

1 A bill to be entitled
2 An act relating to reemployment assistance; amending
3 s. 443.036, F.S.; defining the term "alternative base
4 period" and revising the definition of the term "high
5 quarter" for purposes of the Reemployment Assistance
6 Program Law; amending s. 443.091, F.S.; revising
7 requirements for reemployment assistance benefits
8 eligibility; creating s. 443.092, F.S.; prohibiting
9 the Department of Economic Opportunity from denying a
10 person reemployment assistance solely on the basis of
11 pregnancy; amending s. 443.111, F.S.; requiring an
12 alternative base period to be used under certain
13 circumstances when calculating wages in determining
14 qualification for reemployment assistance benefits;
15 requiring the department to contact an individual's
16 employer if certain wage information is unavailable
17 through specified means; specifying that wages that
18 fall within an alternative base period are not
19 available for reuse in subsequent benefit years;
20 requiring the department to adopt rules; revising the
21 weekly benefit amounts an individual may receive;
22 replacing the term "Florida average unemployment rate"
23 with the term "most recent monthly unemployment rate";
24 increasing the cap on the total benefit amount an
25 individual is entitled to receive during a benefit

26 year; increasing the duration of benefits; amending
 27 ss. 215.425, 443.1216, and 443.131, F.S.; conforming
 28 cross-references; reenacting ss. 443.041(2)(b) and
 29 443.1116(6), (7), and (8)(a), F.S., relating to fees
 30 and short-time compensation, respectively, to
 31 incorporate the amendments made by the act; providing
 32 an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Subsections (3) through (46) of section
 37 443.036, Florida Statutes, are renumbered as subsections (4)
 38 through (47), respectively, present subsection (24) is amended,
 39 and a new subsection (3) is added to that section, to read:

40 443.036 Definitions.—As used in this chapter, the term:

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

45 (25)-(24) "High quarter" means the quarter in an
 46 individual's base period, or in an individual's alternative base
 47 period if an alternative base period is used for determining
 48 benefits eligibility, in which the individual has the greatest
 49 amount of wages paid, regardless of the number of employers
 50 paying wages in that quarter.

51 Section 2. Paragraphs (d) and (g) of subsection (1) of
 52 section 443.091, Florida Statutes, are amended to read:

53 443.091 Benefit eligibility conditions.—

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

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

76 initial contact that the employer is hiring. The department
77 shall conduct random reviews of work search information provided
78 by claimants. As an alternative to contacting at least three
79 ~~five~~ prospective employers for any week of unemployment claimed,
80 a claimant may, for that same week, report in person to a one-
81 stop career center to meet with a representative of the center
82 and access reemployment services of the center. The center shall
83 keep a record of the services or information provided to the
84 claimant and shall provide the records to the department upon
85 request by the department. However:

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

95 2. Notwithstanding any other provision of this chapter, an
96 otherwise eligible individual who is in training approved under
97 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
98 determined ineligible or disqualified for benefits due to
99 enrollment in such training or because of leaving work that is
100 not suitable employment to enter such training. As used in this

101 subparagraph, the term "suitable employment" means work of a
102 substantially equal or higher skill level than the worker's past
103 adversely affected employment, as defined for purposes of the
104 Trade Act of 1974, as amended, the wages for which are at least
105 80 percent of the worker's average weekly wage as determined for
106 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

125 (g) She or he has been paid wages for insured work equal

126 to 1.5 times her or his high quarter wages during her or his
127 base period, except that an unemployed individual is not
128 eligible to receive benefits if the base period wages are less
129 than \$3,400. If an unemployed individual is ineligible for
130 benefits based on base period wages, her or his wages shall be
131 calculated using the alternative base period and her or his
132 claim shall be established using such wages.

133 Section 3. Section 443.092, Florida Statutes, is created
134 to read:

135 443.092 Denial of reemployment assistance solely on the
136 basis of pregnancy prohibited.—The Department of Economic
137 Opportunity may not deny a person reemployment assistance solely
138 on the basis of pregnancy.

139 Section 4. Subsections (2) and (3) and paragraphs (a),
140 (b), and (c) of subsection (5) of section 443.111, Florida
141 Statutes, are amended, and paragraph (b) of subsection (1) of
142 that section is republished, to read:

143 443.111 Payment of benefits.—

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

147 (b) As required under s. 443.091(1), each claimant must
148 report at least biweekly to receive reemployment assistance
149 benefits and to attest to the fact that she or he is able and
150 available for work, has not refused suitable work, is seeking

151 work and has met the requirements of s. 443.091(1)(d), and, if
152 she or he has worked, to report earnings from that work. Each
153 claimant must continue to report regardless of any appeal or
154 pending appeal relating to her or his eligibility or
155 disqualification for benefits.

