057. The online
67 assessment must work seamlessly with the Reemployment Assistance
68 Claims and Benefits Information System.

69 (d) She or he is able to work and is available for work. In
70 order to assess eligibility for a claimed week of unemployment,
71 the department shall develop criteria to determine a claimant's
72 ability to work and availability for work. A claimant must be
73 actively seeking work in order to be considered available for
74 work. This means engaging in systematic and sustained efforts to
75 find work, including contacting at least three ~~five~~ prospective
76 employers for each week of unemployment claimed. For the
77 purposes of meeting the requirements of this paragraph, a
78 claimant may contact a prospective employer by submitting a
79 resume to an employer through an online job search service. A
80 claimant who submits a resume to at least three employers
81 through an online job search service satisfies the work search
82 requirements of this paragraph. The department may require the
83 claimant to provide proof of such efforts to the one-stop career
84 center as part of reemployment services. A claimant's proof of
85 work search efforts may not include the same prospective
86 employer at the same location in 3 consecutive weeks, unless the
87 employer has indicated since the time of the initial contact

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88 that the employer is hiring. The department shall conduct random
89 reviews of work search information provided by claimants. As an
90 alternative to contacting at least three ~~five~~ prospective
91 employers for any week of unemployment claimed, a claimant may,
92 for that same week, report in person to a one-stop career center
93 to meet with a representative of the center and access
94 reemployment services of the center. The center shall keep a
95 record of the services or information provided to the claimant
96 and shall provide the records to the department upon request by
97 the department. However:

98 1. Notwithstanding any other provision of this paragraph or
99 paragraphs (b) and (e), an otherwise eligible individual may not
100 be denied benefits for any week because she or he is in training
101 with the approval of the department, or by reason of s.
102 443.101(2) relating to failure to apply for, or refusal to
103 accept, suitable work. Training may be approved by the
104 department in accordance with criteria prescribed by rule. A
105 claimant's eligibility during approved training is contingent
106 upon satisfying eligibility conditions prescribed by rule.

107 2. Notwithstanding any other provision of this chapter, an
108 otherwise eligible individual who is in training approved under
109 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
110 determined ineligible or disqualified for benefits due to
111 enrollment in such training or because of leaving work that is
112 not suitable employment to enter such training. As used in this
113 subparagraph, the term "suitable employment" means work of a
114 substantially equal or higher skill level than the worker's past
115 adversely affected employment, as defined for purposes of the
116 Trade Act of 1974, as amended, the wages for which are at least

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117 80 percent of the worker's average weekly wage as determined for
118 purposes of the Trade Act of 1974, as amended.

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

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

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

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

134 7. The work search requirements of this paragraph do not
135 apply to persons required to participate in reemployment
136 services under paragraph (e).

137 Section 2. Subsection (3) and paragraph (b) of subsection
138 (5) of section 443.111, Florida Statutes, are amended, and
139 paragraph (b) of subsection (1) is republished, to read:

140 443.111 Payment of benefits.—

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

144 (b) As required under s. 443.091(1), each claimant must
145 report at least biweekly to receive reemployment assistance

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146 benefits and to attest to the fact that she or he is able and
147 available for work, has not refused suitable work, is seeking
148 work and has met the requirements of s. 443.091(1)(d), and, if
149 she or he has worked, to report earnings from that work. Each
150 claimant must continue to report regardless of any appeal or
151 pending appeal relating to her or his eligibility or
152 disqualification for benefits.

153 (3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit
154 amount" is an amount equal to one twenty-sixth of the total
155 wages for insured work paid during that quarter of the base
156 period in which the total wages paid were the highest, but not
157 less than \$100 ~~\$32~~ or more than \$375 ~~\$275~~. The weekly benefit
158 amount, if not a multiple of \$1, is rounded downward to the
159 nearest full dollar amount. The maximum weekly benefit amount in
160 effect at the time the claimant establishes an individual weekly
161 benefit amount is the maximum benefit amount applicable
162 throughout the claimant's benefit year.

163 (5) DURATION OF BENEFITS.—

164 (b) Each otherwise eligible individual is entitled during
165 any benefit year to a total amount of benefits equal to 25
166 percent of the total wages in his or her base period, not to
167 exceed \$8,625 ~~\$6,325~~ or the product arrived at by multiplying
168 the weekly benefit amount with the number of weeks determined in
169 paragraph (c), whichever is less. However, the total amount of
170 benefits, if not a multiple of \$1, is rounded downward to the
171 nearest full dollar amount. These benefits are payable at a
172 weekly rate no greater than the weekly benefit amount.

173 Section 3. For the purpose of incorporating the amendment
174 made by this act to section 443.111, Florida Statutes, in a

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175 reference thereto, paragraph (b) of subsection (2) of section
176 443.041, Florida Statutes, is reenacted to read:

177 443.041 Waiver of rights; fees; privileged communications.—

178 (2) FEES.—

179 (b) An attorney at law representing a claimant for benefits
180 in any district court of appeal of this state or in the Supreme
181 Court of Florida is entitled to counsel fees payable by the
182 department as set by the court if the petition for review or
183 appeal is initiated by the claimant and results in a decision
184 awarding more benefits than provided in the decision from which
185 appeal was taken. The amount of the fee may not exceed 50
186 percent of the total amount of regular benefits permitted under
187 s. 443.111(5) (b) during the benefit year.

188 Section 4. For the purpose of incorporating the amendment
189 made by this act to section 443.111, Florida Statutes, in a
190 reference thereto, subsection (6) and paragraph (a) of
191 subsection (8) of section 443.1116, Florida Statutes, are
192 reenacted to read:

193 443.1116 Short-time compensation.—

194 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The
195 weekly short-time compensation benefit amount payable to an
196 individual is equal to the product of her or his weekly benefit
197 amount as provided in s. 443.111(3) and the ratio of the number
198 of normal weekly hours of work for which the employer would not
199 compensate the individual to the individual's normal weekly
200 hours of work. The benefit amount, if not a multiple of \$1, is
201 rounded downward to the next lower multiple of \$1.

202 (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
203 THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

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204 (a) The short-time compensation benefits paid to an
205 individual shall be deducted from the total benefit amount
206 established for that individual in s. 443.111(5).

207 Section 5. This act shall take effect July 1, 2021.