

By Senator Powell

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1 A bill to be entitled
2 An act relating to reemployment assistance; creating
3 s. 443.013, F.S.; creating a Reemployment Assistance
4 Ombudsman Office within the Department of Economic
5 Opportunity; authorizing individuals seeking
6 reemployment assistance benefits to contact the office
7 for certain purposes; authorizing the office to assign
8 an ombudsman to assist such individuals; requiring the
9 office to annually review the reemployment assistance
10 process and provide recommendations to the department;
11 reenacting and amending s. 443.036, F.S.; defining the
12 term "alternative base period"; revising the
13 definitions of the terms "high quarter" and
14 "unemployment," or "unemployed," to determine an
15 alternative calendar quarter for calculating
16 eligibility requirements and to specify circumstances
17 under which individuals are considered partially
18 unemployed, respectively; specifying that unemployment
19 commences on the date of unemployment rather than
20 after registering with the department; amending s.
21 443.091, F.S.; deleting a provision relating to
22 department rules; requiring individuals to be informed
23 of and offered services in writing through the one-
24 stop delivery system; authorizing claimants to report
25 to one-stop career centers for certain reasons by
26 telephone or online in addition to reporting in
27 person; revising the number of prospective employers a
28 claimant must contact each week; prohibiting otherwise
29 eligible individuals from being deemed ineligible for

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30 benefits solely because they seek, apply for, or are
31 willing to accept only part-time work of at least a
32 specified number of hours; reducing the number of
33 prospective employers certain claimants in small
34 counties are required to contact; exempting seasonal
35 agricultural workers in small counties from specified
36 work search requirements under certain circumstances;
37 revising eligibility requirements for receiving
38 benefits under the reemployment assistance program;
39 suspending the work registration, reporting, work
40 ability, and work availability requirements during a
41 declared state of emergency and for a specified period
42 of time thereafter; revising the manner in which
43 individuals may submit a claim for benefits; requiring
44 the department to establish additional methods for
45 submitting claims and to determine an individual's
46 eligibility within a specified timeframe; amending s.
47 443.101, F.S.; revising the circumstances under which
48 individuals are disqualified for benefits by virtue of
49 voluntarily quitting; revising the definitions of the
50 terms "good cause" and "work"; deleting provisions
51 disqualifying individuals for benefits as a result of
52 drug use; deleting rulemaking authority for the
53 department relating to suitability of work; revising
54 provisions relating to suitable work; revising earned
55 income requirements for individuals who were
56 terminated from work for certain acts with regard to
57 entitlement to reemployment assistance benefits;
58 deleting provisions relating to circumstances under

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59 which temporary or leased employees are disqualified
60 for benefits; amending s. 443.111, F.S.; deleting
61 certain reporting requirements for claimants; revising
62 qualifying requirements for individuals seeking to
63 establish a benefit year for reemployment assistance;
64 requiring an alternative base period to be used under
65 certain circumstances when calculating wages;
66 providing requirements relating to specified calendar
67 quarters under certain circumstances; specifying that
68 wages that fall within an alternative base period are
69 not available for reuse in subsequent benefit years;
70 requiring the department to adopt rules; revising the
71 minimum and maximum weekly benefit amounts; requiring
72 that such benefit be rounded to the nearest dollar
73 upward rather than downward; revising weekly benefit
74 amounts for partially unemployed individuals; deleting
75 the definition of the term "Florida average
76 unemployment rate"; revising the limitations on the
77 duration of benefits; amending s. 443.1116, F.S.;
78 revising the circumstances under which the director of
79 the department is required to approve short-time
80 compensation plans; revising eligibility requirements
81 for short-time compensation benefits; revising the cap
82 on short-time compensation benefit amounts; deleting a
83 provision requiring that short-time compensation
84 benefits be deducted from the total benefit amounts;
85 amending s. 443.1216, F.S.; revising what constitutes
86 employment for the purposes of reemployment
87 assistance; conforming a cross-reference; amending s.

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88 443.1217, F.S.; revising the amount of wages that are
89 exempt from the employer's contribution to the
90 Unemployment Compensation Trust Fund, beginning on a
91 specified date; amending s. 443.131, F.S.; deleting
92 exemptions relating to compensation benefits being
93 charged to employment records; providing a cross-
94 reference; deleting obsolete language; conforming a
95 cross-reference; amending s. 443.141, F.S.; specifying
96 that the burden of proof in an appeal filed by an
97 employer is on the employer; conforming cross-
98 references; amending s. 443.151, F.S.; specifying that
99 the burden of proof in an appeal filed by an employer
100 is on the employer; amending ss. 443.041, 443.1115,
101 and 443.1215, F.S.; conforming provisions to changes
102 made by the act; amending ss. 215.425 and 443.121,
103 F.S.; conforming cross-references; reenacting s.
104 443.1116(6), F.S., relating to short-time
105 compensation, to incorporate the amendments made by
106 the act to s. 443.111, F.S., in a reference thereto;
107 providing an effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Section 443.013, Florida Statutes, is created to
112 read:

113 443.013 Reemployment Assistance Ombudsman Office.—

114 (1) A Reemployment Assistance Ombudsman Office is created
115 within the Department of Economic Opportunity to assist
116 individuals seeking benefits under this chapter and to identify

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117 procedural hurdles relating to the reemployment assistance
118 process. The Legislature intends that the office serve as a
119 resource available to all individuals seeking benefits under
120 this chapter.

121 (2) An individual seeking benefits under this chapter may
122 contact the Reemployment Assistance Ombudsman Office to seek
123 assistance with resolving any questions, disputes, delays, or
124 complaints during the claim process. In response, the office may
125 assign an ombudsman to assist the individual in resolving his or
126 her issues.

127 (3) The Reemployment Assistance Ombudsman Office shall
128 annually review the reemployment assistance process and provide
129 recommendations to the department to maximize the efficiency of
130 the process. Such review may include surveys of individuals who
131 have previously submitted a claim for benefits.

132 Section 2. Present subsections (3) through (46) of section
133 443.036, Florida Statutes, are redesignated as subsections (4)
134 through (47), respectively, a new subsection (3) is added to
135 that section, present subsections (24) and (44) of that section
136 are amended, and present subsection (21) of that section is
137 reenacted for the purpose of incorporating the amendment made by
138 this act to section 443.1216, Florida Statutes, in a reference
139 thereto, to read:

140 443.036 Definitions.—As used in this chapter, the term:

141 (3) "Alternative base period" means the four most recently
142 completed calendar quarters before an individual's benefit year,
143 if such quarters qualify the individual for benefits and were
144 not previously used to establish a prior valid benefit year.

145 (22) ~~(21)~~ "Employment" means a service subject to this

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146 chapter under s. 443.1216 which is performed by an employee for
147 the person employing him or her.

148 ~~(25)~~~~(24)~~ "High quarter" means the quarter in an
149 individual's base period, or in the individual's alternative
150 base period if an alternative base period is used for
151 determining benefits eligibility, in which the individual has
152 the greatest amount of wages paid, regardless of the number of
153 employers paying wages in that quarter.

154 ~~(45)~~~~(44)~~ "Unemployment" or "unemployed" means:

155 (a) An individual is "totally unemployed" in any week
156 during which he or she does not perform any services and for
157 which earned income is not payable to him or her. An individual
158 is "partially unemployed" in any week of less than full-time
159 work if the earned income for services of any kind during the
160 week amounts to less than \$100 or less than 1.5 times the
161 individual's benefit rate for total unemployment rounded to the
162 next highest dollar, whichever is greater. For purposes of this
163 paragraph, the term "services" does not include services
164 performed in the employ of a political subdivision in lieu of
165 payment of any delinquent tax payment to the political
166 subdivision ~~earned income payable to him or her for that week is~~
167 ~~less than his or her weekly benefit amount.~~ The Department of
168 Economic Opportunity may adopt rules prescribing distinctions in
169 the procedures for unemployed individuals based on total
170 unemployment, part-time unemployment, partial unemployment of
171 individuals attached to their regular jobs, and other forms of
172 short-time work.

173 (b) An individual's ~~week of~~ unemployment commences on the
174 date of unemployment, regardless of the date of ~~only after~~

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175 registration with the department of ~~Economic Opportunity~~ as
176 required in s. 443.091.

177 Section 3. Paragraphs (c), (d), and (g) of subsection (1)
178 and subsection (2) of section 443.091, Florida Statutes, are
179 amended, and a new subsection (5) and subsection (6) are added
180 to that section, to read:

181 443.091 Benefit eligibility conditions.—

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

185 (c) To make continued claims for benefits, she or he is
186 reporting to the department in accordance with this paragraph
187 and department rules. ~~Department rules may not conflict with s.~~
188 ~~443.111(1)(b), which requires that each claimant continue to~~
189 ~~report regardless of any pending appeal relating to her or his~~
190 ~~eligibility or disqualification for benefits.~~

191 1. For each week of unemployment claimed, each report must,
192 at a minimum, include the name, address, and telephone number of
193 each prospective employer contacted, or the date the claimant
194 reported to a one-stop career center, pursuant to paragraph (d).

195 2. The department shall offer an online assessment aimed at
196 identifying an individual's skills, abilities, and career
197 aptitude. The skills assessment must be voluntary, and the
198 department shall allow a claimant to choose whether to take the
199 skills assessment. The online assessment shall be made available
200 to any person seeking services from a local workforce
201 development board or a one-stop career center.

202 a. If the claimant chooses to take the online assessment,
203 the outcome of the assessment must ~~shall~~ be made available to

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204 the claimant, local workforce development board, and one-stop
205 career center. The department, local workforce development
206 board, or one-stop career center shall use the assessment to
207 develop a plan for referring individuals to training and
208 employment opportunities. Aggregate data on assessment outcomes
209 may be made available to CareerSource Florida, Inc., and
210 Enterprise Florida, Inc., for use in the development of policies
211 related to education and training programs that will ensure that
212 businesses in this state have access to a skilled and competent
213 workforce.

214 b. Individuals shall be informed of and offered services in
215 writing through the one-stop delivery system, including career
216 counseling, the provision of skill match and job market
217 information, and skills upgrade and other training
218 opportunities, and shall be encouraged to participate in such
219 services at no cost to the individuals. The department shall
220 coordinate with CareerSource Florida, Inc., the local workforce
221 development boards, and the one-stop career centers to identify,
222 develop, and use best practices for improving the skills of
223 individuals who choose to participate in skills upgrade and
224 other training opportunities. The department may contract with
225 an entity to create the online assessment in accordance with the
226 competitive bidding requirements in s. 287.057. The online
227 assessment must work seamlessly with the Reemployment Assistance
228 Claims and Benefits Information System.