156 (2) QUALIFYING REQUIREMENTS.—

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

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

161 2.(b) Minimum total base period wage credits equal to the
162 high quarter wages multiplied by 1.5, but at least \$3,400 in the
163 base period, or in the alternative base period if the
164 alternative base period is used for benefits eligibility.

165 (b)1. If a worker is ineligible for benefits based on base
166 period wages, wages for that worker must be calculated using the
167 alternative base period and the claim shall be established using
168 such wages.

169 2. If the wage information for an individual's most
170 recently completed calendar quarter is unavailable to the
171 department from regular quarterly reports of systematically
172 accessible wage information, the Department of Economic
173 Opportunity must promptly contact the individual's employer to
174 obtain the wage information.

175 3. Wages that fall within the alternative base period of

176 claims established under this paragraph are not available for
 177 reuse in qualifying for any subsequent benefit years.

178 4. The department shall adopt rules to administer this
 179 paragraph.

180 (3) WEEKLY BENEFIT AMOUNT.—

181 (a) Except as provided in paragraph (b), an individual's
 182 "weekly benefit amount" is an amount equal to one twenty-sixth
 183 of the total wages for insured work paid during that quarter of
 184 the base period in which the total wages paid were the highest,
 185 but not less than \$100 ~~\$32~~ or more than \$375 ~~\$275~~. The weekly
 186 benefit amount, if not a multiple of \$1, is rounded downward to
 187 the nearest full dollar amount. The maximum weekly benefit
 188 amount in effect at the time the claimant establishes an
 189 individual weekly benefit amount is the maximum benefit amount
 190 applicable throughout the claimant's benefit year.

191 (b) If an individual's weekly benefit amount calculated
 192 pursuant to paragraph (a) would result in a weekly benefit
 193 amount of less than \$100, the individual's weekly benefit amount
 194 may not exceed one-thirteenth of the total wages for insured
 195 work paid during the quarter of the base period in which the
 196 total wages paid were the highest or \$100, whichever is less.

197 (5) DURATION OF BENEFITS.—

198 (a) As used in this section, the term "most recent monthly
 199 unemployment rate" ~~"Florida average unemployment rate"~~ means the
 200 most recently available month's average of the 3 months for the

201 ~~most recent third calendar year quarter of the~~ seasonally
 202 adjusted statewide unemployment rate ~~rates~~ as published by the
 203 Department of Economic Opportunity.

204 (b) Each otherwise eligible individual is entitled during
 205 any benefit year to a total amount of benefits equal to 25
 206 percent of the total wages in his or her base period, not to
 207 exceed \$9,375 ~~\$6,325~~ or the product arrived at by multiplying
 208 the weekly benefit amount with the number of weeks determined in
 209 paragraph (c), whichever is less. However, the total amount of
 210 benefits, if not a multiple of \$1, is rounded downward to the
 211 nearest full dollar amount. These benefits are payable at a
 212 weekly rate no greater than the weekly benefit amount.

213 (c) For claims submitted during a month ~~calendar year~~, the
 214 duration of benefits is limited to:

215 1. Fourteen ~~Twelve~~ weeks if this state's most recent
 216 monthly average unemployment rate is at or below 5 percent.

217 2. An additional week in addition to the 14 ~~12~~ weeks for
 218 each 0.5 percent increment in this state's most recent monthly
 219 average unemployment rate above 5 percent.

220 3. Up to a maximum of 25 ~~23~~ weeks if this state's most
 221 recent monthly average unemployment rate equals or exceeds 10.5
 222 percent.

223 Section 5. Paragraph (a) of subsection (4) of section
 224 215.425, Florida Statutes, is amended to read:

225 215.425 Extra compensation claims prohibited; bonuses;

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226 severance pay.—

227 (4)(a) On or after July 1, 2011, a unit of government that
228 enters into a contract or employment agreement, or renewal or
229 renegotiation of an existing contract or employment agreement,
230 that contains a provision for severance pay with an officer,
231 agent, employee, or contractor must include the following
232 provisions in the contract:

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

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

239 Section 6. Paragraph (a) of subsection (1) and paragraph
240 (f) of subsection (13) of section 443.1216, Florida Statutes,
241 are amended to read:

242 443.1216 Employment.—Employment, as defined in s. 443.036,
243 is subject to this chapter under the following conditions:

244 (1)(a) The employment subject to this chapter includes a
245 service performed, including a service performed in interstate
246 commerce, by:

247 1. An officer of a corporation.

