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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2021	.	
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The Committee on Appropriations (Bean) recommended the following:

1           **Senate Substitute for Amendment (538568) (with title**  
2 **amendment)**

3  
4           Delete lines 413 - 714  
5 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



185376

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.

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 must,  
29 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 at  
36 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



185376

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  
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



185376

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 left  
73 work without good cause attributable to his or her employing  
74 unit or for the week in which he or she has been discharged by  
75 the employing unit for misconduct connected with his or her  
76 work, based on a finding by the Department of Economic  
77 Opportunity. As used in this paragraph, the term "work" means  
78 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.

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

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



185376

98 orders, activation orders, or unit deployment orders; or

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

114 (III) Reasonably believe that he or she is likely to be the  
115 victim of a future act of domestic violence at, in transit to,  
116 or departing from his or her place of employment. ~~An individual  
117 who is otherwise eligible for benefits under this sub-  
118 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



185376

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  
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



185376

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  
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.~~



185376

- 185           (b) Process reemployment assistance claims ~~Florida~~  
186 ~~unemployment Internet direct.~~
- 187           (c) Process benefit payments ~~Florida continued claim~~  
188 ~~Internet directory.~~
- 189           (d) Process and manage overpayments ~~Call center interactive~~  
190 ~~voice response system.~~
- 191           (e) Perform adjudication functions ~~Benefit overpayment~~  
192 ~~screening system.~~
- 193           (f) Process appeals and manage appeal hearings ~~Internet and~~  
194 ~~Intranet appeals system.~~
- 195           (g) Manage and process employer charging.
- 196           (2) Wherever cost-effective and operationally feasible, the  
197 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 adjudication  
207 program and collection system in order to improve the detection  
208 of fraud.
- 209           (d) Comply with all requirements established in federal and  
210 state law for reemployment assistance.
- 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





185376

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 perform  
224 an annual review of the system and identify enhancements or  
225 modernization efforts that improve the delivery of services to  
226 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:  
235 1. The Florida Digital Service within the Department of  
236 Management Services.  
237 2. The General Tax Administration Program Office within the  
238 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



185376

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 ~~The project to implement the~~  
252 ~~Reemployment Assistance Claims and Benefits Information System~~  
253 ~~is comprised of the following phases and corresponding~~  
254 ~~implementation timeframes:~~

255 ~~(a) No later than the end of fiscal year 2009-2010~~  
256 ~~completion of the business re-engineering analysis and~~  
257 ~~documentation of both the detailed system requirements and the~~  
258 ~~overall system architecture.~~

259 ~~(b) The Reemployment Assistance Claims and Benefits~~  
260 ~~Internet portal that replaces the Florida Unemployment Internet~~  
261 ~~Direct and the Florida Continued Claims Internet Directory~~  
262 ~~systems, the Call Center Interactive Voice Response System, the~~  
263 ~~Benefit Overpayment Screening System, the Internet and Intranet~~  
264 ~~Appeals System, and the Claims and Benefits Mainframe System~~  
265 ~~shall be deployed to full operational status no later than the~~  
266 ~~end of fiscal year 2013-2014.~~

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

270 ~~(a) The project sponsor for the Reemployment Assistance~~  
271 ~~Claims and Benefits Information System project is the~~



185376

272 ~~department.~~

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

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

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

278 ~~3. The director of the Division of Workforce Services~~  
279 ~~within the department.~~

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

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

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

286 ~~1. Providing management direction and support to the~~  
287 ~~project management team.~~

288 ~~2. Assessing the project's alignment with the strategic~~  
289 ~~goals of the department for administering the reemployment~~  
290 ~~assistance program.~~

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

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

295 ~~5. Recommending suspension or termination of the project to~~  
296 ~~the Governor, the President of the Senate, and the Speaker of~~  
297 ~~the House of Representatives if it determines that the primary~~  
298 ~~objectives cannot be achieved.~~

299 ~~(d) The project management team shall work under the~~  
300 ~~direction of the executive steering committee and shall be~~



185376

301 ~~minimally comprised of senior managers and stakeholders from the~~  
302 ~~department and the Department of Revenue. The project management~~  
303 ~~team is responsible for:~~

304 ~~1. Providing daily planning, management, and oversight of~~  
305 ~~the project.~~

306 ~~2. Submitting an operational work plan and providing~~  
307 ~~quarterly updates to that plan to the executive steering~~  
308 ~~committee. The plan must specify project milestones,~~  
309 ~~deliverables, and expenditures.~~

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

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

313 ~~b. An assessment of the status of major milestones and~~  
314 ~~deliverables;~~

315 ~~c. Identification of any issues requiring resolution, the~~  
316 ~~proposed resolution for these issues, and information regarding~~  
317 ~~the status of the resolution;~~