229 (d) She or he is able to work and is available for work. In
230 order to assess eligibility for a claimed week of unemployment,
231 the department shall develop criteria to determine a claimant's
232 ability to work and availability for work. A claimant must be

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233 actively seeking work in order to be considered available for
234 work. This means engaging in systematic and sustained efforts to
235 find work, including contacting at least three ~~five~~ prospective
236 employers for each week of unemployment claimed. The department
237 may require the claimant to provide proof of such efforts to the
238 one-stop career center as part of reemployment services. A
239 claimant's proof of work search efforts may not include the same
240 prospective employer at the same location in 3 consecutive
241 weeks, unless the employer has indicated since the time of the
242 initial contact that the employer is hiring. The department
243 shall conduct random reviews of work search information provided
244 by claimants. As an alternative to contacting at least three
245 ~~five~~ prospective employers for any week of unemployment claimed,
246 a claimant may, for that same week, report in person, by
247 telephone, or online to a one-stop career center to communicate
248 ~~meet~~ with a representative of the center and access reemployment
249 services of the center. The center shall keep a record of the
250 services or information provided to the claimant and shall
251 provide the records to the department upon request by the
252 department. However:

253 1. Notwithstanding any other provision of this paragraph,
254 an individual who is otherwise eligible for benefits may not be
255 deemed ineligible for benefits solely for the reason that the
256 individual seeks, applies for, or is willing to accept only
257 part-time work instead of full-time work if the part-time work
258 is for at least 20 hours per week.

259 2. Notwithstanding any other provision of this paragraph or
260 paragraphs (b) and (e), an otherwise eligible individual may not
261 be denied benefits for any week because she or he is in training

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262 with the approval of the department, or by reason of s.
263 443.101(2) relating to failure to apply for, or refusal to
264 accept, suitable work. Training may be approved by the
265 department in accordance with criteria prescribed by rule. A
266 claimant's eligibility during approved training is contingent
267 upon satisfying eligibility conditions prescribed by rule.

268 ~~3.2.~~ Notwithstanding any other provision of this chapter,
269 an otherwise eligible individual who is in training approved
270 under s. 236(a)(1) of the Trade Act of 1974, as amended, may not
271 be determined ineligible or disqualified for benefits due to
272 enrollment in such training or because of leaving work that is
273 not suitable employment to enter such training. As used in this
274 subparagraph, the term "suitable employment" means work of a
275 substantially equal or higher skill level than the worker's past
276 adversely affected employment, as defined for purposes of the
277 Trade Act of 1974, as amended, the wages for which are at least
278 80 percent of the worker's average weekly wage as determined for
279 purposes of the Trade Act of 1974, as amended.

280 ~~4.3.~~ Notwithstanding any other provision of this section,
281 an otherwise eligible individual may not be denied benefits for
282 any week because she or he is before any state or federal court
283 pursuant to a lawfully issued summons to appear for jury duty.

284 ~~5.4.~~ Union members who customarily obtain employment
285 through a union hiring hall may satisfy the work search
286 requirements of this paragraph by reporting daily to their union
287 hall.

288 ~~6.5.~~ The work search requirements of this paragraph do not
289 apply to persons who are unemployed as a result of a temporary
290 layoff or who are claiming benefits under an approved short-time

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291 compensation plan as provided in s. 443.1116.

292 ~~7.6.~~ In small counties as defined in s. 120.52(19), a
293 claimant engaging in systematic and sustained efforts to find
294 work must contact at least one ~~three~~ prospective employer
295 ~~employers~~ for each week of unemployment claimed.

296 ~~8.7.~~ The work search requirements of this paragraph do not
297 apply to persons required to participate in reemployment
298 services under paragraph (e) or to seasonal agricultural workers
299 in small counties, as defined in s. 120.52, during the off-
300 season.

301 (g) She or he has been paid wages for insured work equal to
302 1.5 times her or his high quarter wages during her or his base
303 period, except that an unemployed individual is not eligible to
304 receive benefits if the base period wages are less than \$1,200.
305 If a worker is ineligible for benefits based on base period
306 wages, wages for the worker must be calculated using the
307 alternative base period and the worker must have the opportunity
308 to choose whether to establish a claim using such wages \$3,400.

309 ~~(2) An individual may not receive benefits in a benefit~~
310 ~~year unless, after the beginning of the next preceding benefit~~
311 ~~year during which she or he received benefits, she or he~~
312 ~~performed service, regardless of whether in employment as~~
313 ~~defined in s. 443.036, and earned remuneration for that service~~
314 ~~of at least 3 times her or his weekly benefit amount as~~
315 ~~determined for her or his current benefit year.~~

316 (5) During a state of emergency declared by the Governor
317 under chapter 252, the work registration and reporting
318 requirements specified in paragraph (1) (b) and the work ability
319 and work availability requirements specified in paragraph (1) (d)

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320 are suspended for the duration of the state of emergency and the
321 30 days immediately after the state of emergency ends.

322 (6) An individual may submit a claim for benefits via
323 postal mail, a website designated by the Department of Economic
324 Opportunity, or an alternative method established by the
325 department. The department shall establish at least two
326 alternative methods for individuals to submit a claim for
327 benefits, such as by telephone or e-mail. The department shall
328 determine an individual's eligibility within 3 weeks after the
329 individual submits a claim.

330 Section 4. Paragraphs (a) and (d) of subsection (1) and
331 subsections (2), (7), (9), (10), and (11) of section 443.101,
332 Florida Statutes, are amended to read:

333 443.101 Disqualification for benefits.—An individual shall
334 be disqualified for benefits:

335 (1) (a) For the week in which he or she has voluntarily left
336 work for good cause, except as provided in subparagraph 2., or
337 without good cause attributable to his or her employing unit or
338 for the week in which he or she has been discharged by the
339 employing unit for misconduct connected with his or her work,
340 based on a finding by the Department of Economic Opportunity. ~~As~~
341 ~~used in this paragraph, the term "work" means any work, whether~~
342 ~~full-time, part-time, or temporary.~~

343 1. Disqualification for voluntarily quitting continues for
344 the full period of unemployment next ensuing after the
345 individual has left his or her full-time or, part-time, ~~or~~
346 ~~temporary~~ work voluntarily without good cause and until the
347 individual has earned income equal to or greater than three ~~17~~
348 times his or her weekly benefit amount. ~~As used in this~~

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349 ~~subsection, the term "good cause" includes only that cause~~
350 ~~attributable to the employing unit which would compel a~~
351 ~~reasonable employee to cease working or attributable to the~~
352 ~~individual's illness or disability requiring separation from his~~
353 ~~or her work. Any other disqualification may not be imposed.~~

354 2. An individual is not disqualified under this subsection
355 for:

356 a. Voluntarily leaving temporary work to return immediately
357 when called to work by the permanent employing unit that
358 temporarily terminated his or her work within the previous 6
359 calendar months;

360 b. Voluntarily leaving work to relocate as a result of his
361 or her military-connected spouse's permanent change of station
362 orders, activation orders, or unit deployment orders; or

363 c. Voluntarily leaving work if he or she proves that his or
364 her discontinued employment is a direct result of circumstances
365 related to domestic violence as defined in s. 741.28. An
366 individual who voluntarily leaves work under this sub-
367 subparagraph ~~must~~:

368 (I) Shall make reasonable efforts to preserve employment,
369 unless the individual establishes that such remedies are likely
370 to be futile or to increase the risk of future incidents of
371 domestic violence. Such efforts may include seeking a protective
372 injunction, relocating to a secure place, or seeking reasonable
373 accommodation from the employing unit, such as a transfer or
374 change of assignment;

375 (II) Shall provide evidence such as an injunction, a
376 protective order, or other documentation authorized by state law
377 which reasonably proves that domestic violence has occurred; and

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378 (III) Must reasonably believe that he or she is likely to
379 be the victim of a future act of domestic violence at, in
380 transit to, or departing from his or her place of employment. An
381 individual who is otherwise eligible for benefits under this
382 sub-subparagraph is ineligible for each week that he or she no
383 longer meets such criteria or refuses a reasonable accommodation
384 offered in good faith by his or her employing unit.

385 3. The employment record of an employing unit may not be
386 charged for the payment of benefits to an individual who has
387 voluntarily left work under sub-subparagraph 2.c.

388 4. Disqualification for being discharged for misconduct
389 connected with his or her work continues for the full period of
390 unemployment next ensuing after having been discharged and until
391 the individual is reemployed and has earned income of at least
392 three ~~17~~ times his or her weekly benefit amount and for not more
393 than 52 weeks immediately following that week, as determined by
394 the department in each case according to the circumstances or
395 the seriousness of the misconduct, under the department's rules
396 for determining disqualification for benefits for misconduct.

397 5. If an individual has provided notification to the
398 employing unit of his or her intent to voluntarily leave work
399 and the employing unit discharges the individual for reasons
400 other than misconduct before the date the voluntary quit was to
401 take effect, the individual, if otherwise entitled, shall
402 receive benefits from the date of the employer's discharge until
403 the effective date of his or her voluntary quit.

404 6. If an individual is notified by the employing unit of
405 the employer's intent to discharge the individual for reasons
406 other than misconduct and the individual quits without good

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407 cause before the date the discharge was to take effect, the
408 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
409 for failing to be available for work for the week or weeks of
410 unemployment occurring before the effective date of the
411 discharge.

412 7. As used in this section, the term:

413 a. "Good cause" means cause attributable to:

414 (I) The employing unit or an illness or a disability of the
415 individual which requires separation from work;

416 (II) Domestic violence or sexual assault that is verified
417 by reasonable documentation and that causes the individual to
418 reasonably believe that his or her continuing employment would
419 jeopardize the safety of the individual or an immediate family
420 member of the individual. Reasonable documentation of domestic
421 violence or sexual assault includes, but is not limited to:

422 (A) A court order for protection or other documentation of
423 equitable relief issued by a court;

424 (B) A police record documenting domestic violence or sexual
425 assault;

426 (C) Medical documentation of domestic violence or sexual
427 assault;

428 (D) Documentation of the conviction of the perpetrator of
429 the domestic violence or sexual assault; or

430 (E) A written statement provided by a social worker, a
431 member of the clergy, a shelter worker, an attorney, or another
432 professional who has assisted the individual or his or her
433 immediate family member in dealing with domestic violence or
434 sexual assault which states that the individual or his or her
435 immediate family member is a victim of domestic violence or

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436 sexual assault;

437 (III) Illness or disability of the individual's spouse,
438 parent, minor child, or sibling, or another person residing in
439 the same residence as the individual;

440 (IV) The individual's need to relocate to accompany his or
441 her spouse if the spouse's relocation resulted from a change in
442 the spouse's employment and if the relocation makes it
443 impractical for the individual to commute to his or her
444 workplace;

445 (V) Unpredictable, erratic, or irregular work scheduling;
446 or

447 (VI) A change in location of the individual's workplace
448 which makes the individual's commute impractical.