248 2. An individual who, under the usual common-law rules
249 applicable in determining the employer-employee relationship, is
250 an employee. However, whenever a client, as defined in s.

251 443.036 ~~s. 443.036(18)~~, which would otherwise be designated as
252 an employing unit has contracted with an employee leasing
253 company to supply it with workers, those workers are considered
254 employees of the employee leasing company. An employee leasing
255 company may lease corporate officers of the client to the client
256 and other workers to the client, except as prohibited by
257 regulations of the Internal Revenue Service. Employees of an
258 employee leasing company must be reported under the employee
259 leasing company's tax identification number and contribution
260 rate for work performed for the employee leasing company.

261 a. However, except for the internal employees of an
262 employee leasing company, each employee leasing company may make
263 a separate one-time election to report and pay contributions
264 under the tax identification number and contribution rate for
265 each client of the employee leasing company. Under the client
266 method, an employee leasing company choosing this option must
267 assign leased employees to the client company that is leasing
268 the employees. The client method is solely a method to report
269 and pay unemployment contributions, and, whichever method is
270 chosen, such election may not impact any other aspect of state
271 law. An employee leasing company that elects the client method
272 must pay contributions at the rates assigned to each client
273 company.

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

276 (II) The employee leasing company must notify the
277 Department of Revenue of its election by July 1, 2012, and such
278 election applies to reports and contributions for the first
279 quarter of the following calendar year. The notification must
280 include:

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

285 (B) A list of each client company's current and previous
286 employees and their respective social security numbers for the
287 prior 3 state fiscal years or, if the client company has not
288 been a client for the prior 3 state fiscal years, such portion
289 of the prior 3 state fiscal years that the client company has
290 been a client must be supplied;

291 (C) The wage data and benefit charges associated with each
292 client company for the prior 3 state fiscal years or, if the
293 client company has not been a client for the prior 3 state
294 fiscal years, such portion of the prior 3 state fiscal years
295 that the client company has been a client must be supplied. If
296 the client company's employment record is chargeable with
297 benefits for less than 8 calendar quarters while being a client
298 of the employee leasing company, the client company must pay
299 contributions at the initial rate of 2.7 percent; and

300 (D) The wage data and benefit charges for the prior 3

301 state fiscal years that cannot be associated with a client
302 company must be reported and charged to the employee leasing
303 company.

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

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

310 (V) For the purposes of calculating experience rates when
311 the client method is chosen, each client's own benefit charges
312 and wage data experience while with the employee leasing company
313 determines each client's tax rate where the client has been a
314 client of the employee leasing company for at least 8 calendar
315 quarters before the election. The client company shall continue
316 to report the nonleased employees under its tax rate.

317 (VI) The election is binding on each client of the
318 employee leasing company for as long as a written agreement is
319 in effect between the client and the employee leasing company
320 pursuant to s. 468.525(3)(a). If the relationship between the
321 employee leasing company and the client terminates, the client
322 retains the wage and benefit history experienced under the
323 employee leasing company.

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

326 employing unit for purposes of s. 443.071. The employee leasing
327 company or any of its officers or agents are liable for any
328 violation of s. 443.071 engaged in by such persons or entities.
329 The applicable client company or any of its officers or agents
330 are liable for any violation of s. 443.071 engaged in by such
331 persons or entities. The employee leasing company or its
332 applicable client company is not liable for any violation of s.
333 443.071 engaged in by the other party or by the other party's
334 officers or agents.

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

339 (IX) After an employee leasing company is licensed
340 pursuant to part XI of chapter 468, each newly licensed entity
341 has 30 days after the date the license is granted to notify the
342 tax collection service provider in writing of their selection of
343 the client method. A newly licensed employee leasing company
344 that fails to timely select reporting pursuant to the client
345 method of reporting must report under the employee leasing
346 company's tax identification number and contribution rate.

347 (X) Irrespective of the election, each transfer of trade
348 or business, including workforce, or a portion thereof, between
349 employee leasing companies is subject to the provisions of s.
350 443.131(3)(h) if, at the time of the transfer, there is common

351 ownership, management, or control between the entities.