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

319 ~~e. Identification of and recommendations regarding~~  
320 ~~necessary changes in the project's scope, schedule, or costs.~~

321 ~~All recommendations must be reviewed by project stakeholders~~  
322 ~~before submission to the executive steering committee in order~~  
323 ~~to ensure that the recommendations meet required acceptance~~  
324 ~~criteria.~~

325 ~~Section 12. For the 2021-2022 fiscal year, the Department~~  
326 ~~of Economic Opportunity shall take actions to modernize the~~  
327 ~~Reemployment Assistance Claims and Benefits Information System~~  
328 ~~as provided in the General Appropriations Act.~~

329 ~~Section 13. Section 443.1118, Florida Statutes, is created~~



185376

330 to read:

331 443.1118 Employer-assisted claims.—

332 (1) DEFINITIONS.—For purposes of this section:

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

336 (b) "Mass separation" means a full, partial, permanent, or  
337 temporary separation, including a temporary layoff, of full-time  
338 employees from their employer if the separation occurs at or  
339 around the same time, the employees are separated for the same  
340 reason, and the separation is due to circumstances for which the  
341 employees are not at fault. At a minimum, a mass separation  
342 involves 1,000 or more employees.

343 (2) EMPLOYER-ASSISTED CLAIM PROCESS.—

344 (a) Initiation.—An employer that commences a mass  
345 separation may initiate an employer-assisted claim by submitting  
346 employee information to the department within 10 days after the  
347 date of the mass separation pursuant to rules adopted by the  
348 department.

349 (b) Form of submission.—Due to the sensitive nature of  
350 employee information, an employer shall submit employee  
351 information through secure means approved by department rule.

352 (c) Notice and Affidavit.—For each employer-assisted claim,  
353 the employer shall give notice and instructions to the employees  
354 for which claims are filed and direct the employees to complete  
355 further steps as required by the department. The employer shall  
356 provide an attestation to the department in a form and format  
357 required by the department.

358 (3) EFFECTIVE DATE OF CLAIM.—The effective date of an



185376

359 employer-assisted claim is the Sunday immediately preceding the  
360 date on which the employer-assisted claim was received by the  
361 department.

362 (4) PAYMENTS.—Weeks of benefits paid to a claimant pursuant  
363 to an employer-assisted claim count toward the maximum benefits  
364 for which the claimant is eligible.

365 (5) CLAIMANT FILING REQUIREMENTS.—A claimant covered by an  
366 employer-assisted claim must file continued biweekly claims  
367 pursuant to department rule.

368 (6) CONSTRUCTION.—This section does not limit, alter, or  
369 amend a claimant's rights under this chapter relating to a  
370 hearing if a claimant is denied a claim.

371 (7) RULEMAKING.—The department shall adopt rules  
372 establishing additional procedures for filing an employer-  
373 assisted claim and may adopt additional rules to administer this  
374 section.

375  
376 ===== T I T L E A M E N D M E N T =====

377 And the title is amended as follows:

378 Delete lines 32 - 53

379 and insert:

380 amending s. 443.036, F.S.; revising the definition of  
381 the term "temporary layoff"; amending s. 443.091,  
382 F.S.; revising the reporting requirements for  
383 reemployment assistance benefit eligibility; defining  
384 the term "address"; amending s. 443.101, F.S.;

385 deleting a provision providing that individuals who  
386 voluntarily leave work as a direct result of  
387 circumstances relating to domestic violence are



185376

388 ineligible for benefits under certain circumstances;  
389 amending s. 443.1113, F.S.; requiring the department  
390 to implement an integrated, modular system hosted in a  
391 cloud service, rather than an integrated Internet-  
392 based system, for the reemployment assistance program;  
393 revising the functions and objectives of the  
394 Reemployment Assistance Claims and Benefits  
395 Information System; requiring the department to  
396 perform an annual review of the system; requiring the  
397 department to seek input from certain state entities  
398 when performing such review; requiring the department  
399 to submit an annual report to the Governor and the  
400 Legislature beginning on a specified date; providing  
401 requirements for such report; deleting obsolete  
402 language; requiring the department take actions to  
403 modernize the system in the 2021-2022 fiscal year as  
404 directed in the General Appropriations Act; creating  
405 s. 443.1118, F.S.; defining terms; providing  
406 requirements for employer-assisted claims relating to  
407 mass separations; specifying the effective date of  
408 such claims; providing that benefits paid to a  
409 claimant pursuant to an employer-assisted claim count  
410 toward maximum benefits for which the claimant is  
411 eligible; requiring a claimant covered by an employer-  
412 assisted claim to file continued biweekly claims;  
413 providing construction; requiring and authorizing the  
414 department to adopt specified rules; amending