449 b. "Work" means any work, whether full time, part time, or
450 temporary

451 ~~(d) For any week with respect to which the department finds~~
452 ~~that his or her unemployment is due to a discharge for~~
453 ~~misconduct connected with the individual's work, consisting of~~
454 ~~drug use, as evidenced by a positive, confirmed drug test.~~

455 (2) If the Department of Economic Opportunity finds that
456 the individual has failed without good cause to apply for
457 available suitable work, accept suitable work when offered to
458 him or her, or return to the individual's customary self-
459 employment when directed by the department.7 The
460 disqualification continues for the full period of unemployment
461 next ensuing after he or she failed without good cause to apply
462 for available suitable work, accept suitable work, or return to
463 his or her customary self-employment, and until the individual
464 has earned income of at least three ~~17~~ times his or her weekly

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465 benefit amount. ~~The department shall by rule adopt criteria for~~
466 ~~determining the "suitability of work," as used in this section.~~
467 ~~In developing these rules, the department shall consider the~~
468 ~~duration of a claimant's unemployment in determining the~~
469 ~~suitability of work and the suitability of proposed rates of~~
470 ~~compensation for available work. Further, after an individual~~
471 ~~has received 25 weeks of benefits in a single year, suitable~~
472 ~~work is a job that pays the minimum wage and is 120 percent or~~
473 ~~more of the weekly benefit amount the individual is drawing.~~

474 (a) In determining whether ~~or not~~ any work is suitable for
475 an individual, the department shall consider the degree of risk
476 to the individual's health, safety, and morals; the individual's
477 physical fitness, prior training, experience, prior earnings,
478 length of unemployment, and prospects for securing local work in
479 his or her customary occupation; and the distance of the
480 available work from his or her residence.

481 (b) Notwithstanding any other provisions of this chapter,
482 work is not deemed suitable and benefits may not be denied to
483 any otherwise eligible individual for refusing to accept new
484 work under any of the following conditions:

485 1. The position offered is vacant due directly to a strike,
486 lockout, or other labor dispute.

487 2. The wages, hours, or other conditions of the work
488 offered are substantially less favorable to the individual than
489 those prevailing for similar work in the locality.

490 3. As a condition of being employed, the individual is
491 required to join a company union or to resign from or refrain
492 from joining any bona fide labor organization.

493 ~~(c) If the department finds that an individual was rejected~~

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494 ~~for offered employment as the direct result of a positive,~~
495 ~~confirmed drug test required as a condition of employment, the~~
496 ~~individual is disqualified for refusing to accept an offer of~~
497 ~~suitable work.~~

498 (7) If the Department of Economic Opportunity finds that
499 the individual is an alien, unless the alien is an individual
500 who has been lawfully admitted for permanent residence or
501 otherwise is permanently residing in the United States under
502 color of law, including an alien who is lawfully present in the
503 United States as a result of the application of s. 203(a)(7) or
504 s. 212(d)(5) of the Immigration and Nationality Act, if any
505 modifications to s. 3304(a)(14) of the Federal Unemployment Tax
506 Act, as provided by Pub. L. No. 94-566, which specify other
507 conditions or other effective dates than those stated under
508 federal law for the denial of benefits based on services
509 performed by aliens, and which modifications are required to be
510 implemented under state law as a condition for full tax credit
511 against the tax imposed by the Federal Unemployment Tax Act, are
512 deemed applicable under this section, if:

513 (a) Any data or information required of individuals
514 applying for benefits to determine whether benefits are not
515 payable to them because of their alien status is uniformly
516 required from all applicants for benefits; and

517 (b) In the case of an individual whose application for
518 benefits would otherwise be approved, a determination that
519 benefits to such individual are not payable because of his or
520 her alien status may not be made except by a preponderance of
521 the evidence.

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523 ~~If the department finds that the individual has refused without~~
524 ~~good cause an offer of resettlement or relocation, which offer~~
525 ~~provides for suitable employment for the individual~~
526 ~~notwithstanding the distance of relocation, resettlement, or~~
527 ~~employment from the current location of the individual in this~~
528 ~~state, this disqualification continues for the week in which the~~
529 ~~failure occurred and for not more than 17 weeks immediately~~
530 ~~after that week, or a reduction by not more than 5 weeks from~~
531 ~~the duration of benefits, as determined by the department in~~
532 ~~each case.~~

533 (9) If the individual was terminated from his or her work
534 as follows:

535 (a) If the Department of Economic Opportunity or the
536 Reemployment Assistance Appeals Commission finds that the
537 individual was terminated from work for violation of any
538 criminal law, under any jurisdiction, which was in connection
539 with his or her work, and the individual was convicted, or
540 entered a plea of guilty or nolo contendere, the individual is
541 not entitled to reemployment assistance benefits for up to 52
542 weeks, pursuant to rules adopted by the department, and until he
543 or she has earned income of at least three ~~17~~ times his or her
544 weekly benefit amount. If, before an adjudication of guilt, an
545 admission of guilt, or a plea of nolo contendere, the employer
546 proves by competent substantial evidence to the department that
547 the arrest was due to a crime against the employer or the
548 employer's business, customers, or invitees, the individual is
549 not entitled to reemployment assistance benefits.

550 (b) If the department or the Reemployment Assistance
551 Appeals Commission finds that the individual was terminated from

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552 work for any dishonest act in connection with his or her work,
553 the individual is not entitled to reemployment assistance
554 benefits for up to 52 weeks, pursuant to rules adopted by the
555 department, and until he or she has earned income of at least
556 three ~~17~~ times his or her weekly benefit amount. If the employer
557 terminates an individual as a result of a dishonest act in
558 connection with his or her work and the department finds
559 misconduct in connection with his or her work, the individual is
560 not entitled to reemployment assistance benefits.

561
562 If an individual is disqualified for benefits, the account of
563 the terminating employer, if the employer is in the base period,
564 is noncharged at the time the disqualification is imposed.

565 ~~(10) Subject to the requirements of this subsection,~~ If the
566 claim is made based on the loss of employment as a leased
567 employee for an employee leasing company or as a temporary
568 employee for a temporary help firm.

569 ~~(a)~~ As used in this subsection, the term:

570 (c)~~1.~~ "Temporary help firm" means a firm that hires its own
571 employees and assigns them to clients to support or supplement
572 the client's workforce in work situations such as employee
573 absences, temporary skill shortages, seasonal workloads, and
574 special assignments and projects, and includes a labor pool as
575 defined in s. 448.22. The term also includes a firm created by
576 an entity licensed under s. 125.012(6), which hires employees
577 assigned by a union for the purpose of supplementing or
578 supporting the workforce of the temporary help firm's clients.
579 The term does not include employee leasing companies regulated
580 under part XI of chapter 468.

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581 (b)2. "Temporary employee" means an employee assigned to
582 work for the clients of a temporary help firm. The term also
583 includes a day laborer performing day labor, as defined in s.
584 448.22, who is employed by a labor pool as defined in s. 448.22.

585 (a)3. "Leased employee" means an employee assigned to work
586 for the clients of an employee leasing company regulated under
587 part XI of chapter 468.

588 ~~(b) A temporary or leased employee is deemed to have
589 voluntarily quit employment and is disqualified for benefits
590 under subparagraph (1)(a)1. if, upon conclusion of his or her
591 latest assignment, the temporary or leased employee, without
592 good cause, failed to contact the temporary help or employee-
593 leasing firm for reassignment, if the employer advised the
594 temporary or leased employee at the time of hire and that the
595 leased employee is notified also at the time of separation that
596 he or she must report for reassignment upon conclusion of each
597 assignment, regardless of the duration of the assignment, and
598 that reemployment assistance benefits may be denied for failure
599 to report. For purposes of this section, the time of hire for a
600 day laborer is upon his or her acceptance of the first
601 assignment following completion of an employment application
602 with the labor pool. The labor pool as defined in s. 448.22(1)
603 must provide notice to the temporary employee upon conclusion of
604 the latest assignment that work is available the next business
605 day and that the temporary employee must report for reassignment
606 the next business day. The notice must be given by means of a
607 notice printed on the paycheck, written notice included in the
608 pay envelope, or other written notification at the conclusion of
609 the current assignment.~~

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610 ~~(11) If an individual is discharged from employment for~~
611 ~~drug use as evidenced by a positive, confirmed drug test as~~
612 ~~provided in paragraph (1) (d), or is rejected for offered~~
613 ~~employment because of a positive, confirmed drug test as~~
614 ~~provided in paragraph (2) (c), test results and chain of custody~~
615 ~~documentation provided to the employer by a licensed and~~
616 ~~approved drug-testing laboratory is self-authenticating and~~
617 ~~admissible in reemployment assistance hearings, and such~~
618 ~~evidence creates a rebuttable presumption that the individual~~
619 ~~used, or was using, controlled substances, subject to the~~
620 ~~following conditions:~~

621 ~~(a) To qualify for the presumption described in this~~
622 ~~subsection, an employer must have implemented a drug-free~~
623 ~~workplace program under ss. 440.101 and 440.102, and must submit~~
624 ~~proof that the employer has qualified for the insurance~~
625 ~~discounts provided under s. 627.0915, as certified by the~~
626 ~~insurance carrier or self-insurance unit. In lieu of these~~
627 ~~requirements, an employer who does not fit the definition of~~
628 ~~"employer" in s. 440.102 may qualify for the presumption if the~~
629 ~~employer is in compliance with equivalent or more stringent~~
630 ~~drug-testing standards established by federal law or regulation.~~

631 ~~(b) Only laboratories licensed and approved as provided in~~
632 ~~s. 440.102(9), or as provided by equivalent or more stringent~~
633 ~~licensing requirements established by federal law or regulation~~
634 ~~may perform the drug tests.~~

635 ~~(c) Disclosure of drug test results and other information~~
636 ~~pertaining to drug testing of individuals who claim or receive~~
637 ~~compensation under this chapter shall be governed by s.~~
638 ~~443.1715.~~

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639 Section 5. Subsections (1), (2), and (3), paragraph (b) of
640 subsection (4), and subsection (5) of section 443.111, Florida
641 Statutes, are amended to read:

642 443.111 Payment of benefits.—

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

646 ~~(a) Benefits are payable electronically, except that an~~
647 ~~individual being paid by paper warrant on July 1, 2011, may~~
648 ~~continue to be paid in that manner until the expiration of the~~
649 ~~claim. The department may develop a system for the payment of~~
650 ~~benefits by electronic funds transfer, including, but not~~
651 ~~limited to, debit cards, electronic payment cards, or any other~~
652 ~~means of electronic payment that the department deems to be~~
653 ~~commercially viable or cost-effective. Commodities or services~~
654 ~~related to the development of such a system shall be procured by~~
655 ~~competitive solicitation, unless they are purchased from a state~~
656 ~~term contract pursuant to s. 287.056. The department shall adopt~~
657 ~~rules necessary to administer this subsection ~~paragraph.~~~~

658 ~~(b) As required under s. 443.091(1), each claimant must~~
659 ~~report at least biweekly to receive reemployment assistance~~
660 ~~benefits and to attest to the fact that she or he is able and~~
661 ~~available for work, has not refused suitable work, is seeking~~
662 ~~work and has met the requirements of s. 443.091(1)(d), and, if~~
663 ~~she or he has worked, to report earnings from that work. Each~~
664 ~~claimant must continue to report regardless of any appeal or~~
665 ~~pending appeal relating to her or his eligibility or~~
666 ~~disqualification for benefits.~~

667 (2) QUALIFYING REQUIREMENTS.—

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668 (a) To establish a benefit year for reemployment assistance
669 benefits, an individual must have:

670 1.~~(a)~~ Wage credits in two or more calendar quarters of the
671 individual's base period or alternative base period.

