

By Senator Trumbull

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1 A bill to be entitled
2 An act relating to verification of reemployment
3 assistance benefit eligibility; providing a short
4 title; amending s. 443.091, F.S.; providing
5 requirements for reemployment assistance benefit
6 conditions for non-Florida residents; removing
7 requirements that certain skills assessments of
8 claimants be voluntary; providing specified
9 requirements for claimants; requiring the Department
10 of Commerce to implement rules; amending s. 443.101,
11 F.S.; making a technical change; revising
12 circumstances under which the department disqualifies
13 claimants from benefits; requiring the department to
14 maintain a web page and an e-mail address for a
15 specified purpose and to notify employers each year of
16 the web page and e-mail address; creating s. 443.1112,
17 F.S.; requiring the department to verify claimants'
18 identities before paying benefits; requiring the
19 department to weekly cross-check certain information;
20 providing sources against which such information is
21 cross-checked; prohibiting benefits from being paid
22 for claims that have not been cross-checked; providing
23 duties of the department; providing annual reporting
24 requirements; amending s. 443.151, F.S.; conforming a
25 cross-reference; amending s. 445.003, F.S.; requiring
26 the department to procure an online workforce search
27 and match tool for a specified purpose; providing
28 requirements for such tool; providing an effective
29 date.

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

Section 1. This act may be cited as the "Promoting Work, Deterring Fraud Act of 2024."

Section 2. Present subsections (2) through (5) of section 443.091, Florida Statutes, are redesignated as subsections (3) through (6), respectively, a new subsection (2) is added to that section, and subsection (1) of that section is amended, to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Commerce finds that:

(a) She or he has made a claim for benefits for that week in accordance with the rules adopted by the department.

(b) She or he has completed the department's online work registration and subsequently reports to the one-stop career center as directed by the local workforce development board for reemployment services, or to a workforce center in the state of his or her residence if he or she is a non-Florida resident.

This requirement does not apply to persons who are:

~~1. Non-Florida residents;~~

~~1.2.~~ On a temporary layoff;

~~2.3.~~ Union members who customarily obtain employment through a union hiring hall;

~~3.4.~~ Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116; or

~~4.5.~~ Unable to complete the online work registration due to illiteracy, physical or mental impairment, a legal prohibition

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59 from using a computer, or a language impediment. If a person is
60 exempted from the online work registration under this
61 subparagraph, then the filing of his or her claim constitutes
62 registration for work.

63 (c) To make continued claims for benefits, she or he is
64 reporting to the department in accordance with this paragraph
65 and department rules. Department rules may not conflict with s.
66 443.111(1)(b), which requires that each claimant continue to
67 report regardless of any pending appeal relating to her or his
68 eligibility or disqualification for benefits.

69 1. For each week of unemployment claimed, each report must,
70 at a minimum, include the name and address of each prospective
71 employer contacted, or the date the claimant reported to a one-
72 stop career center, pursuant to paragraph (d). For the purposes
73 of this subparagraph, the term "address" means a website
74 address, a physical address, or an e-mail address.

75 2. The department shall offer an online assessment aimed at
76 identifying an individual's skills, abilities, and career
77 aptitude. ~~The skills assessment must be voluntary, and the~~
78 ~~department shall allow a claimant to choose whether to take the~~
79 ~~skills assessment.~~ The online assessment shall be made available
80 to any person seeking services from a local workforce
81 development board or a one-stop career center.

82 a. ~~If the claimant chooses to take the online assessment,~~
83 The outcome of the assessment shall be made available to the
84 claimant, local workforce development board, and one-stop career
85 center. The department, local workforce development board, or
86 one-stop career center shall use the assessment to develop a
87 plan for referring individuals to training and employment

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88 opportunities. Aggregate data on assessment outcomes may be made
89 available to CareerSource Florida, Inc., for use in the
90 development of policies related to education and training
91 programs that will ensure that businesses in this state have
92 access to a skilled and competent workforce.

93 b. Individuals shall be informed of and offered services
94 through the one-stop delivery system, including career
95 counseling, the provision of skill match and job market
96 information, and skills upgrade and other training
97 opportunities, and shall be encouraged to participate in such
98 services at no cost to the individuals. The department shall
99 coordinate with CareerSource Florida, Inc., the local workforce
100 development boards, and the one-stop career centers to identify,
101 develop, and use best practices for improving the skills of
102 individuals who choose to participate in skills upgrade and
103 other training opportunities. The department may contract with
104 an entity to create the online assessment in accordance with the
105 competitive bidding requirements in s. 287.057. The online
106 assessment must work seamlessly with the Reemployment Assistance
107 Claims and Benefits Information System.

