

The Florida Senate

**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 216

INTRODUCER: Senator McClain

SUBJECT: Verification of Reemployment Assistance Benefit Eligibility

DATE: February 4, 2026 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Dike	McKay	CM	<b>Favorable</b>
2. Griffin	Nortelus	ATD	<b>Favorable</b>
3. Dike	Siples	FP	<b>Favorable</b>

**I. Summary:**

SB 216 requires the Department of Commerce (department) to:

- Disqualify claimants who fail to contact the required number of employers, appear for scheduled job interviews, and return to employment when recalled.
- Verify the identity of claimants before paying benefits and cross-check claim information with the SAVE database for initial claims and as necessary.
- Verify claimants are living, not incarcerated, and not employed every two weeks.
- Investigate claims with duplicative information from existing claims.
- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Share fraudulent claim information with specified state and federal agencies.
- Maintain a web page for reporting violations of reemployment assistance laws.
- Publish a yearly report on its website which details fraudulent claim data.

The bill will likely have a positive fiscal impact on private and government sectors. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

**II. Present Situation:**

**Unemployment Compensation Overview**

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of

state law.<sup>1</sup> The program is administered as a partnership of the federal government and the states.<sup>2</sup> The individual states collect unemployment compensation payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).<sup>3</sup> FUTA collections go to the states for costs of administering state unemployment compensation and job service programs.<sup>4</sup> In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.<sup>5</sup>

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with FUTA or Social Security Act requirements.<sup>6</sup> Florida's program was created by the Legislature in 1937.<sup>7</sup> The department is the current agency responsible for administering Florida's laws, primarily through its Division of Workforce Services.<sup>8</sup> The department contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.<sup>9</sup>

### **State Reemployment Assistance Benefits**

In Florida, which rebranded the unemployment compensation program as the reemployment assistance program in 2012,<sup>10</sup> a qualified claimant may receive benefits equal to 25% of wages, not to exceed \$6,325 in a benefit year.<sup>11</sup> Benefits range from a minimum of \$32 per week to a maximum weekly benefit amount<sup>12</sup> of \$275, for a maximum of between 12 weeks and 23 weeks,<sup>13</sup> depending on the claimant's length of prior employment, wages earned, and the unemployment rate.<sup>14</sup>

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<sup>1</sup> USDOL, *State Unemployment Insurance Benefits*, available at <https://oui.doleta.gov/unemploy/uifactsheet.asp> (last visited Dec. 9, 2025).

<sup>2</sup> There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia. USDOL, *Unemployment Compensation, Federal – State Partnership*, available at <https://oui.doleta.gov/unemploy/pdf/partnership.pdf> (last visited Dec. 9, 2025).

<sup>3</sup> FUTA is codified at 26 U.S.C. § 3301-3311.

<sup>4</sup> Julie M. Whittaker, CONG. RSCH. SERV., *Unemployment Compensation: The Fundamentals of the Federal Unemployment Tax (FUTA)*, available at [https://www.congress.gov/crs\\_external\\_products/R/PDF/R44527/R44527.5.pdf](https://www.congress.gov/crs_external_products/R/PDF/R44527/R44527.5.pdf) (last visited Dec. 9, 2025).

<sup>5</sup> USDOL, *Unemployment Insurance Tax Topic*, available at <https://oui.doleta.gov/unemploy/uitaxtopic.asp#:~:text=FUTA%20taxes%20are%20calculated%20by,times%20the%20employer's%20taxable%20wages.&text=Employers%20who%20pay%20their%20state,tax%20paid%20to%20the%20state> (last visited Dec. 9, 2025).

<sup>6</sup> 26 U.S.C. § 3304.

<sup>7</sup> Chapter 18,402, Acts of 1937 Laws of Fla.

<sup>8</sup> Section 443.1316, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Chapter 2012-30, Laws of Fla.

<sup>11</sup> Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.

<sup>12</sup> Pursuant to section 443.111(3), F.S., the "weekly benefit amount," is an amount equal to one twenty-sixth of the total wages for insured work paid during the quarter of the base period where the wages paid were highest.

<sup>13</sup> Section 443.111(5)(c), F.S.

<sup>14</sup> The average weekly benefit amount for each quarter in 2024 was: first quarter – \$264; second quarter – \$265; third quarter – \$263; and fourth quarter – \$265. USDOL, *Unemployment Insurance Data*, run report for Florida, available at [https://oui.doleta.gov/unemploy/data\\_summary/DataSum.asp](https://oui.doleta.gov/unemploy/data_summary/DataSum.asp) (last visited Dec. 9, 2025).