672 2.~~(b)~~ Minimum total base period wage credits equal to the
673 high quarter wages multiplied by 1.5, but at least \$1,200 ~~\$3,400~~
674 in the base period, or in the alternative base period if the
675 alternative base period is used for benefits eligibility.

676 (b)1. If a worker is ineligible for benefits based on base
677 period wages, wages for that worker must be calculated using an
678 alternative base period and the worker must have the opportunity
679 to choose whether to establish a claim using such wages.

680 2. If the wage information for an individual's most
681 recently completed calendar quarter is unavailable to the
682 department from regular quarterly reports of systematically
683 accessible wage information, the department must promptly
684 contact the individual's employer to obtain the wage
685 information.

686 3. Wages that fall within the alternative base period of
687 claims established under this paragraph are not available for
688 reuse in qualifying for any subsequent benefit years.

689 4. The department shall adopt rules to administer this
690 paragraph.

691 (3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit
692 amount" is an amount equal to one twenty-sixth of the total
693 wages for insured work paid during that quarter of the base
694 period in which the total wages paid were the highest, but not
695 less than \$100 ~~\$32~~ or more than \$500 ~~\$275~~. The weekly benefit
696 amount, if not a multiple of \$1, is rounded upward ~~downward~~ to

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697 the nearest full dollar amount. The maximum weekly benefit
698 amount in effect at the time the claimant establishes an
699 individual weekly benefit amount is the maximum benefit amount
700 applicable throughout the claimant's benefit year.

701 (4) WEEKLY BENEFIT FOR UNEMPLOYMENT.—

702 (b) *Partial*.—Each eligible individual who is partially
703 unemployed in any week is paid for the week a benefit equal to
704 her or his weekly benefit less two-thirds, rounded upward to the
705 nearest full dollar, of the total earned income, rounded upward
706 to the nearest full dollar, payable to him or her for services
707 of any kind during the week ~~that part of the earned income, if~~
708 ~~any, payable to her or him for the week which is in excess of 8~~
709 ~~times the federal hourly minimum wage. These benefits, if not a~~
710 multiple of \$1, are rounded upward ~~downward~~ to the nearest full
711 dollar amount. For purposes of this paragraph, the term
712 "services of any kind" does not include services performed in
713 the employ of any political subdivision in lieu of paying any
714 delinquent tax payments to the political subdivision.

715 (5) DURATION OF BENEFITS.—

716 (a) ~~As used in this section, the term "Florida average~~
717 ~~unemployment rate" means the average of the 3 months for the~~
718 ~~most recent third calendar year quarter of the seasonally~~
719 ~~adjusted statewide unemployment rates as published by the~~
720 ~~Department of Economic Opportunity.~~

721 (b) ~~Each otherwise eligible individual is entitled during~~
722 ~~any benefit year to a total amount of benefits equal to 25~~
723 ~~percent of the total wages in his or her base period, not to~~
724 ~~exceed \$6,325 or the product arrived at by multiplying the~~
725 ~~weekly benefit amount with the number of weeks determined in~~

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726 ~~paragraph (c), whichever is less. However, the total amount of~~
727 ~~benefits, if not a multiple of \$1, is rounded downward to the~~
728 ~~nearest full dollar amount. These benefits are payable at a~~
729 ~~weekly rate no greater than the weekly benefit amount.~~

730 ~~(e)~~ For claims submitted during a calendar year, the
731 duration of benefits is limited to 26 weeks of the individual's
732 weekly benefit amount.

733 ~~1. Twelve weeks if this state's average unemployment rate~~
734 ~~is at or below 5 percent.~~

735 ~~2. An additional week in addition to the 12 weeks for each~~
736 ~~0.5 percent increment in this state's average unemployment rate~~
737 ~~above 5 percent.~~

738 ~~3. Up to a maximum of 23 weeks if this state's average~~
739 ~~unemployment rate equals or exceeds 10.5 percent.~~

740 (b) ~~(d)~~ For the purposes of this subsection, wages are
741 counted as "wages for insured work" for benefit purposes with
742 respect to any benefit year only if the benefit year begins
743 after the date the employing unit by whom the wages were paid
744 has satisfied the conditions of this chapter for becoming an
745 employer.

746 (c) ~~(e)~~ If the remuneration of an individual is not based
747 upon a fixed period or duration of time or if the individual's
748 wages are paid at irregular intervals or in a manner that does
749 not extend regularly over the period of employment, the wages
750 for any week or for any calendar quarter for the purpose of
751 computing an individual's right to employment benefits only are
752 determined in the manner prescribed by rule. These rules, to the
753 extent practicable, must secure results reasonably similar to
754 those that would prevail if the individual were paid her or his

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755 wages at regular intervals.

756 Section 6. Subsection (2), paragraph (a) of subsection (5),
757 subsection (7), and paragraph (a) of subsection (8) of section
758 443.1116, Florida Statutes, are amended to read:

759 443.1116 Short-time compensation.—

760 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
761 wishing to participate in the short-time compensation program
762 must submit a signed, written, short-time plan to the Department
763 of Economic Opportunity for approval. The director or his or her
764 designee shall approve the plan if all of the following apply:

765 (a) The plan applies to and identifies each specific
766 affected unit.†

767 (b) The individuals in the affected unit are identified by
768 name and social security number.†

769 (c) The normal weekly hours of work for individuals in the
770 affected unit are reduced by no ~~at least 10 percent and by not~~
771 ~~more than 40 percent.~~†

772 (d) The plan includes a certified statement by the employer
773 that the aggregate reduction in work hours is in lieu of layoffs
774 that would affect at least 10 percent of the employees in the
775 affected unit and that would have resulted in an equivalent
776 reduction in work hours.†

777 (e) The plan applies to at least 10 percent of the
778 employees in the affected unit.†

779 (f) The plan is approved in writing by the collective
780 bargaining agent for each collective bargaining agreement
781 covering any individual in the affected unit.†

782 (g) The plan does not serve as a subsidy to seasonal
783 employers during the off-season or as a subsidy to employers who

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784 traditionally use part-time employees.†

785 (h) The plan certifies that, if the employer provides
786 fringe benefits to any employee whose workweek is reduced under
787 the program, the fringe benefits will continue to be provided to
788 the employee participating in the short-time compensation
789 program under the same terms and conditions as though the
790 workweek of such employee had not been reduced or to the same
791 extent as other employees not participating in the short-time
792 compensation program. As used in this paragraph, the term
793 "fringe benefits" includes, but is not limited to, health
794 insurance, retirement benefits under defined benefit pension
795 plans as defined in subsection 35 of s. 1002 of the Employee
796 Retirement Income Security Act of 1974, 29 U.S.C., contributions
797 under a defined contribution plan as defined in s. 414(i) of the
798 Internal Revenue Code, paid vacation and holidays, and sick
799 leave.†

800 (i) The plan describes the manner in which the requirements
801 of this subsection will be implemented, including a plan for
802 giving notice, if feasible, to an employee whose workweek is to
803 be reduced, together with an estimate of the number of layoffs
804 that would have occurred absent the ability to participate in
805 short-time compensation.† ~~and~~

806 (j) The terms of the employer's written plan and
807 implementation are consistent with employer obligations under
808 applicable federal laws and laws of this state.

809 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
810 BENEFITS.—

811 (a) Except as provided in this subsection, an individual is
812 eligible to receive short-time compensation benefits for any

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813 week only if she or he complies with this chapter and the
814 Department of Economic Opportunity finds that:

815 1. The individual is employed as a member of an affected
816 unit in an approved plan that was approved before the week and
817 is in effect for the week;

818 2. The individual is able to work and is available for
819 additional hours of work or for full-time work with the short-
820 time employer; and

821 3. The normal weekly hours of work of the individual are
822 reduced by no ~~at least 10 percent but not by~~ more than 40
823 percent, with a corresponding reduction in wages.

824 (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—~~An~~
825 ~~individual may not be paid benefits under this section in any~~
826 ~~benefit year for more than the maximum entitlement provided in~~
827 ~~s. 443.111(5), and An individual may not be paid short-time~~
828 ~~compensation benefits for more than 26 weeks in any benefit~~
829 ~~year.~~

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

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

835 Section 7. Paragraphs (a) and (c) of subsection (1),
836 subsection (5), and paragraphs (c), (f), and (g) of subsection
837 (13) of section 443.1216, Florida Statutes, are amended to read:

838 443.1216 Employment.—Employment, as defined in s. 443.036,
839 is subject to this chapter under the following conditions:

840 (1) (a) The employment ~~subject to this chapter~~ includes a
841 service performed, including a service performed in interstate

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842 commerce, by:

843 1. An officer of a corporation.

844 2. An individual who is providing the services for
845 remuneration for the person employing him or her unless the
846 employer demonstrates that the individual is free from the
847 control and direction of the employer in connection with the
848 performance of the services, performs services that are outside
849 the usual course of the employer's business, and is customarily
850 engaged in an independently established trade, occupation, or
851 business of the same nature as that involved with the services
852 rendered, ~~under the usual common-law rules applicable in~~
853 ~~determining the employer-employee relationship, is an employee.~~
854 However, when a client that ~~whenever a client, as defined in s.~~
855 ~~443.036(18), which~~ would otherwise be designated as an employing
856 unit has contracted with an employee leasing company to supply
857 it with workers, those workers are considered employees of the
858 employee leasing company. An employee leasing company may lease
859 corporate officers of the client to the client and other workers
860 to the client, except as prohibited by regulations of the
861 Internal Revenue Service. Employees of an employee leasing
862 company must be reported under the employee leasing company's
863 tax identification number and contribution rate for work
864 performed for the employee leasing company.

865 a. However, except for the internal employees of an
866 employee leasing company, each employee leasing company may make
867 a separate one-time election to report and pay contributions
868 under the tax identification number and contribution rate for
869 each client of the employee leasing company. Under the client
870 method, an employee leasing company choosing this option must

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871 assign leased employees to the client company that is leasing
872 the employees. The client method is solely a method to report
873 and pay unemployment contributions, and, whichever method is
874 chosen, such election may not impact any other aspect of state
875 law. An employee leasing company that elects the client method
876 must pay contributions at the rates assigned to each client
877 company.

