

26 F.S.; requiring the department to procure an online
 27 workforce search and match tool for a specified
 28 purpose; providing requirements for such tool;
 29 providing an effective date.

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

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

35 Section 2. Present subsections (2) through (5) of section
 36 443.091, Florida Statutes, are redesignated as subsections (3)
 37 through (6), respectively, a new subsection (2) is added to that
 38 section, and subsection (1) of that section is amended, to read:

39 443.091 Benefit eligibility conditions.—

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

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

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

50 This requirement does not apply to persons who are:

51 ~~1. Non-Florida residents;~~

52 ~~1.2.~~ On a temporary layoff;

53 ~~2.3.~~ Union members who customarily obtain employment
54 through a union hiring hall;

55 ~~3.4.~~ Claiming benefits under an approved short-time
56 compensation plan as provided in s. 443.1116; or

57 ~~4.5.~~ Unable to complete the online work registration due
58 to illiteracy, physical or mental impairment, a legal
59 prohibition from using a computer, or a language impediment. If
60 a person is exempted from the online work registration under
61 this subparagraph, then the filing of his or her claim
62 constitutes 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
70 must, at a minimum, include the name and address of each
71 prospective employer contacted, or the date the claimant
72 reported to a one-stop career center, pursuant to paragraph (d).
73 For the purposes of this subparagraph, the term "address" means
74 a website address, a physical address, or an e-mail address.

75 2. The department shall offer an online assessment aimed

76 | at 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
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.
109 In order to assess eligibility for a claimed week of
110 unemployment, the department shall develop criteria to determine
111 a claimant's ability to work and availability for work. A
112 claimant must be actively seeking work in order to be considered
113 available for work. This means engaging in systematic and
114 sustained efforts to find work, including contacting at least
115 five prospective employers for each week of unemployment
116 claimed. Each week, a claimant must complete at least one job
117 application in person with an employer that has an expected job
118 opening. A claimant must certify and attest biweekly that he or
119 she will, to the best of his or her ability, appear for all
120 scheduled interviews and is actively seeking work. The
121 department may require the claimant to provide proof of such
122 efforts to the one-stop career center as part of reemployment
123 services. A claimant's proof of work search efforts may not
124 include the same prospective employer at the same location in 3
125 consecutive weeks, unless the employer has indicated since the

126 | time of the initial contact that the employer is hiring. The
127 | department shall conduct random reviews of work search
128 | information provided by claimants. As an alternative to
129 | contacting at least five prospective employers for any week of
130 | unemployment claimed, a claimant may, for that same week, report
131 | in person to a one-stop career center to meet with a
132 | representative of the center and access reemployment services of
133 | the center. The center shall keep a record of the services or
134 | information provided to the claimant and shall provide the
135 | records to the department upon request by the department.

136 | However:

137 | 1. Notwithstanding any other provision of this paragraph
138 | or paragraphs (b) and (e), an otherwise eligible individual may
139 | not be denied benefits for any week because she or he is in
140 | training with the approval of the department, or by reason of s.
141 | 443.101(2) relating to failure to apply for, or refusal to
142 | accept, suitable work. Training may be approved by the
143 | department in accordance with criteria prescribed by rule. A
144 | claimant's eligibility during approved training is contingent
145 | upon satisfying eligibility conditions prescribed by rule.

146 | 2. Notwithstanding any other provision of this chapter, an
147 | otherwise eligible individual who is in training approved under
148 | s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
149 | determined ineligible or disqualified for benefits due to
150 | enrollment in such training or because of leaving work that is

151 not suitable employment to enter such training. As used in this
152 subparagraph, the term "suitable employment" means work of a
153 substantially equal or higher skill level than the worker's past
154 adversely affected employment, as defined for purposes of the
155 Trade Act of 1974, as amended, the wages for which are at least
156 80 percent of the worker's average weekly wage as determined for
157 purposes of the Trade Act of 1974, as amended.

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

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

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

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

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

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

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

- 184 1. It occurs within the benefit year that includes the
185 week for which she or he claims payment of benefits;
- 186 2. Benefits have not been paid for that week; and
- 187 3. The individual was eligible for benefits for that week
188 as provided in this section and s. 443.101, except for the
189 requirements of this subsection and s. 443.101(5).

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

195 (h) She or he submitted to the department a valid social
196 security number assigned to her or him. The department may
197 verify the social security number with the United States Social
198 Security Administration and may deny benefits if the department
199 is unable to verify the individual's social security number, the
200 social security number is invalid, or the social security number

201 is not assigned to the individual.

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

205 Section 3. Subsection (2) of section 443.101, Florida
 206 Statutes, is amended to read:

207 443.101 Disqualification for benefits.—An individual shall
 208 be disqualified for benefits:

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

226 department shall consider the duration of a claimant's
227 unemployment in determining the suitability of work and the
228 suitability of proposed rates of compensation for available
229 work. Further, after an individual has received 25 weeks of
230 benefits in a single year, suitable work is a job that pays the
231 minimum wage and is 120 percent or more of the weekly benefit
232 amount the individual is drawing.

