

By Senator Bracy

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1                                   A bill to be entitled  
2       An act relating to reemployment assistance; amending  
3       s. 443.036, F.S.; defining terms and revising  
4       definitions; amending s. 443.091, F.S.; revising  
5       requirements for reemployment assistance benefits  
6       eligibility; requiring an alternative base period to  
7       be used under certain circumstances when calculating  
8       wages in determining eligibility for such benefits;  
9       creating s. 443.092, F.S.; prohibiting the Department  
10      of Economic Opportunity from denying a person  
11      reemployment assistance solely on the basis of  
12      pregnancy; amending s. 443.111, F.S.; requiring an  
13      alternative base period to be used under certain  
14      circumstances when calculating wages in determining  
15      qualification for reemployment assistance benefits;  
16      requiring the department to contact an individual's  
17      employer if certain wage information is unavailable  
18      from specified reports; specifying that wages that  
19      fall within an alternative base period are not  
20      available for reuse in subsequent benefit years;  
21      requiring the department to adopt rules; revising the  
22      weekly benefit amounts an individual may receive;  
23      replacing the term "Florida average unemployment rate"  
24      with "most recent monthly unemployment rate"; defining  
25      the term "most recent monthly unemployment rate";  
26      increasing the cap on the total benefit amount an  
27      individual is entitled to receive during a benefit  
28      year; increasing the duration of benefits; amending  
29      ss. 215.425, 443.1216, and 443.131, F.S.; conforming

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30 cross-references; reenacting ss. 443.041(2)(b) and  
31 443.1116(6), (7), and (8)(a), F.S., relating to fees  
32 and short-time compensation, respectively, to  
33 incorporate the amendments made to s. 443.111, F.S.,  
34 in references thereto; providing an effective date.  
35

36 Be It Enacted by the Legislature of the State of Florida:  
37

38 Section 1. Present subsections (3) through (46) of section  
39 443.036, Florida Statutes, are redesignated as subsections (4)  
40 through (47), respectively, a new subsection (3) is added to  
41 that section, and present subsection (24) of that section is  
42 amended, to read:

43 443.036 Definitions.—As used in this chapter, the term:

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

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

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

56 443.091 Benefit eligibility conditions.—

57 (1) An unemployed individual is eligible to receive  
58 benefits for any week only if the Department of Economic

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59 Opportunity finds that:

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

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88 and shall provide the records to the department upon request by  
89 the department. However:

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

99 2. Notwithstanding any other provision of this chapter, an  
100 otherwise eligible individual who is in training approved under  
101 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be  
102 determined ineligible or disqualified for benefits due to  
103 enrollment in such training or because of leaving work that is  
104 not suitable employment to enter such training. As used in this  
105 subparagraph, the term "suitable employment" means work of a  
106 substantially equal or higher skill level than the worker's past  
107 adversely affected employment, as defined for purposes of the  
108 Trade Act of 1974, as amended, the wages for which are at least  
109 80 percent of the worker's average weekly wage as determined for  
110 purposes of the Trade Act of 1974, as amended.

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

115 4. Union members who customarily obtain employment through  
116 a union hiring hall may satisfy the work search requirements of

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117 this paragraph by reporting daily to their union hall.

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

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

126 7. The work search requirements of this paragraph do not  
127 apply to persons required to participate in reemployment  
128 services under paragraph (e).

129 (g) She or he has been paid wages for insured work equal to  
130 1.5 times her or his high quarter wages during her or his base  
131 period, except that an unemployed individual is not eligible to  
132 receive benefits if the base period wages are less than \$3,400.  
133 If an unemployed individual is ineligible for benefits based on  
134 base period wages, his or her wages must be calculated using the  
135 alternative base period, and his or her claim must be  
136 established using such wages.

137 Section 3. Section 443.092, Florida Statutes, is created to  
138 read:

139 443.092 Denial of reemployment assistance solely on the  
140 basis of pregnancy prohibited.—The department may not deny a  
141 person reemployment assistance solely on the basis of pregnancy.

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

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146 443.111 Payment of benefits.—

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

150 (b) As required under s. 443.091(1), each claimant must  
151 report at least biweekly to receive reemployment assistance  
152 benefits and to attest to the fact that she or he is able and  
153 available for work, has not refused suitable work, is seeking  
154 work and has met the requirements of s. 443.091(1)(d), and, if  
155 she or he has worked, to report earnings from that work. Each  
156 claimant must continue to report regardless of any appeal or  
157 pending appeal relating to her or his eligibility or  
158 disqualification for benefits.