878 (I) The election applies to all of the employee leasing
879 company's current and future clients.

880 (II) The employee leasing company must notify the
881 Department of Revenue of its election by July 1, 2012, and such
882 election applies to reports and contributions for the first
883 quarter of the following calendar year. The notification must
884 include:

885 (A) A list of each client company and the unemployment
886 account number or, if one has not yet been issued, the federal
887 employment identification number, as established by the employee
888 leasing company upon the election to file by client method;

889 (B) A list of each client company's current and previous
890 employees and their respective social security numbers for the
891 prior 3 state fiscal years or, if the client company has not
892 been a client for the prior 3 state fiscal years, such portion
893 of the prior 3 state fiscal years that the client company has
894 been a client must be supplied;

895 (C) The wage data and benefit charges associated with each
896 client company for the prior 3 state fiscal years or, if the
897 client company has not been a client for the prior 3 state
898 fiscal years, such portion of the prior 3 state fiscal years
899 that the client company has been a client must be supplied. If

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900 the client company's employment record is chargeable with
901 benefits for less than 8 calendar quarters while being a client
902 of the employee leasing company, the client company must pay
903 contributions at the initial rate of 2.7 percent; and

904 (D) The wage data and benefit charges for the prior 3 state
905 fiscal years that cannot be associated with a client company
906 must be reported and charged to the employee leasing company.

907 (III) Subsequent to choosing the client method, the
908 employee leasing company may not change its reporting method.

909 (IV) The employee leasing company shall file a Florida
910 Department of Revenue Employer's Quarterly Report for each
911 client company by approved electronic means, and pay all
912 contributions by approved electronic means.

913 (V) For the purposes of calculating experience rates when
914 the client method is chosen, each client's own benefit charges
915 and wage data experience while with the employee leasing company
916 determines each client's tax rate where the client has been a
917 client of the employee leasing company for at least 8 calendar
918 quarters before the election. The client company shall continue
919 to report the nonleased employees under its tax rate.

920 (VI) The election is binding on each client of the employee
921 leasing company for as long as a written agreement is in effect
922 between the client and the employee leasing company pursuant to
923 s. 468.525(3)(a). If the relationship between the employee
924 leasing company and the client terminates, the client retains
925 the wage and benefit history experienced under the employee
926 leasing company.

927 (VII) Notwithstanding which election method the employee
928 leasing company chooses, the applicable client company is an

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929 employing unit for purposes of s. 443.071. The employee leasing
930 company or any of its officers or agents are liable for any
931 violation of s. 443.071 engaged in by such persons or entities.
932 The applicable client company or any of its officers or agents
933 are liable for any violation of s. 443.071 engaged in by such
934 persons or entities. The employee leasing company or its
935 applicable client company is not liable for any violation of s.
936 443.071 engaged in by the other party or by the other party's
937 officers or agents.

938 (VIII) If an employee leasing company fails to select the
939 client method of reporting not later than July 1, 2012, the
940 entity is required to report under the employee leasing
941 company's tax identification number and contribution rate.

942 (IX) After an employee leasing company is licensed pursuant
943 to part XI of chapter 468, each newly licensed entity has 30
944 days after the date the license is granted to notify the tax
945 collection service provider in writing of their selection of the
946 client method. A newly licensed employee leasing company that
947 fails to timely select reporting pursuant to the client method
948 of reporting must report under the employee leasing company's
949 tax identification number and contribution rate.

950 (X) Irrespective of the election, each transfer of trade or
951 business, including workforce, or a portion thereof, between
952 employee leasing companies is subject to ~~the provisions of s.~~
953 443.131(3)(g) if, at the time of the transfer, there is common
954 ownership, management, or control between the entities.

955 b. In addition to any other report required to be filed by
956 law, an employee leasing company shall submit a report to the
957 Labor Market Statistics Center within the Department of Economic

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958 Opportunity which includes each client establishment and each
959 establishment of the leasing company, or as otherwise directed
960 by the department. The report must include the following
961 information for each establishment:

962 (I) The trade or establishment name;

963 (II) The former reemployment assistance account number, if
964 available;

965 (III) The former federal employer's identification number,
966 if available;

967 (IV) The industry code recognized and published by the
968 United States Office of Management and Budget, if available;

969 (V) A description of the client's primary business activity
970 in order to verify or assign an industry code;

971 (VI) The address of the physical location;

972 (VII) For each month of the quarter, the number of full-
973 time and part-time employees who worked during, or received pay
974 that was subject to reemployment assistance taxes for, the pay
975 period including the 12th of the month ~~for each month of the~~
976 ~~quarter;~~

977 (VIII) The total wages subject to reemployment assistance
978 taxes paid during the calendar quarter;

979 (IX) An internal identification code to uniquely identify
980 each establishment of each client;

981 (X) The month and year that the client entered into the
982 contract for services; and

983 (XI) The month and year that the client terminated the
984 contract for services.

985 c. The report must be submitted electronically or in a
986 manner otherwise prescribed by the Department of Economic

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987 Opportunity in the format specified by the Bureau of Labor
988 Statistics of the United States Department of Labor for its
989 Multiple Worksite Report for Professional Employer
990 Organizations. The report must be provided quarterly to the
991 Labor Market Statistics Center within the department, or as
992 otherwise directed by the department, and must be filed by the
993 last day of the month immediately after the end of the calendar
994 quarter. The information required in sub-sub-subparagraphs b.(X)
995 and (XI) need be provided only in the quarter in which the
996 contract to which it relates was entered into or terminated. The
997 sum of the employment data and the sum of the wage data in this
998 report must match the employment and wages reported in the
999 reemployment assistance quarterly tax and wage report.

1000 d. The department shall adopt rules as necessary to
1001 administer this subparagraph, and may administer, collect,
1002 enforce, and waive the penalty imposed by s. 443.141(1)(b) for
1003 the report required by this subparagraph.

1004 e. For the purposes of this subparagraph, the term
1005 "establishment" means any location where business is conducted
1006 or where services or industrial operations are performed.

1007 3. An individual other than an individual who is an
1008 employee under subparagraph 1. or subparagraph 2., who performs
1009 services for remuneration for any person:

1010 a. As an agent-driver or commission-driver engaged in
1011 distributing meat products, vegetable products, fruit products,
1012 bakery products, beverages other than milk, or laundry or
1013 drycleaning services for his or her principal; or-

1014 b. As a traveling or city salesperson engaged on a full-
1015 time basis in the solicitation on behalf of, and the

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1016 transmission to, his or her principal of orders from
1017 wholesalers, retailers, contractors, or operators of hotels,
1018 restaurants, or other similar establishments for merchandise for
1019 resale or supplies for use in the business operations. This sub-
1020 subparagraph does not apply to an agent-driver or a commission-
1021 driver and does not apply to sideline sales activities performed
1022 on behalf of a person other than the salesperson's principal.

1023 4. The services described in subparagraph 3. are employment
1024 subject to this chapter only if:

1025 a. The contract of service contemplates that substantially
1026 all of the services are to be performed personally by the
1027 individual;

1028 b. The individual does not have a substantial investment in
1029 facilities used in connection with the services, other than
1030 facilities used for transportation; and

1031 c. The services are not in the nature of a single
1032 transaction that is not part of a continuing relationship with
1033 the person for whom the services are performed.

1034 (c) If the services performed during at least one-half of a
1035 pay period by an employee for the person employing him or her
1036 constitute employment, all of the services performed by the
1037 employee during the period are deemed to be employment. If the
1038 services performed during more than one-half of the pay period
1039 by an employee for the person employing him or her do not
1040 constitute employment, all of the services performed by the
1041 employee during the period are not deemed to be employment. ~~This~~
1042 ~~paragraph does not apply to services performed in a pay period~~
1043 ~~by an employee for the person employing him or her if any of~~
1044 ~~those services are exempted under paragraph (13)(g).~~

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1045 ~~(5) The employment subject to this chapter includes service~~
1046 is performed by an individual in agricultural labor, and if:

1047 ~~(a) the service is performed for a person who:~~

1048 ~~1. Paid remuneration in cash of at least \$10,000 to~~
1049 ~~individuals employed in agricultural labor in a calendar quarter~~
1050 ~~during the current or preceding calendar year.~~

1051 ~~2. employed in agricultural labor at least one individual~~
1052 ~~five individuals for some portion of a day in each of 10 20~~
1053 ~~different calendar weeks during the current or preceding~~
1054 ~~calendar year, regardless of whether the weeks were consecutive~~
1055 ~~or whether the individuals were employed at the same time.~~

1056 ~~(b) The service is performed by a member of a crew~~
1057 ~~furnished by a crew leader to perform agricultural labor for~~
1058 ~~another person.~~

1059 ~~1. For purposes of this paragraph, a crew member is treated~~
1060 ~~as an employee of the crew leader if:~~

1061 ~~a. The crew leader holds a valid certificate of~~
1062 ~~registration under the Migrant and Seasonal Agricultural Worker~~
1063 ~~Protection Act of 1983 or substantially all of the crew members~~
1064 ~~operate or maintain tractors, mechanized harvesting or crop-~~
1065 ~~dusting equipment, or any other mechanized equipment provided by~~
1066 ~~the crew leader; and~~

1067 ~~b. The individual does not perform that agricultural labor~~
1068 ~~as an employee of an employer other than the crew leader.~~

1069 ~~2. For purposes of this paragraph, in the case of an~~
1070 ~~individual who is furnished by a crew leader to perform~~
1071 ~~agricultural labor for another person and who is not treated as~~
1072 ~~an employee of the crew leader under subparagraph 1.:~~

1073 ~~a. The other person and not the crew leader is treated as~~

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1074 ~~the employer of the individual; and~~

1075 ~~b. The other person is treated as having paid cash~~
1076 ~~remuneration to the individual equal to the cash remuneration~~
1077 ~~paid to the individual by the crew leader, either on his or her~~
1078 ~~own behalf or on behalf of the other person, for the~~
1079 ~~agricultural labor performed for the other person.~~

1080 (13) The following are exempt from coverage under this
1081 chapter:

1082 ~~(c) Service performed by an individual engaged in, or as an~~
1083 ~~officer or member of the crew of a vessel engaged in, the~~
1084 ~~catching, taking, harvesting, cultivating, or farming of any~~
1085 ~~kind of fish, shellfish, crustacea, sponges, seaweeds, or other~~
1086 ~~aquatic forms of animal and vegetable life, including service~~
1087 ~~performed by an individual as an ordinary incident to engaging~~
1088 ~~in those activities, except:~~

1089 ~~1. Service performed in connection with the catching or~~
1090 ~~taking of salmon or halibut for commercial purposes.~~

1091 ~~2. Service performed on, or in connection with, a vessel of~~
1092 ~~more than 10 net tons, determined in the manner provided for~~
1093 ~~determining the registered tonnage of merchant vessels under the~~
1094 ~~laws of the United States.~~

1095 ~~(e)~~ (f) Service performed in the employ of a public employer
1096 as defined in s. 443.036, except as provided in subsection (2),
1097 and service performed in the employ of an instrumentality of a
1098 public employer as described in s. 443.036(36)(b) or (c) ~~s.~~
1099 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
1100 immune under the United States Constitution from the tax imposed
1101 by s. 3301 of the Internal Revenue Code for that service.