352 b. In addition to any other report required to be filed by
353 law, an employee leasing company shall submit a report to the
354 Labor Market Statistics Center within the Department of Economic
355 Opportunity which includes each client establishment and each
356 establishment of the leasing company, or as otherwise directed
357 by the department. The report must include the following
358 information for each establishment:

359 (I) The trade or establishment name;

360 (II) The former reemployment assistance account number, if
361 available;

362 (III) The former federal employer's identification number,
363 if available;

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

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

368 (VI) The address of the physical location;

369 (VII) The number of full-time and part-time employees who
370 worked during, or received pay that was subject to reemployment
371 assistance taxes for, the pay period including the 12th of the
372 month for each month of the quarter;

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

375 (IX) An internal identification code to uniquely identify

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376 each establishment of each client;

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

379 (XI) The month and year that the client terminated the
380 contract for services.

381 c. The report must be submitted electronically or in a
382 manner otherwise prescribed by the Department of Economic
383 Opportunity in the format specified by the Bureau of Labor
384 Statistics of the United States Department of Labor for its
385 Multiple Worksite Report for Professional Employer
386 Organizations. The report must be provided quarterly to the
387 Labor Market Statistics Center within the department, or as
388 otherwise directed by the department, and must be filed by the
389 last day of the month immediately after the end of the calendar
390 quarter. The information required in sub-sub-subparagraphs b. (X)
391 and (XI) need be provided only in the quarter in which the
392 contract to which it relates was entered into or terminated. The
393 sum of the employment data and the sum of the wage data in this
394 report must match the employment and wages reported in the
395 reemployment assistance quarterly tax and wage report.

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

400 e. For the purposes of this subparagraph, the term

401 "establishment" means any location where business is conducted
402 or where services or industrial operations are performed.

403 3. An individual other than an individual who is an
404 employee under subparagraph 1. or subparagraph 2., who performs
405 services for remuneration for any person:

406 a. As an agent-driver or commission-driver engaged in
407 distributing meat products, vegetable products, fruit products,
408 bakery products, beverages other than milk, or laundry or
409 drycleaning services for his or her principal.

410 b. As a traveling or city salesperson engaged on a full-
411 time basis in the solicitation on behalf of, and the
412 transmission to, his or her principal of orders from
413 wholesalers, retailers, contractors, or operators of hotels,
414 restaurants, or other similar establishments for merchandise for
415 resale or supplies for use in the business operations. This sub-
416 subparagraph does not apply to an agent-driver or a commission-
417 driver and does not apply to sideline sales activities performed
418 on behalf of a person other than the salesperson's principal.

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

421 a. The contract of service contemplates that substantially
422 all of the services are to be performed personally by the
423 individual;

424 b. The individual does not have a substantial investment
425 in facilities used in connection with the services, other than

426 facilities used for transportation; and

427 c. The services are not in the nature of a single
 428 transaction that is not part of a continuing relationship with
 429 the person for whom the services are performed.

430 (13) The following are exempt from coverage under this
 431 chapter:

432 (f) Service performed in the employ of a public employer
 433 as defined in s. 443.036, except as provided in subsection (2),
 434 and service performed in the employ of an instrumentality of a
 435 public employer as described in s. 443.036(36)(b) or c ~~s.~~
 436 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is
 437 immune under the United States Constitution from the tax imposed
 438 by s. 3301 of the Internal Revenue Code for that service.

439 Section 7. Paragraph (g) of subsection (3) of section
 440 443.131, Florida Statutes, is amended to read:

441 443.131 Contributions.—

442 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 443 EXPERIENCE.—

444 (g) Transfer of employment records.—

445 1. For the purposes of this subsection, two or more
 446 employers who are parties to a transfer of business or the
 447 subject of a merger, consolidation, or other form of
 448 reorganization, effecting a change in legal identity or form,
 449 are deemed a single employer and are considered to be one
 450 employer with a continuous employment record if the tax

451 collection service provider finds that the successor employer
452 continues to carry on the employing enterprises of all of the
453 predecessor employers and that the successor employer has paid
454 all contributions required of and due from all of the
455 predecessor employers and has assumed liability for all
456 contributions that may become due from all of the predecessor
457 employers. In addition, an employer may not be considered a
458 successor under this subparagraph if the employer purchases a
459 company with a lower rate into which employees with job
460 functions unrelated to the business endeavors of the predecessor
461 are transferred for the purpose of acquiring the low rate and
462 avoiding payment of contributions. As used in this paragraph,
463 notwithstanding s. 443.036 ~~s. 443.036(14)~~, the term
464 "contributions" means all indebtedness to the tax collection
465 service provider, including, but not limited to, interest,
466 penalty, collection fee, and service fee. A successor employer
467 must accept the transfer of all of the predecessor employers'
468 employment records within 30 days after the date of the official
469 notification of liability by succession. If a predecessor
470 employer has unpaid contributions or outstanding quarterly
471 reports, the successor employer must pay the total amount with
472 certified funds within 30 days after the date of the notice
473 listing the total amount due. After the total indebtedness is
474 paid, the tax collection service provider shall transfer the
475 employment records of all of the predecessor employers to the

476 successor employer's employment record. The tax collection
477 service provider shall determine the contribution rate of the
478 combined successor and predecessor employers upon the transfer
479 of the employment records, as prescribed by rule, in order to
480 calculate any change in the contribution rate resulting from the
481 transfer of the employment records.