159 (2) QUALIFYING REQUIREMENTS.—

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

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

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

168 (b)1. If a worker is ineligible for benefits based on base  
169 period wages, wages for that worker must be calculated using an  
170 alternative base period, and the claim must be established using  
171 such wages.

172 2. If the wage information for an individual's most  
173 recently completed calendar quarter is unavailable to the  
174 department from regular quarterly reports of systematically

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175 accessible wage information, the department must promptly  
176 contact the individual's employer to obtain the wage  
177 information.

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

181 4. The department shall adopt rules to administer this  
182 paragraph.

183 (3) WEEKLY BENEFIT AMOUNT.—

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

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

200 (5) DURATION OF BENEFITS.—

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

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204 ~~third calendar year quarter of the~~ seasonally adjusted statewide  
205 unemployment rate ~~rates~~ as published by the Department of  
206 Economic Opportunity.

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

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

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

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

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

226 Section 5. Paragraph (a) of subsection (4) of section  
227 215.425, Florida Statutes, is amended to read:

228 215.425 Extra compensation claims prohibited; bonuses;  
229 severance pay.—

230 (4) (a) On or after July 1, 2011, a unit of government that  
231 enters into a contract or employment agreement, or renewal or  
232 renegotiation of an existing contract or employment agreement,



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233 that contains a provision for severance pay with an officer,  
234 agent, employee, or contractor must include the following  
235 provisions in the contract:

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

238 2. A prohibition of provision of severance pay when the  
239 officer, agent, employee, or contractor has been fired for  
240 misconduct, as defined in s. 443.036(30) ~~s. 443.036(29)~~, by the  
241 unit of government.

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

245 443.1216 Employment.—Employment, as defined in s. 443.036,  
246 is subject to this chapter under the following conditions:

247 (1) (a) The employment subject to this chapter includes a  
248 service performed, including a service performed in interstate  
249 commerce, by:

250 1. An officer of a corporation.

251 2. An individual who, under the usual common-law rules  
252 applicable in determining the employer-employee relationship, is  
253 an employee. However, whenever a client, as defined in s.  
254 443.036(19) ~~s. 443.036(18)~~, which would otherwise be designated  
255 as an employing unit has contracted with an employee leasing  
256 company to supply it with workers, those workers are considered  
257 employees of the employee leasing company. An employee leasing  
258 company may lease corporate officers of the client to the client  
259 and other workers to the client, except as prohibited by  
260 regulations of the Internal Revenue Service. Employees of an  
261 employee leasing company must be reported under the employee

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262 leasing company's tax identification number and contribution  
263 rate for work performed for the employee leasing company.

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

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

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

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

288 (B) A list of each client company's current and previous  
289 employees and their respective social security numbers for the  
290 prior 3 state fiscal years or, if the client company has not

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291 been a client for the prior 3 state fiscal years, such portion  
292 of the prior 3 state fiscal years that the client company has  
293 been a client must be supplied;

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

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

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

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

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

319 (VI) The election is binding on each client of the employee

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320 leasing company for as long as a written agreement is in effect  
321 between the client and the employee leasing company pursuant to  
322 s. 468.525(3)(a). If the relationship between the employee  
323 leasing company and the client terminates, the client retains  
324 the wage and benefit history experienced under the employee  
325 leasing company.

326 (VII) Notwithstanding which election method the employee  
327 leasing company chooses, the applicable client company is an  
328 employing unit for purposes of s. 443.071. The employee leasing  
329 company or any of its officers or agents are liable for any  
330 violation of s. 443.071 engaged in by such persons or entities.  
331 The applicable client company or any of its officers or agents  
332 are liable for any violation of s. 443.071 engaged in by such  
333 persons or entities. The employee leasing company or its  
334 applicable client company is not liable for any violation of s.  
335 443.071 engaged in by the other party or by the other party's  
336 officers or agents.

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

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

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349 (X) Irrespective of the election, each transfer of trade or  
350 business, including workforce, or a portion thereof, between  
351 employee leasing companies is subject to the provisions of s.  
352 443.131(3)(h) if, at the time of the transfer, there is common  
353 ownership, management, or control between the entities.

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

361 (I) The trade or establishment name;

362 (II) The former reemployment assistance account number, if  
363 available;

364 (III) The former federal employer's identification number,  
365 if available;

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

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

370 (VI) The address of the physical location;

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

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

377 (IX) An internal identification code to uniquely identify

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378 each establishment of each client;

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

381 (XI) The month and year that the client terminated the  
382 contract for services.