1102 ~~(g) Service performed in the employ of a corporation,~~

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1103 ~~community chest, fund, or foundation that is organized and~~
1104 ~~operated exclusively for religious, charitable, scientific,~~
1105 ~~testing for public safety, literary, or educational purposes or~~
1106 ~~for the prevention of cruelty to children or animals. This~~
1107 ~~exemption does not apply to an employer if part of the~~
1108 ~~employer's net earnings inures to the benefit of any private~~
1109 ~~shareholder or individual or if a substantial part of the~~
1110 ~~employer's activities involve carrying on propaganda, otherwise~~
1111 ~~attempting to influence legislation, or participating or~~
1112 ~~intervening in, including the publishing or distributing of~~
1113 ~~statements, a political campaign on behalf of a candidate for~~
1114 ~~public office, except as provided in subsection (3).~~

1115 Section 8. Paragraph (a) of subsection (2) of section
1116 443.1217, Florida Statutes, is amended to read:

1117 443.1217 Wages.—

1118 (2) For the purpose of determining an employer's
1119 contributions, the following wages are exempt from this chapter:

1120 (a)1. Beginning January 1, 2012, that part of remuneration
1121 paid to an individual by an employer for employment during a
1122 calendar year in excess of the first \$8,000 of remuneration paid
1123 to the individual by the employer or his or her predecessor
1124 during that calendar year, unless that part of the remuneration
1125 is subject to a tax, under a federal law imposing the tax,
1126 against which credit may be taken for contributions required to
1127 be paid into a state unemployment fund.

1128 2. Beginning January 1, 2015, the part of remuneration paid
1129 to an individual by an employer for employment during a calendar
1130 year in excess of the first \$7,000 of remuneration paid to the
1131 individual by an employer or his or her predecessor during that

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1132 calendar year, unless that part of the remuneration is subject
 1133 to a tax, under a federal law imposing the tax, against which
 1134 credit may be taken for contributions required to be paid into a
 1135 state unemployment fund. The wage base exemption adjustment
 1136 authorized by this subparagraph shall be suspended in any
 1137 calendar year in which repayment of the principal amount of an
 1138 advance received from the Unemployment Compensation Trust Fund
 1139 under 42 U.S.C. s. 1321 is due to the Federal Government.

1140 3. Beginning January 1, 2021, the part of remuneration paid
 1141 to an individual by an employer for employment during a calendar
 1142 year in excess of the first \$14,000 of remuneration paid to the
 1143 individual by an employer or his or her predecessor during that
 1144 calendar year, unless that part of the remuneration is subject
 1145 to a tax, under a federal law imposing the tax, against which
 1146 credit may be taken for contributions required to be paid into a
 1147 state unemployment fund.

1148 Section 9. Paragraphs (a), (e), and (f) of subsection (3)
 1149 of section 443.131, Florida Statutes, are amended to read:

1150 443.131 Contributions.—

1151 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 1152 EXPERIENCE.—

1153 (a) *Employment records.*—The regular and short-time
 1154 compensation benefits paid to an eligible individual shall be
 1155 charged to the employment record of each employer ~~who paid the~~
 1156 ~~individual wages of at least \$100 during the individual's base~~
 1157 ~~period in proportion to the total wages paid by all employers~~
 1158 ~~who paid the individual wages during the individual's base~~
 1159 ~~period. Benefits may not be charged to the employment record of~~
 1160 ~~an employer who furnishes part-time work to an individual who,~~

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1161 ~~because of loss of employment with one or more other employers,~~
1162 ~~is eligible for partial benefits while being furnished part-time~~
1163 ~~work by the employer on substantially the same basis and in~~
1164 ~~substantially the same amount as the individual's employment~~
1165 ~~during his or her base period, regardless of whether this part-~~
1166 ~~time work is simultaneous or successive to the individual's lost~~
1167 ~~employment.~~ Further, as provided in s. 443.151(3), benefits may
1168 not be charged to the employment record of an employer who
1169 furnishes the Department of Economic Opportunity with notice, as
1170 prescribed in rules of the department, that any of the following
1171 apply:

1172 1. If an individual leaves his or her work without good
1173 cause, as defined in s. 443.101(1)(a)7., attributable to the
1174 employer or is discharged by the employer for misconduct
1175 connected with his or her work, benefits subsequently paid to
1176 the individual based on wages paid by the employer before the
1177 separation may not be charged to the employment record of the
1178 employer.

1179 2. If an individual is discharged by the employer for
1180 unsatisfactory performance during an initial employment
1181 probationary period, benefits subsequently paid to the
1182 individual based on wages paid during the probationary period by
1183 the employer before the separation may not be charged to the
1184 employer's employment record. As used in this subparagraph, the
1185 term "initial employment probationary period" means an
1186 established probationary plan that applies to all employees or a
1187 specific group of employees and that does not exceed 90 calendar
1188 days following the first day a new employee begins work. The
1189 employee must be informed of the probationary period within the

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1190 first 7 days of work. The employer must demonstrate by
1191 conclusive evidence that the individual was separated because of
1192 unsatisfactory work performance and not because of lack of work
1193 due to temporary, seasonal, casual, or other similar employment
1194 that is not of a regular, permanent, and year-round nature.

1195 3. Benefits subsequently paid to an individual after his or
1196 her refusal without good cause to accept suitable work from an
1197 employer may not be charged to the employment record of the
1198 employer if any part of those benefits are based on wages paid
1199 by the employer before the individual's refusal to accept
1200 suitable work. As used in this subparagraph, the term "good
1201 cause" does not include distance to employment caused by a
1202 change of residence by the individual. The department shall
1203 adopt rules prescribing for the payment of all benefits whether
1204 this subparagraph applies regardless of whether a
1205 disqualification under s. 443.101 applies to the claim.

1206 4. If an individual is separated from work as a direct
1207 result of a natural disaster declared under the Robert T.
1208 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1209 ss. 5121 et seq., benefits subsequently paid to the individual
1210 based on wages paid by the employer before the separation may
1211 not be charged to the employment record of the employer.

1212 5. If an individual is separated from work as a direct
1213 result of an oil spill, terrorist attack, or other similar
1214 disaster of national significance not subject to a declaration
1215 under the Robert T. Stafford Disaster Relief and Emergency
1216 Assistance Act, benefits subsequently paid to the individual
1217 based on wages paid by the employer before the separation may
1218 not be charged to the employment record of the employer.

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1219 6. If an individual is separated from work as a direct
1220 result of domestic violence and meets all requirements in s.
1221 443.101(1)(a)2.c., benefits subsequently paid to the individual
1222 based on wages paid by the employer before separation may not be
1223 charged to the employment record of the employer.

1224 (e) *Assignment of variations from the standard rate.*—

1225 1. As used in this paragraph, the terms "total benefit
1226 payments," "benefits paid to an individual," and "benefits
1227 charged to the employment record of an employer" mean the amount
1228 of benefits paid to individuals multiplied by:

1229 a. For benefits paid prior to July 1, 2007, 1.

1230 b. For benefits paid during the period beginning on July 1,
1231 2007, and ending March 31, 2011, 0.90.

1232 c. For benefits paid after March 31, 2011, 1.

1233 2. For the calculation of contribution rates effective
1234 January 1, 2012, and thereafter:

1235 a. The tax collection service provider shall assign a
1236 variation from the standard rate of contributions for each
1237 calendar year to each eligible employer. In determining the
1238 contribution rate, varying from the standard rate to be assigned
1239 each employer, adjustment factors computed under sub-sub-
1240 subparagraphs (I)-(IV) are added to the benefit ratio. This
1241 addition shall be accomplished in two steps by adding a variable
1242 adjustment factor and a final adjustment factor. The sum of
1243 these adjustment factors computed under sub-sub-subparagraphs
1244 (I)-(IV) shall first be algebraically summed. The sum of these
1245 adjustment factors shall next be divided by a gross benefit
1246 ratio determined as follows: Total benefit payments for the 3-
1247 year period described in subparagraph (b)3. are charged to

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1248 employers eligible for a variation from the standard rate, minus
1249 excess payments for the same period, divided by taxable payroll
1250 entering into the computation of individual benefit ratios for
1251 the calendar year for which the contribution rate is being
1252 computed. The ratio of the sum of the adjustment factors
1253 computed under sub-sub-subparagraphs (I)-(IV) to the gross
1254 benefit ratio is multiplied by each individual benefit ratio
1255 that is less than the maximum contribution rate to obtain
1256 variable adjustment factors; except that if the sum of an
1257 employer's individual benefit ratio and variable adjustment
1258 factor exceeds the maximum contribution rate, the variable
1259 adjustment factor is reduced in order for the sum to equal the
1260 maximum contribution rate. The variable adjustment factor for
1261 each of these employers is multiplied by his or her taxable
1262 payroll entering into the computation of his or her benefit
1263 ratio. The sum of these products is divided by the taxable
1264 payroll of the employers who entered into the computation of
1265 their benefit ratios. The resulting ratio is subtracted from the
1266 sum of the adjustment factors computed under sub-sub-
1267 subparagraphs (I)-(IV) to obtain the final adjustment factor.
1268 The variable adjustment factors and the final adjustment factor
1269 must be computed to five decimal places and rounded to the
1270 fourth decimal place. This final adjustment factor is added to
1271 the variable adjustment factor and benefit ratio of each
1272 employer to obtain each employer's contribution rate. An
1273 employer's contribution rate may not, however, be rounded to
1274 less than 0.1 percent.

1275 (I) An adjustment factor for noncharge benefits is computed
1276 to the fifth decimal place and rounded to the fourth decimal

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1277 place by dividing the amount of noncharge benefits during the 3-
1278 year period described in subparagraph (b)3. by the taxable
1279 payroll of employers eligible for a variation from the standard
1280 rate who have a benefit ratio for the current year which is less
1281 than the maximum contribution rate. For purposes of computing
1282 this adjustment factor, the taxable payroll of these employers
1283 is the taxable payrolls for the 3 years ending June 30 of the
1284 current calendar year as reported to the tax collection service
1285 provider by September 30 of the same calendar year. As used in
1286 this sub-sub-subparagraph, the term "noncharge benefits" means
1287 benefits paid to an individual from the Unemployment
1288 Compensation Trust Fund, but which were not charged to the
1289 employment record of any employer.