233 (a) In determining whether or not any work is suitable for
234 an individual, the department shall consider the degree of risk
235 to the individual's health, safety, and morals; the individual's
236 physical fitness, prior training, experience, prior earnings,
237 length of unemployment, and prospects for securing local work in
238 his or her customary occupation; and the distance of the
239 available work from his or her residence.

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

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

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

249 3. As a condition of being employed, the individual is
250 required to join a company union or to resign from or refrain

251 from joining any bona fide labor organization.

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

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

262 Section 4. Section 443.1112, Florida Statutes, is created
 263 to read:

264 443.1112 Verification of reemployment assistance benefit
 265 eligibility.-

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

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

273 (a) The National Association of State Workforce Agencies
 274 Integrity Data Hub.

275 (b) The United States Department of Health and Human

276 Services National Directory of New Hires.

277 (c) The State Directory of New Hires created in s.

278 409.2576.

279 (d) The Department of Corrections inmate database.

280 (e) The Social Security Administration Prisoner Update

281 Processing System.

282 (f) The Centers for Disease Control and Prevention

283 National Vital Statistics System death records database.

284 (g) The Department of Health Bureau of Vital Statistics

285 death records database.

286 (h) The United States Citizenship and Immigration Services

287 SAVE database.

288 (3) Reemployment assistance benefits administered by the

289 department may not be paid for any claim that has not been

290 cross-checked against all the sources specified in subsection

291 (2) or similar sources of information.

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

293 (a) Investigate any claim indicating suspicious activity

294 associated with a mailing address, a bank account, an e-mail

295 address, a telephone number, or an Internet protocol address

296 that is associated with another existing claim for reemployment

297 assistance benefits and verify that the claim is legitimate and

298 not fraudulent before paying any benefits for the claim.

299 (b) Scrutinize any claim filed from a foreign Internet

300 protocol address before paying any benefits for the claim.

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

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

318 Section 5. Paragraph (c) of subsection (3) of section
 319 443.121, Florida Statutes, is amended to read:

320 443.121 Employing units affected.—

321 (3) ELECTIVE COVERAGE.—

322 (c) Certain services for political subdivisions.—

323 1. Any political subdivision of this state may elect to
 324 cover under this chapter, for at least 1 calendar year, service
 325 performed by employees in all of the hospitals and institutions

326 of higher education operated by the political subdivision.
327 Election must be made by filing with the tax collection service
328 provider a notice of election at least 30 days before the
329 effective date of the election. The election may exclude any
330 services described in s. 443.1216(4). Any political subdivision
331 electing coverage under this paragraph must be a reimbursing
332 employer and make reimbursements in lieu of contributions for
333 benefits attributable to this employment, provided for nonprofit
334 organizations in s. 443.1312(3) and (5).

335 2. The provisions of s. 443.091(4) ~~s. 443.091(3)~~ relating
336 to benefit rights based on service for nonprofit organizations
337 and state hospitals and institutions of higher education also
338 apply to service covered by an election under this section.

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

343 4. An election under this paragraph may be terminated
344 after at least 1 calendar year of coverage by filing with the
345 tax collection service provider written notice not later than 30
346 days before the last day of the calendar year in which the
347 termination is to be effective. The termination takes effect on
348 January 1 of the next ensuing calendar year for services
349 performed after that date.

350 Section 6. Paragraph (b) of subsection (2) of section

351 443.151, Florida Statutes, is amended to read:

352 443.151 Procedure concerning claims.—

353 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
354 CLAIMANTS AND EMPLOYERS.—

355 (b) Process.—When the Reemployment Assistance Claims and
356 Benefits Information System described in s. 443.1113 is fully
357 operational, the process for filing claims must incorporate the
358 process for registering for work with the consumer-first
359 workforce system established under s. 445.011. Unless exempted
360 under s. 443.091(1)(b)4. ~~s. 443.091(1)(b)5.~~, a claim for
361 benefits may not be processed until the work registration
362 requirement is satisfied. The department may adopt rules as
363 necessary to administer the work registration requirement set
364 forth in this paragraph.

365 Section 7. Subsection (8) is added to section 445.003,
366 Florida Statutes, to read:

367 445.003 Implementation of the federal Workforce Innovation
368 and Opportunity Act.—

369 (8) ONLINE WORKFORCE SEARCH AND MATCH TOOL.—The
370 department, in alignment with the implementation of 20 C.F.R. s.
371 652.3 to administer a public labor exchange services system,
372 shall procure a modernized online workforce search and match
373 tool that includes artificial intelligence generation for the
374 purpose of matching participants to jobs and training
375 opportunities. The tool must be interoperable through an

HB 1289

2024

376 application programming interface with the consumer-first
377 workforce system implemented in s. 445.011, and the tool must
378 include a knowledge, skills, and interests assessment for the
379 purpose of guiding participants to jobs and training
380 opportunities.

381 Section 8. This act shall take effect July 1, 2024.