108 (d) She or he is able to work and is available for work. In
109 order to assess eligibility for a claimed week of unemployment,
110 the department shall develop criteria to determine a claimant's
111 ability to work and availability for work. A claimant must be
112 actively seeking work in order to be considered available for
113 work. This means engaging in systematic and sustained efforts to
114 find work, including contacting at least five prospective
115 employers for each week of unemployment claimed. Each week, a
116 claimant must complete at least one job application in person

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117 with an employer that has an expected job opening. A claimant
118 must certify and attest biweekly that he or she will, to the
119 best of his or her ability, appear for all scheduled interviews
120 and is actively seeking work. The department may require the
121 claimant to provide proof of such efforts to the one-stop career
122 center as part of reemployment services. A claimant's proof of
123 work search efforts may not include the same prospective
124 employer at the same location in 3 consecutive weeks, unless the
125 employer has indicated since the time of the initial contact
126 that the employer is hiring. The department shall conduct random
127 reviews of work search information provided by claimants. As an
128 alternative to contacting at least five prospective employers
129 for any week of unemployment claimed, a claimant may, for that
130 same week, report in person to a one-stop career center to meet
131 with a representative of the center and access reemployment
132 services of the center. The center shall keep a record of the
133 services or information provided to the claimant and shall
134 provide the records to the department upon request by the
135 department. However:

136 1. Notwithstanding any other provision of this paragraph or
137 paragraphs (b) and (e), an otherwise eligible individual may not
138 be denied benefits for any week because she or he is in training
139 with the approval of the department, or by reason of s.

140 443.101(2) relating to failure to apply for, or refusal to
141 accept, suitable work. Training may be approved by the
142 department in accordance with criteria prescribed by rule. A
143 claimant's eligibility during approved training is contingent
144 upon satisfying eligibility conditions prescribed by rule.

145 2. Notwithstanding any other provision of this chapter, an

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146 otherwise eligible individual who is in training approved under
147 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
148 determined ineligible or disqualified for benefits due to
149 enrollment in such training or because of leaving work that is
150 not suitable employment to enter such training. As used in this
151 subparagraph, the term "suitable employment" means work of a
152 substantially equal or higher skill level than the worker's past
153 adversely affected employment, as defined for purposes of the
154 Trade Act of 1974, as amended, the wages for which are at least
155 80 percent of the worker's average weekly wage as determined for
156 purposes of the Trade Act of 1974, as amended.

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

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

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

168 6. In small counties as defined in s. 120.52(19), a
169 claimant engaging in systematic and sustained efforts to find
170 work must contact at least three prospective employers for each
171 week of unemployment claimed.

172 7. The work search requirements of this paragraph do not
173 apply to persons required to participate in reemployment
174 services under paragraph (e).

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175 (e) She or he participates in reemployment services, such
176 as job search assistance services, whenever the individual has
177 been determined, by a profiling system established by the rules
178 of the department, to be likely to exhaust regular benefits and
179 to be in need of reemployment services.

180 (f) She or he has been unemployed for a waiting period of 1
181 week. A week may be counted as a waiting week under this
182 subsection only if:

183 1. It occurs within the benefit year that includes the week
184 for which she or he claims payment of benefits;

185 2. Benefits have not been paid for that week; and

186 3. The individual was eligible for benefits for that week
187 as provided in this section and s. 443.101, except for the
188 requirements of this subsection and s. 443.101(5).

189 (g) She or he has been paid wages for insured work equal to
190 1.5 times her or his high quarter wages during her or his base
191 period, except that an unemployed individual is not eligible to
192 receive benefits if the base period wages are less than \$3,400.

193 (h) She or he submitted to the department a valid social
194 security number assigned to her or him. The department may
195 verify the social security number with the United States Social
196 Security Administration and may deny benefits if the department
197 is unable to verify the individual's social security number, the
198 social security number is invalid, or the social security number
199 is not assigned to the individual.

200 (2) The department shall adopt rules regarding work search
201 requirements for the purpose of ensuring claimants' good faith
202 participation.

203 Section 3. Subsection (2) of section 443.101, Florida

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204 Statutes, is amended to read:

205 443.101 Disqualification for benefits.—An individual shall
206 be disqualified for benefits:

207 (2) If the Department of Commerce ~~Economic Opportunity~~
208 finds that the individual has failed without good cause to apply
209 for available suitable work, failed to contact at least five
210 prospective employers per week in accordance with s. 443.091
211 unless otherwise exempt, failed to appear on three or more
212 occasions for a scheduled job interview, failed to accept within
213 2 business days suitable work when offered to him or her, or
214 failed to return to the individual's customary self-employment
215 when directed by the department or when recalled to work by his
216 or her former employer, the disqualification continues for the
217 full period of unemployment next ensuing after he or she failed
218 without good cause to apply for available suitable work, accept
219 suitable work, or return to his or her customary self-
220 employment, and until the individual has earned income of at
221 least 17 times his or her weekly benefit amount. The department
222 shall by rule adopt criteria for determining the "suitability of
223 work," as used in this section. In developing these rules, the
224 department shall consider the duration of a claimant's
225 unemployment in determining the suitability of work and the
226 suitability of proposed rates of compensation for available
227 work. Further, after an individual has received 25 weeks of
228 benefits in a single year, suitable work is a job that pays the
229 minimum wage and is 120 percent or more of the weekly benefit
230 amount the individual is drawing.