1290 (II) An adjustment factor for excess payments is computed
1291 to the fifth decimal place, and rounded to the fourth decimal
1292 place by dividing the total excess payments during the 3-year
1293 period described in subparagraph (b)3. by the taxable payroll of
1294 employers eligible for a variation from the standard rate who
1295 have a benefit ratio for the current year which is less than the
1296 maximum contribution rate. For purposes of computing this
1297 adjustment factor, the taxable payroll of these employers is the
1298 same figure used to compute the adjustment factor for noncharge
1299 benefits under sub-sub-subparagraph (I). As used in this sub-
1300 subparagraph, the term "excess payments" means the amount of
1301 benefits charged to the employment record of an employer during
1302 the 3-year period described in subparagraph (b)3., less the
1303 product of the maximum contribution rate and the employer's
1304 taxable payroll for the 3 years ending June 30 of the current
1305 calendar year as reported to the tax collection service provider

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1306 by September 30 of the same calendar year. As used in this sub-
1307 sub-subparagraph, the term "total excess payments" means the sum
1308 of the individual employer excess payments for those employers
1309 that were eligible for assignment of a contribution rate
1310 different from the standard rate.

1311 (III) With respect to computing a positive adjustment
1312 factor:

1313 (A) Beginning January 1, 2012, if the balance of the
1314 Unemployment Compensation Trust Fund on September 30 of the
1315 calendar year immediately preceding the calendar year for which
1316 the contribution rate is being computed is less than 4 percent
1317 of the taxable payrolls for the year ending June 30 as reported
1318 to the tax collection service provider by September 30 of that
1319 calendar year, a positive adjustment factor shall be computed.
1320 The positive adjustment factor is computed annually to the fifth
1321 decimal place and rounded to the fourth decimal place by
1322 dividing the sum of the total taxable payrolls for the year
1323 ending June 30 of the current calendar year as reported to the
1324 tax collection service provider by September 30 of that calendar
1325 year into a sum equal to one-fifth of the difference between the
1326 balance of the fund as of September 30 of that calendar year and
1327 the sum of 5 percent of the total taxable payrolls for that
1328 year. The positive adjustment factor remains in effect for
1329 subsequent years until the balance of the Unemployment
1330 Compensation Trust Fund as of September 30 of the year
1331 immediately preceding the effective date of the contribution
1332 rate equals or exceeds 4 percent of the taxable payrolls for the
1333 year ending June 30 of the current calendar year as reported to
1334 the tax collection service provider by September 30 of that

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1335 calendar year.

1336 (B) Beginning January 1, 2018, and for each year
1337 thereafter, the positive adjustment shall be computed by
1338 dividing the sum of the total taxable payrolls for the year
1339 ending June 30 of the current calendar year as reported to the
1340 tax collection service provider by September 30 of that calendar
1341 year into a sum equal to one-fourth of the difference between
1342 the balance of the fund as of September 30 of that calendar year
1343 and the sum of 5 percent of the total taxable payrolls for that
1344 year. The positive adjustment factor remains in effect for
1345 subsequent years until the balance of the Unemployment
1346 Compensation Trust Fund as of September 30 of the year
1347 immediately preceding the effective date of the contribution
1348 rate equals or exceeds 4 percent of the taxable payrolls for the
1349 year ending June 30 of the current calendar year as reported to
1350 the tax collection service provider by September 30 of that
1351 calendar year.

1352 (IV) If, beginning January 1, 2015, and each year
1353 thereafter, the balance of the Unemployment Compensation Trust
1354 Fund as of September 30 of the year immediately preceding the
1355 calendar year for which the contribution rate is being computed
1356 exceeds 5 percent of the taxable payrolls for the year ending
1357 June 30 of the current calendar year as reported to the tax
1358 collection service provider by September 30 of that calendar
1359 year, a negative adjustment factor must be computed. The
1360 negative adjustment factor shall be computed annually beginning
1361 on January 1, 2015, and each year thereafter, to the fifth
1362 decimal place and rounded to the fourth decimal place by
1363 dividing the sum of the total taxable payrolls for the year

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1364 ending June 30 of the current calendar year as reported to the
1365 tax collection service provider by September 30 of the calendar
1366 year into a sum equal to one-fourth of the difference between
1367 the balance of the fund as of September 30 of the current
1368 calendar year and 5 percent of the total taxable payrolls of
1369 that year. The negative adjustment factor remains in effect for
1370 subsequent years until the balance of the Unemployment
1371 Compensation Trust Fund as of September 30 of the year
1372 immediately preceding the effective date of the contribution
1373 rate is less than 5 percent, but more than 4 percent of the
1374 taxable payrolls for the year ending June 30 of the current
1375 calendar year as reported to the tax collection service provider
1376 by September 30 of that calendar year. The negative adjustment
1377 authorized by this section is suspended in any calendar year in
1378 which repayment of the principal amount of an advance received
1379 from the federal Unemployment Compensation Trust Fund under 42
1380 U.S.C. s. 1321 is due to the Federal Government.

1381 (V) The maximum contribution rate that may be assigned to
1382 an employer is 5.4 percent, except employers participating in an
1383 approved short-time compensation plan may be assigned a maximum
1384 contribution rate that is 1 percent greater than the maximum
1385 contribution rate for other employers in any calendar year in
1386 which short-time compensation benefits are charged to the
1387 employer's employment record.

1388 (VI) As used in this subsection, "taxable payroll" shall be
1389 determined by excluding any part of the remuneration paid to an
1390 individual by an employer for employment during a calendar year
1391 ~~in excess of the first \$7,000. Beginning January 1, 2012,~~
1392 ~~"taxable payroll" shall be determined by excluding any part of~~

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1393 ~~the remuneration paid to an individual by an employer for~~
1394 ~~employment during a calendar year as described in s.~~
1395 443.1217(2). For the purposes of the employer rate calculation
1396 that will take effect in January 1, 2012, and in January 1,
1397 2013, the tax collection service provider shall use the data
1398 available for taxable payroll from 2009 based on excluding any
1399 part of the remuneration paid to an individual by an employer
1400 for employment during a calendar year in excess of the first
1401 \$7,000, and from 2010 and 2011, the data available for taxable
1402 payroll based on excluding any part of the remuneration paid to
1403 an individual by an employer for employment during a calendar
1404 year in excess of the first \$8,500.

1405 b. If the transfer of an employer's employment record to an
1406 employing unit under paragraph (f) which, before the transfer,
1407 was an employer, the tax collection service provider shall
1408 recompute a benefit ratio for the successor employer based on
1409 the combined employment records and reassign an appropriate
1410 contribution rate to the successor employer effective on the
1411 first day of the calendar quarter immediately after the
1412 effective date of the transfer.

1413 (f) *Transfer of employment records.*—

1414 1. For the purposes of this subsection, two or more
1415 employers who are parties to a transfer of business or the
1416 subject of a merger, consolidation, or other form of
1417 reorganization, effecting a change in legal identity or form,
1418 are deemed a single employer and are considered to be one
1419 employer with a continuous employment record if the tax
1420 collection service provider finds that the successor employer
1421 continues to carry on the employing enterprises of all of the

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1422 predecessor employers and that the successor employer has paid
1423 all contributions required of and due from all of the
1424 predecessor employers and has assumed liability for all
1425 contributions that may become due from all of the predecessor
1426 employers. In addition, an employer may not be considered a
1427 successor under this subparagraph if the employer purchases a
1428 company with a lower rate into which employees with job
1429 functions unrelated to the business endeavors of the predecessor
1430 are transferred for the purpose of acquiring the low rate and
1431 avoiding payment of contributions. As used in this paragraph,
1432 notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term
1433 "contributions" means all indebtedness to the tax collection
1434 service provider, including, but not limited to, interest,
1435 penalty, collection fee, and service fee. A successor employer
1436 must accept the transfer of all of the predecessor employers'
1437 employment records within 30 days after the date of the official
1438 notification of liability by succession. If a predecessor
1439 employer has unpaid contributions or outstanding quarterly
1440 reports, the successor employer must pay the total amount with
1441 certified funds within 30 days after the date of the notice
1442 listing the total amount due. After the total indebtedness is
1443 paid, the tax collection service provider shall transfer the
1444 employment records of all of the predecessor employers to the
1445 successor employer's employment record. The tax collection
1446 service provider shall determine the contribution rate of the
1447 combined successor and predecessor employers upon the transfer
1448 of the employment records, as prescribed by rule, in order to
1449 calculate any change in the contribution rate resulting from the
1450 transfer of the employment records.

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1451 2. Regardless of whether a predecessor employer's
1452 employment record is transferred to a successor employer under
1453 this paragraph, the tax collection service provider shall treat
1454 the predecessor employer, if he or she subsequently employs
1455 individuals, as an employer without a previous employment record
1456 or, if his or her coverage is terminated under s. 443.121, as a
1457 new employing unit.

1458 3. The state agency providing reemployment assistance tax
1459 collection services may adopt rules governing the partial
1460 transfer of experience rating when an employer transfers an
1461 identifiable and segregable portion of his or her payrolls and
1462 business to a successor employing unit. As a condition of each
1463 partial transfer, these rules must require the following to be
1464 filed with the tax collection service provider: an application
1465 by the successor employing unit, an agreement by the predecessor
1466 employer, and the evidence required by the tax collection
1467 service provider to show the benefit experience and payrolls
1468 attributable to the transferred portion through the date of the
1469 transfer. These rules must provide that the successor employing
1470 unit, if not an employer subject to this chapter, becomes an
1471 employer as of the date of the transfer and that the transferred
1472 portion of the predecessor employer's employment record is
1473 removed from the employment record of the predecessor employer.
1474 For each calendar year after the date of the transfer of the
1475 employment record in the records of the tax collection service
1476 provider, the service provider shall compute the contribution
1477 rate payable by the successor employer or employing unit based
1478 on his or her employment record, combined with the transferred
1479 portion of the predecessor employer's employment record. These

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1480 rules may also prescribe what contribution rates are payable by
1481 the predecessor and successor employers for the period between
1482 the date of the transfer of the transferred portion of the
1483 predecessor employer's employment record in the records of the
1484 tax collection service provider and the first day of the next
1485 calendar year.

1486 4. This paragraph does not apply to an employee leasing
1487 company and client contractual agreement as defined in s.
1488 443.036, except as provided in s. 443.1216(1)(a)2.a. ~~The tax~~
1489 ~~collection service provider shall,~~ If the contractual agreement
1490 is terminated or the employee leasing company fails to submit
1491 reports or pay contributions as required by the service
1492 provider, the tax collection service provider must treat the
1493 client as a new employer without previous employment record
1494 unless the client is otherwise eligible for a variation from the
1495 standard rate.

