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LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Delete lines 413 - 714

and insert:

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

443.036 Definitions.—As used in this chapter, the term:  
(43) "Temporary layoff" means an individual's a job



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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.

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



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39 skills assessment. The online assessment shall be made available  
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.



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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 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



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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 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



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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  
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



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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  
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~~



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184 ~~system.~~

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.





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

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

218       (a) Collection of reemployment assistance taxes.

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

221       (c) Human resource planning or management capabilities.

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

228           1. Infrastructure upgrades through cloud services.  
229           2. Software improvements.  
230           3. Enhanced data analytics and reporting.  
231           4. Increased cybersecurity pursuant to s. 282.318.

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

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

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

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

240       (5) By October 1, 2023, and each year thereafter, the  
241 Department of Economic Opportunity shall submit a Reemployment



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242 Assistance Claims and Benefits Information System report to the  
243 Governor, the President of the Senate, and the Speaker of the  
244 House of Representatives. The report must, at a minimum,  
245 include:

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

248 (b) A 3-year outlook of recommended enhancements or  
249 modernization efforts that includes projected costs and  
250 timeframes for completion ~~The project to implement the~~  
251 ~~Reemployment Assistance Claims and Benefits Information System~~  
252 ~~is comprised of the following phases and corresponding~~  
253 ~~implementation timeframes:~~

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

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

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

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



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271 ~~department.~~

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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329 to read:

330 443.1118 Employer-assisted claims.—

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

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

335 (b) "Mass separation" means a full, partial, permanent, or  
336 temporary separation, including a temporary layoff, of full-time  
337 employees from their employer if the separation occurs at or  
338 around the same time, the employees are separated for the same  
339 reason, and the separation is due to circumstances for which the  
340 employees are not at fault. The Department shall establish  
341 criteria for determining what constitutes a mass separation.

342 (2) EMPLOYER-ASSISTED CLAIM PROCESS.—

343 (a) Initiation.—An employer that commences a mass  
344 separation may initiate an employer-assisted claim by submitting  
345 employee information to the department pursuant to rules adopted  
346 by the department.

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

350 (c) Affidavit.—For each employer-assisted claim, the  
351 employer shall give notice and instructions to the employees  
352 regarding the claim and provide an attestation in a form and  
353 format required by the department.

354 (3) EFFECTIVE DATE OF CLAIM.—The effective date of an  
355 employer-assisted claim is the Sunday immediately preceding the  
356 date on which the employer-assisted claim was received by the  
357 department.



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

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

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

367       (7) RULEMAKING.—The department shall adopt rules  
368 establishing additional procedures for filing an employer-  
369 assisted claim and may adopt additional rules to administer this  
370 section.

371  
372 ===== T I T L E   A M E N D M E N T =====

373 And the title is amended as follows:

374       Delete lines 32 - 53

375 and insert:

376       amending s. 443.036, F.S.; revising the definition of  
377       the term "temporary layoff"; amending s. 443.091,  
378       F.S.; revising the reporting requirements for  
379       reemployment assistance benefit eligibility; defining  
380       the term "address"; amending s. 443.101, F.S.;

381       deleting a provision providing that individuals who  
382       voluntarily leave work as a direct result of  
383       circumstances relating to domestic violence are  
384       ineligible for benefits under certain circumstances;

385       amending s. 443.1113, F.S.; requiring the department  
386       to implement an integrated, modular system hosted in a



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