482 2. Regardless of whether a predecessor employer's
483 employment record is transferred to a successor employer under
484 this paragraph, the tax collection service provider shall treat
485 the predecessor employer, if he or she subsequently employs
486 individuals, as an employer without a previous employment record
487 or, if his or her coverage is terminated under s. 443.121, as a
488 new employing unit.

489 3. The state agency providing reemployment assistance tax
490 collection services may adopt rules governing the partial
491 transfer of experience rating when an employer transfers an
492 identifiable and segregable portion of his or her payrolls and
493 business to a successor employing unit. As a condition of each
494 partial transfer, these rules must require the following to be
495 filed with the tax collection service provider: an application
496 by the successor employing unit, an agreement by the predecessor
497 employer, and the evidence required by the tax collection
498 service provider to show the benefit experience and payrolls
499 attributable to the transferred portion through the date of the
500 transfer. These rules must provide that the successor employing

501 unit, if not an employer subject to this chapter, becomes an
502 employer as of the date of the transfer and that the transferred
503 portion of the predecessor employer's employment record is
504 removed from the employment record of the predecessor employer.
505 For each calendar year after the date of the transfer of the
506 employment record in the records of the tax collection service
507 provider, the service provider shall compute the contribution
508 rate payable by the successor employer or employing unit based
509 on his or her employment record, combined with the transferred
510 portion of the predecessor employer's employment record. These
511 rules may also prescribe what contribution rates are payable by
512 the predecessor and successor employers for the period between
513 the date of the transfer of the transferred portion of the
514 predecessor employer's employment record in the records of the
515 tax collection service provider and the first day of the next
516 calendar year.

517 4. This paragraph does not apply to an employee leasing
518 company and client contractual agreement as defined in s.
519 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax
520 collection service provider shall, if the contractual agreement
521 is terminated or the employee leasing company fails to submit
522 reports or pay contributions as required by the service
523 provider, treat the client as a new employer without previous
524 employment record unless the client is otherwise eligible for a
525 variation from the standard rate.

526 Section 8. For the purpose of incorporating the amendment
 527 made by this act to section 443.111, Florida Statutes, in a
 528 reference thereto, paragraph (b) of subsection (2) of section
 529 443.041, Florida Statutes, is reenacted to read:

530 443.041 Waiver of rights; fees; privileged
 531 communications.—

532 (2) FEES.—

533 (b) An attorney at law representing a claimant for
 534 benefits in any district court of appeal of this state or in the
 535 Supreme Court of Florida is entitled to counsel fees payable by
 536 the department as set by the court if the petition for review or
 537 appeal is initiated by the claimant and results in a decision
 538 awarding more benefits than provided in the decision from which
 539 appeal was taken. The amount of the fee may not exceed 50
 540 percent of the total amount of regular benefits permitted under
 541 s. 443.111(5)(b) during the benefit year.

542 Section 9. For the purpose of incorporating the amendment
 543 made by this act to section 443.111, Florida Statutes, in
 544 references thereto, subsections (6) and (7) and paragraph (a) of
 545 subsection (8) of section 443.1116, Florida Statutes, are
 546 reenacted to read:

547 443.1116 Short-time compensation.—

548 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The
 549 weekly short-time compensation benefit amount payable to an
 550 individual is equal to the product of her or his weekly benefit

551 amount as provided in s. 443.111(3) and the ratio of the number
552 of normal weekly hours of work for which the employer would not
553 compensate the individual to the individual's normal weekly
554 hours of work. The benefit amount, if not a multiple of \$1, is
555 rounded downward to the next lower multiple of \$1.

556 (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—An
557 individual may not be paid benefits under this section in any
558 benefit year for more than the maximum entitlement provided in
559 s. 443.111(5), and an individual may not be paid short-time
560 compensation benefits for more than 26 weeks in any benefit
561 year.

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

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

567 Section 10. This act shall take effect July 1, 2022.