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

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

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

405 3. An individual other than an individual who is an  
406 employee under subparagraph 1. or subparagraph 2., who performs

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407 services for remuneration for any person:

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

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

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

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

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

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

432 (13) The following are exempt from coverage under this  
433 chapter:

434 (f) Service performed in the employ of a public employer as  
435 defined in s. 443.036, except as provided in subsection (2), and

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436 service performed in the employ of an instrumentality of a  
437 public employer as described in s. 443.036(36)(b) or (c) ~~s.~~  
438 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is  
439 immune under the United States Constitution from the tax imposed  
440 by s. 3301 of the Internal Revenue Code for that service.

441 Section 7. Paragraph (g) of subsection (3) of section  
442 443.131, Florida Statutes, is amended to read:

443 443.131 Contributions.—

444 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
445 EXPERIENCE.—

446 (g) *Transfer of employment records.*—

447 1. For the purposes of this subsection, two or more  
448 employers who are parties to a transfer of business or the  
449 subject of a merger, consolidation, or other form of  
450 reorganization, effecting a change in legal identity or form,  
451 are deemed a single employer and are considered to be one  
452 employer with a continuous employment record if the tax  
453 collection service provider finds that the successor employer  
454 continues to carry on the employing enterprises of all of the  
455 predecessor employers and that the successor employer has paid  
456 all contributions required of and due from all of the  
457 predecessor employers and has assumed liability for all  
458 contributions that may become due from all of the predecessor  
459 employers. In addition, an employer may not be considered a  
460 successor under this subparagraph if the employer purchases a  
461 company with a lower rate into which employees with job  
462 functions unrelated to the business endeavors of the predecessor  
463 are transferred for the purpose of acquiring the low rate and  
464 avoiding payment of contributions. As used in this paragraph,



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465 notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term  
466 "contributions" means all indebtedness to the tax collection  
467 service provider, including, but not limited to, interest,  
468 penalty, collection fee, and service fee. A successor employer  
469 must accept the transfer of all of the predecessor employers'  
470 employment records within 30 days after the date of the official  
471 notification of liability by succession. If a predecessor  
472 employer has unpaid contributions or outstanding quarterly  
473 reports, the successor employer must pay the total amount with  
474 certified funds within 30 days after the date of the notice  
475 listing the total amount due. After the total indebtedness is  
476 paid, the tax collection service provider shall transfer the  
477 employment records of all of the predecessor employers to the  
478 successor employer's employment record. The tax collection  
479 service provider shall determine the contribution rate of the  
480 combined successor and predecessor employers upon the transfer  
481 of the employment records, as prescribed by rule, in order to  
482 calculate any change in the contribution rate resulting from the  
483 transfer of the employment records.

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

491 3. The state agency providing reemployment assistance tax  
492 collection services may adopt rules governing the partial  
493 transfer of experience rating when an employer transfers an

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494 identifiable and segregable portion of his or her payrolls and  
495 business to a successor employing unit. As a condition of each  
496 partial transfer, these rules must require the following to be  
497 filed with the tax collection service provider: an application  
498 by the successor employing unit, an agreement by the predecessor  
499 employer, and the evidence required by the tax collection  
500 service provider to show the benefit experience and payrolls  
501 attributable to the transferred portion through the date of the  
502 transfer. These rules must provide that the successor employing  
503 unit, if not an employer subject to this chapter, becomes an  
504 employer as of the date of the transfer and that the transferred  
505 portion of the predecessor employer's employment record is  
506 removed from the employment record of the predecessor employer.  
507 For each calendar year after the date of the transfer of the  
508 employment record in the records of the tax collection service  
509 provider, the service provider shall compute the contribution  
510 rate payable by the successor employer or employing unit based  
511 on his or her employment record, combined with the transferred  
512 portion of the predecessor employer's employment record. These  
513 rules may also prescribe what contribution rates are payable by  
514 the predecessor and successor employers for the period between  
515 the date of the transfer of the transferred portion of the  
516 predecessor employer's employment record in the records of the  
517 tax collection service provider and the first day of the next  
518 calendar year.

519       4. This paragraph does not apply to an employee leasing  
520 company and client contractual agreement as defined in s.  
521 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax  
522 collection service provider shall, if the contractual agreement

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523 is terminated or the employee leasing company fails to submit  
524 reports or pay contributions as required by the service  
525 provider, treat the client as a new employer without previous  
526 employment record unless the client is otherwise eligible for a  
527 variation from the standard rate.

528 Section 8. For the purpose of incorporating the amendments  
529 made by this act to section 443.111, Florida Statutes, in a  
530 reference thereto, paragraph (b) of subsection (2) of section  
531 443.041, Florida Statutes, is reenacted to read:

532 443.041 Waiver of rights; fees; privileged communications.—

533 (2) FEES.—

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

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

548 443.1116 Short-time compensation.—

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

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

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

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

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

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