

By Senator Pizzo

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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 and revising terms for
4 purposes of the Reemployment Assistance Program Law;
5 amending s. 443.091, F.S.; revising requirements for
6 reemployment assistance benefits eligibility; creating
7 s. 443.092, F.S.; prohibiting the Department of
8 Economic Opportunity from denying a person
9 reemployment assistance solely on the basis of
10 pregnancy; amending s. 443.111, F.S.; requiring that
11 an alternative base period be used under certain
12 circumstances when calculating wages in determining
13 qualification for reemployment assistance benefits;
14 requiring the department to contact an individual's
15 employer if certain wage information is unavailable
16 through specified means; specifying that wages that
17 fall within an alternative base period are not
18 available for reuse in subsequent benefit years;
19 requiring the department to adopt rules; revising the
20 weekly benefit amounts an individual may receive;
21 replacing the term "Florida average unemployment rate"
22 with "most recent monthly unemployment rate"; defining
23 the term "most recent unemployment rate"; increasing
24 the cap on the total benefit amount an individual is
25 entitled to receive during a benefit year; increasing
26 the duration of benefits; amending ss. 215.425,
27 443.1216, and 443.131, F.S.; conforming cross-
28 references; reenacting ss. 443.041(2)(b) and
29 443.1116(6), (7), and (8)(a), F.S., relating to fees

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30 and short-time compensation, respectively, to
31 incorporate the amendments made to s. 443.111, F.S.,
32 in references thereto; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

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

41 443.036 Definitions.—As used in this chapter, the term:

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

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

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

54 443.091 Benefit eligibility conditions.—

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

58 (d) She or he is able to work and is available for work. In

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

87 1. Notwithstanding any other provision of this paragraph or

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88 paragraphs (b) and (e), an otherwise eligible individual may not
89 be denied benefits for any week because she or he is in training
90 with the approval of the department, or by reason of s.

91 443.101(2) relating to failure to apply for, or refusal to
92 accept, suitable work. Training may be approved by the
93 department in accordance with criteria prescribed by rule. A
94 claimant's eligibility during approved training is contingent
95 upon satisfying eligibility conditions prescribed by rule.

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

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

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

115 5. The work search requirements of this paragraph do not
116 apply to persons who are unemployed as a result of a temporary

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117 layoff or who are claiming benefits under an approved short-time
118 compensation plan as provided in s. 443.1116.

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

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

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

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

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

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

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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 assistance
158 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 an
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 must promptly
173 contact the individual's employer to obtain the wage
174 information.

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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 calculated pursuant
 192 to paragraph (a) would result in a weekly benefit amount of less
 193 than \$100, the individual's weekly benefit amount may not exceed
 194 one-thirteenth of the total wages for insured work paid during
 195 the quarter of the base period in which the total wages paid
 196 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 ~~Florida average unemployment rate~~" means the most recently
 200 available month's average of the 3 months for the most recent
 201 ~~third calendar year quarter of the~~ seasonally adjusted statewide
 202 unemployment rate ~~rates~~ as published by the Department of
 203 Economic Opportunity.

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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;
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:

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233 1. A requirement that severance pay provided may not exceed
234 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(30) ~~s. 443.036(29)~~, by the
238 unit 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(19) ~~s. 443.036(18)~~, which would otherwise be designated
252 as 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

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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;

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

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

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

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

316 (VI) The election is binding on each client of the employee
317 leasing company for as long as a written agreement is in effect
318 between the client and the employee leasing company pursuant to
319 s. 468.525(3) (a). If the relationship between the employee

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320 leasing company and the client terminates, the client retains
321 the wage and benefit history experienced under the employee
322 leasing company.

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

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

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

346 (X) Irrespective of the election, each transfer of trade or
347 business, including workforce, or a portion thereof, between
348 employee leasing companies is subject to the provisions of s.

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349 443.131(3)(h) if, at the time of the transfer, there is common
350 ownership, management, or control between the entities.

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

358 (I) The trade or establishment name;

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

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

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

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

367 (VI) The address of the physical location;

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

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

374 (IX) An internal identification code to uniquely identify
375 each establishment of each client;

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

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

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

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

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

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

405 a. As an agent-driver or commission-driver engaged in
406 distributing meat products, vegetable products, fruit products,

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407 bakery products, beverages other than milk, or laundry or
408 drycleaning services for his or her principal.

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

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

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

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

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

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

431 (f) Service performed in the employ of a public employer as
432 defined in s. 443.036, except as provided in subsection (2), and
433 service performed in the employ of an instrumentality of a
434 public employer as described in s. 443.036(36)(b) or (c) ~~s.~~
435 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is

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436 immune under the United States Constitution from the tax imposed
437 by s. 3301 of the Internal Revenue Code for that service.

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

440 443.131 Contributions.—

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

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

444 1. For the purposes of this subsection, two or more
445 employers who are parties to a transfer of business or the
446 subject of a merger, consolidation, or other form of
447 reorganization, effecting a change in legal identity or form,
448 are deemed a single employer and are considered to be one
449 employer with a continuous employment record if the tax
450 collection service provider finds that the successor employer
451 continues to carry on the employing enterprises of all of the
452 predecessor employers and that the successor employer has paid
453 all contributions required of and due from all of the
454 predecessor employers and has assumed liability for all
455 contributions that may become due from all of the predecessor
456 employers. In addition, an employer may not be considered a
457 successor under this subparagraph if the employer purchases a
458 company with a lower rate into which employees with job
459 functions unrelated to the business endeavors of the predecessor
460 are transferred for the purpose of acquiring the low rate and
461 avoiding payment of contributions. As used in this paragraph,
462 notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term
463 "contributions" means all indebtedness to the tax collection
464 service provider, including, but not limited to, interest,

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465 penalty, collection fee, and service fee. A successor employer
466 must accept the transfer of all of the predecessor employers'
467 employment records within 30 days after the date of the official
468 notification of liability by succession. If a predecessor
469 employer has unpaid contributions or outstanding quarterly
470 reports, the successor employer must pay the total amount with
471 certified funds within 30 days after the date of the notice
472 listing the total amount due. After the total indebtedness is
473 paid, the tax collection service provider shall transfer the
474 employment records of all of the predecessor employers to the
475 successor employer's employment record. The tax collection
476 service provider shall determine the contribution rate of the
477 combined successor and predecessor employers upon the transfer
478 of the employment records, as prescribed by rule, in order to
479 calculate any change in the contribution rate resulting from the
480 transfer of the employment records.

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

488 3. The state agency providing reemployment assistance tax
489 collection services may adopt rules governing the partial
490 transfer of experience rating when an employer transfers an
491 identifiable and segregable portion of his or her payrolls and
492 business to a successor employing unit. As a condition of each
493 partial transfer, these rules must require the following to be

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

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

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523 employment record unless the client is otherwise eligible for a
524 variation from the standard rate.

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

529 443.041 Waiver of rights; fees; privileged communications.—

530 (2) FEES.—

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

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

545 443.1116 Short-time compensation.—

546 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The
547 weekly short-time compensation benefit amount payable to an
548 individual is equal to the product of her or his weekly benefit
549 amount as provided in s. 443.111(3) and the ratio of the number
550 of normal weekly hours of work for which the employer would not
551 compensate the individual to the individual's normal weekly

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552 hours of work. The benefit amount, if not a multiple of \$1, is
553 rounded downward to the next lower multiple of \$1.

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

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

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

565 Section 10. This act shall take effect July 1, 2023.