1496 Section 10. Paragraph (c) of subsection (2) and paragraphs
1497 (d) and (f) of subsection (6) of section 443.141, Florida
1498 Statutes, are amended to read:

1499 443.141 Collection of contributions and reimbursements.—

1500 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1501 (c) *Appeals.*—The department and the state agency providing
1502 reemployment assistance tax collection services shall adopt
1503 rules prescribing the procedures for an employing unit
1504 determined to be an employer to file an appeal and be afforded
1505 an opportunity for a hearing on the determination. The burden of
1506 proof in an appeal filed by an employer is on the employer.

1507 Pending a hearing, the employing unit must file reports and pay
1508 contributions in accordance with s. 443.131.

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1509 (6) REFUNDS.—

1510 (d) This chapter does not authorize a refund of
1511 contributions or reimbursements properly paid in accordance with
1512 this chapter when the payment was made, except as required by s.
1513 443.1216(13)(d) ~~s. 443.1216(13)(e)~~.

1514 (f) Refunds under this subsection and under s.
1515 443.1216(13)(d) ~~s. 443.1216(13)(e)~~ may be paid from the clearing
1516 account or the benefit account of the Unemployment Compensation
1517 Trust Fund and from the Special Employment Security
1518 Administration Trust Fund for interest or penalties previously
1519 paid into the fund, notwithstanding s. 443.191(2).

1520 Section 11. Paragraph (b) of subsection (4) of section
1521 443.151, Florida Statutes, is amended to read:

1522 443.151 Procedure concerning claims.—

1523 (4) APPEALS.—

1524 (b) *Filing and hearing.*—

1525 1. The claimant or any other party entitled to notice of a
1526 determination may appeal an adverse determination to an appeals
1527 referee within 20 days after the date of mailing of the notice
1528 to her or his last known address or, if the notice is not
1529 mailed, within 20 days after the date of delivering the notice.
1530 The burden of proof in an appeal filed by an employer is on the
1531 employer.

1532 2. Unless the appeal is untimely or withdrawn or review is
1533 initiated by the commission, the appeals referee, after mailing
1534 all parties and attorneys of record a notice of hearing at least
1535 10 days before the date of hearing, notwithstanding the 14-day
1536 notice requirement in s. 120.569(2)(b), may only affirm, modify,
1537 or reverse the determination. An appeal may not be withdrawn

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1538 without the permission of the appeals referee.

1539 3. However, if an appeal appears to have been filed after
1540 the permissible time limit, the Office of Appeals may issue an
1541 order to show cause to the appellant which requires the
1542 appellant to show why the appeal should not be dismissed as
1543 untimely. If, within 15 days after the mailing date of the order
1544 to show cause, the appellant does not provide written evidence
1545 of timely filing or good cause for failure to appeal timely, the
1546 appeal shall be dismissed.

1547 4. If an appeal involves a question of whether services
1548 were performed by a claimant in employment or for an employer,
1549 the referee must give special notice of the question and of the
1550 pendency of the appeal to the employing unit and to the
1551 department, both of which become parties to the proceeding.

1552 5.a. Any part of the evidence may be received in written
1553 form, and all testimony of parties and witnesses shall be made
1554 under oath.

1555 b. Irrelevant, immaterial, or unduly repetitious evidence
1556 shall be excluded, but all other evidence of a type commonly
1557 relied upon by reasonably prudent persons in the conduct of
1558 their affairs is admissible, regardless of whether ~~or not~~ such
1559 evidence would be admissible in a trial in state court.

1560 c. Hearsay evidence may be used for the purpose of
1561 supplementing or explaining other evidence, or to support a
1562 finding if it would be admissible over objection in civil
1563 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
1564 support a finding of fact if:

1565 (I) The party against whom it is offered has a reasonable
1566 opportunity to review such evidence prior to the hearing; and

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1567 (II) The appeals referee or special deputy determines,
1568 after considering all relevant facts and circumstances, that the
1569 evidence is trustworthy and probative and that the interests of
1570 justice are best served by its admission into evidence.

1571 6. The parties must be notified promptly of the referee's
1572 decision. The referee's decision is final unless further review
1573 is initiated under paragraph (c) within 20 days after the date
1574 of mailing notice of the decision to the party's last known
1575 address or, in lieu of mailing, within 20 days after the
1576 delivery of the notice.

1577 Section 12. Paragraph (b) of subsection (2) of section
1578 443.041, Florida Statutes, is amended to read:

1579 443.041 Waiver of rights; fees; privileged communications.—

1580 (2) FEES.—

1581 (b) An attorney at law representing a claimant for benefits
1582 in any district court of appeal of this state or in the Supreme
1583 Court of Florida is entitled to counsel fees payable by the
1584 department as set by the court if the petition for review or
1585 appeal is initiated by the claimant and results in a decision
1586 awarding more benefits than provided in the decision from which
1587 appeal was taken. ~~The amount of the fee may not exceed 50~~
1588 ~~percent of the total amount of regular benefits permitted under~~
1589 ~~s. 443.111(5)(b) during the benefit year.~~

1590 Section 13. Paragraph (c) of subsection (3) of section
1591 443.1115, Florida Statutes, is amended to read:

1592 443.1115 Extended benefits.—

1593 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

1594 (c)1. An individual is disqualified from receiving extended
1595 benefits if the department finds that, during any week of

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1596 unemployment in her or his eligibility period:

1597 a. She or he failed to apply for suitable work or, if
1598 offered, failed to accept suitable work, unless the individual
1599 can furnish to the department satisfactory evidence that her or
1600 his prospects for obtaining work in her or his customary
1601 occupation within a reasonably short period are good. ~~If this~~
1602 ~~evidence is deemed satisfactory for this purpose, the~~
1603 ~~determination of whether any work is suitable for the individual~~
1604 ~~shall be made in accordance with the definition of suitable work~~
1605 ~~in s. 443.101(2).~~ This disqualification begins with the week the
1606 failure occurred and continues until she or he is employed for
1607 at least 4 weeks and receives earned income of at least 17 times
1608 her or his weekly benefit amount.

1609 b. She or he failed to furnish tangible evidence that she
1610 or he actively engaged in a systematic and sustained effort to
1611 find work. This disqualification begins with the week the
1612 failure occurred and continues until she or he is employed for
1613 at least 4 weeks and receives earned income of at least 4 times
1614 her or his weekly benefit amount.

1615 2. Except as otherwise provided in sub-subparagraph 1.a.,
1616 as used in this paragraph, the term "suitable work" means any
1617 work within the individual's capabilities to perform, if:

1618 a. The gross average weekly remuneration payable for the
1619 work exceeds the sum of the individual's weekly benefit amount
1620 plus the amount, if any, of supplemental unemployment benefits,
1621 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
1622 1954, as amended, payable to the individual for that week; and

1623 b. The wages payable for the work equal the higher of the
1624 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards

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1625 Act of 1938, without regard to any exemption, or the state or
1626 local minimum wage; and

1627 ~~e. The work otherwise meets the definition of suitable work~~
1628 ~~in s. 443.101(2) to the extent that the criteria for suitability~~
1629 ~~are not inconsistent with this paragraph.~~

1630 Section 14. Paragraph (d) of subsection (1) of section
1631 443.1215, Florida Statutes, is amended to read:

1632 443.1215 Employers.—

1633 (1) Each of the following employing units is an employer
1634 subject to this chapter:

1635 (d)1. An employing unit for which agricultural labor, ~~as~~
1636 ~~defined in s. 443.1216(5)~~, is performed.

1637 2. An employing unit for which domestic service in
1638 employment, as defined in s. 443.1216(6), is performed.

1639 Section 15. Paragraph (a) of subsection (4) of section
1640 215.425, Florida Statutes, is amended to read:

1641 215.425 Extra compensation claims prohibited; bonuses;
1642 severance pay.—

1643 (4) (a) On or after July 1, 2011, a unit of government that
1644 enters into a contract or employment agreement, or renewal or
1645 renegotiation of an existing contract or employment agreement,
1646 that contains a provision for severance pay with an officer,
1647 agent, employee, or contractor must include the following
1648 provisions in the contract:

1649 1. A requirement that severance pay provided may not exceed
1650 an amount greater than 20 weeks of compensation.

1651 2. A prohibition of provision of severance pay when the
1652 officer, agent, employee, or contractor has been fired for
1653 misconduct, as defined in s. 443.036 ~~s. 443.036(29)~~, by the unit

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1654 of government.

1655 Section 16. Paragraph (c) of subsection (3) of section
1656 443.121, Florida Statutes, is amended to read:

1657 443.121 Employing units affected.—

1658 (3) ELECTIVE COVERAGE.—

1659 (c) *Certain services for political subdivisions.*—

1660 1. Any political subdivision of this state may elect to
1661 cover under this chapter, for at least 1 calendar year, service
1662 performed by employees in all of the hospitals and institutions
1663 of higher education operated by the political subdivision.
1664 Election must be made by filing with the tax collection service
1665 provider a notice of election at least 30 days before the
1666 effective date of the election. The election may exclude any
1667 services described in s. 443.1216(4). Any political subdivision
1668 electing coverage under this paragraph must be a reimbursing
1669 employer and make reimbursements in lieu of contributions for
1670 benefits attributable to this employment, provided for nonprofit
1671 organizations in s. 443.1312(3) and (5).

1672 2. The provisions of s. 443.091(2) ~~s. 443.091(3)~~ relating
1673 to benefit rights based on service for nonprofit organizations
1674 and state hospitals and institutions of higher education also
1675 apply to service covered by an election under this section.

1676 3. The amounts required to be reimbursed in lieu of
1677 contributions by any political subdivision under this paragraph
1678 shall be billed, and payment made, as provided in s. 443.1312(3)
1679 for similar reimbursements by nonprofit organizations.

1680 4. An election under this paragraph may be terminated after
1681 at least 1 calendar year of coverage by filing with the tax
1682 collection service provider written notice not later than 30

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1683 days before the last day of the calendar year in which the
1684 termination is to be effective. The termination takes effect on
1685 January 1 of the next ensuing calendar year for services
1686 performed after that date.

1687 Section 17. For the purpose of incorporating the amendment
1688 made by this act to section 443.111, Florida Statutes, in a
1689 reference thereto, subsection (6) of section 443.1116, Florida
1690 Statutes, is reenacted to read:

1691 443.1116 Short-time compensation.—

1692 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The
1693 weekly short-time compensation benefit amount payable to an
1694 individual is equal to the product of her or his weekly benefit
1695 amount as provided in s. 443.111(3) and the ratio of the number
1696 of normal weekly hours of work for which the employer would not
1697 compensate the individual to the individual's normal weekly
1698 hours of work. The benefit amount, if not a multiple of \$1, is
1699 rounded downward to the next lower multiple of \$1.

1700 Section 18. This act shall take effect July 1, 2021.