231 (a) In determining whether or not any work is suitable for
232 an individual, the department shall consider the degree of risk

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233 to the individual's health, safety, and morals; the individual's
234 physical fitness, prior training, experience, prior earnings,
235 length of unemployment, and prospects for securing local work in
236 his or her customary occupation; and the distance of the
237 available work from his or her residence.

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

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

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

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

250 (c) If the department finds that an individual was rejected
251 for offered employment as the direct result of a positive,
252 confirmed drug test required as a condition of employment, the
253 individual is disqualified for refusing to accept an offer of
254 suitable work.

255 (d) The department shall maintain a web page and an e-mail
256 address through which employers may report known or suspected
257 violations of this section. Each year the department shall
258 notify employers in the state of this web page and e-mail
259 address for reporting violations.

260 Section 4. Section 443.1112, Florida Statutes, is created
261 to read:

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262 443.1112 Verification of reemployment assistance benefit
263 eligibility.-

264 (1) The Department of Commerce shall verify the identity of
265 each claimant who applies for reemployment assistance benefits
266 before paying any benefits to that individual.

267 (2) In determining the eligibility of a claim for
268 reemployment assistance benefits, the department shall weekly
269 cross-check the information contained in the claim with all of
270 the following sources or similar sources of information:

271 (a) The National Association of State Workforce Agencies
272 Integrity Data Hub.

273 (b) The United States Department of Health and Human
274 Services National Directory of New Hires.

275 (c) The State Directory of New Hires created in s.
276 409.2576.

277 (d) The Department of Corrections inmate database.

278 (e) The Social Security Administration Prisoner Update
279 Processing System.

280 (f) The Centers for Disease Control and Prevention National
281 Vital Statistics System death records database.

282 (g) The Department of Health Bureau of Vital Statistics
283 death records database.

284 (h) The United States Citizenship and Immigration Services
285 SAVE database.

286 (3) Reemployment assistance benefits administered by the
287 department may not be paid for any claim that has not been
288 cross-checked against all the sources specified in subsection
289 (2) or similar sources of information.

290 (4) The department shall do all of the following:

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291 (a) Investigate any claim indicating suspicious activity
292 associated with a mailing address, a bank account, an e-mail
293 address, a telephone number, or an Internet protocol address
294 that is associated with another existing claim for reemployment
295 assistance benefits and verify that the claim is legitimate and
296 not fraudulent before paying any benefits for the claim.

297 (b) Scrutinize any claim filed from a foreign Internet
298 protocol address before paying any benefits for the claim.

299 (c) Work with the United States Department of Labor, other
300 workforce agencies outside the state, the Office of the Attorney
301 General, the Department of Law Enforcement, or other relevant
302 law enforcement entities to share information related to
303 fraudulent claims or attempted fraudulent claims to the extent
304 feasible for further investigation and prosecution.

305 (d) Each year, submit to the Legislature and make available
306 on its website, a report identifying the number of fraudulent
307 reemployment assistance claims identified for the prior year,
308 the number of claims not paid due to successful detection of
309 fraudulent intentions, the number of claims and the amount of
310 reemployment assistance benefits paid against claims
311 subsequently identified as fraudulent, the amount of fraudulent
312 overpayments recovered, and the number of fraudulent claims
313 referred for investigation and possible prosecution. The report
314 must also list the sources of information that were used to
315 cross-check claims during the reporting period.

316 Section 5. Paragraph (b) of subsection (2) of section
317 443.151, Florida Statutes, is amended to read:

318 443.151 Procedure concerning claims.—

319 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF

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320 CLAIMANTS AND EMPLOYERS.—

321 (b) *Process.*—When the Reemployment Assistance Claims and
322 Benefits Information System described in s. 443.1113 is fully
323 operational, the process for filing claims must incorporate the
324 process for registering for work with the consumer-first
325 workforce system established under s. 445.011. Unless exempted
326 under s. 443.091(1)(b)4. ~~s. 443.091(1)(b)5.~~, a claim for
327 benefits may not be processed until the work registration
328 requirement is satisfied. The department may adopt rules as
329 necessary to administer the work registration requirement set
330 forth in this paragraph.

331 Section 6. Subsection (8) is added to section 445.003,
332 Florida Statutes, to read:

333 445.003 Implementation of the federal Workforce Innovation
334 and Opportunity Act.—

335 (8) ONLINE WORKFORCE SEARCH AND MATCH TOOL.—The department,
336 in alignment with the implementation of 20 C.F.R. s. 652.3 to
337 administer a public labor exchange services system, shall
338 procure a modernized online workforce search and match tool that
339 includes artificial intelligence generation for the purpose of
340 matching participants to jobs and training opportunities. The
341 tool must be interoperable through an application programming
342 interface with the consumer-first workforce system implemented
343 in s. 445.011, and the tool must include a knowledge, skills,
344 and interests assessment for the purpose of guiding participants
345 to jobs and training opportunities.

346 Section 7. This act shall take effect July 1, 2024.