The maximum number of weeks available is set at the beginning of the year and applies for the entire calendar year. The maximum number of weeks is based upon the average seasonally adjusted statewide unemployment rate for the months of July, August, and September.<sup>15</sup> If the average rate for that most recent third calendar year quarter is at or below 5%, then the maximum number of weeks of benefits available is 12 weeks. For each 0.5% step above 5%, an additional week of benefits is added to the maximum duration, up to 23 weeks of benefits if that average third quarter unemployment rate is 10.5%. On January 1, 2021, the maximum number of weeks of benefits increased from 12 weeks to 19 weeks based on the three month average of July, August, and September of 2020, which was 8.6%.<sup>16</sup>

To receive benefits, a claimant must meet certain monetary and non-monetary eligibility requirements, including a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.<sup>17</sup>

### ***Benefit Eligibility Conditions***

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. Generally, these include efforts related to finding new employment, such as:<sup>18</sup>

- Completing the department's online work registration;
- Reporting to the One-Stop Career Center when directed to do so by the local CareerSource board;
- Being able to and available for work;<sup>19</sup>
- Contacting at least 5 prospective employers each week or going to the One-Stop Career Center for reemployment services; and
- Participating in reemployment services.<sup>20</sup>

For each week of benefits claimed, a claimant must submit to the department the name, address, and telephone number of each prospective employer contacted.<sup>21</sup> A claimant must be actively seeking work to be considered available for work. "This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed" or three prospective employers for individuals who live in

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<sup>15</sup> Section 443.111(5)(a), F.S. Typically in the calculation of monthly unemployment rates, a rate is published about midway through the following month and the revised rate is published about midway through the next month. *See* Dept. of Commerce, Unemployment – Local Area Unemployment Statistics (LAUS) – Release Schedule, (2025), available at <http://lmsresources.labormarketinfo.com/library/DataReleaseSchedule.pdf>, (last visited Dec. 9, 2025).

<sup>16</sup> Dept. of Commerce, *Florida Department of Economic Opportunity Announces Florida Achieves Six Consecutive Months of Month-Over-Month Job Growth*, (November 20, 2020), available at <https://floridajobs.org/news-center/DEO-Press/2020/11/20/florida-department-of-economic-opportunity-announces-florida-achieves-six-consecutive-months-of-month-over-month-job-growth>, (last visited Dec. 9, 2025).

<sup>17</sup> *See* Section 443.091, F.S.

<sup>18</sup> Section 443.091(1), F.S.,

<sup>19</sup> "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought. "Available for work" means actively seeking and being ready and willing to accept suitable work. *See* Section 443.036(1) and (6), F.S. *See also* Rule 73B-11.021(2), F.A.C.

<sup>20</sup> *See* Section 443.091(1)(b), F.S.; Employ Florida, available at <https://www.employflorida.com/vosnet/Default.aspx>, (last visited Dec. 9, 2025). Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and the Department of Commerce. It provides job-matching and workforce resources.

<sup>21</sup> Section 443.091(1)(c)1., F.S.

small counties.<sup>22</sup> Proof of work search efforts cannot include the same prospective employer at the same location in three consecutive weeks, unless in the meantime the employer has indicated that it is hiring.<sup>23</sup> The department conducts random audits of the submitted information to verify that claimants are meeting these requirements.<sup>24</sup>

### ***Disqualification for Reemployment Assistance Benefits***

Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving benefits. These circumstances include:

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;<sup>25</sup>
- Failing to apply for available suitable work when directed by the department or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;<sup>26</sup>
- Making false or fraudulent representations in filing for benefits;
- Being discharged from employment due to drug use or rejection from a job offer for failing a drug test; and
- Becoming unavailable for work due to incarceration or imprisonment.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual's next benefit claim, depending on the reason for the disqualification.

### **Fraud Prevention Measures**

Currently, the department employs multiple measures to combat fraud. The department:

- Uses software that blocks foreign or suspicious IP addresses to prevent claims from being filed outside the country and detects multiple claim attempts from different states.
- Verifies identities through ID.me at the time of filing and interfaces with the Division of Highway Safety and Motor Vehicles to verify identities.
- Uses ICON with the Social Security Administration to ensure no duplicate claims have been filed with other states.<sup>27</sup>

Moreover, the department has enhanced its fraud detection procedures by developing the Fraud Initiative Rules and Ratings Engine (FIRRE) system, which is integrated with the National Association of State Workforce Agencies' (NASWA) Integrity Data Hub (IDH).<sup>28</sup> The FIRRE system, in combination with IDH, applies business rules designed to detect, flag, or lock suspicious claims for further investigation by fraud unit staff.<sup>29</sup>

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<sup>22</sup> Section 443.091(1)(d), F.S. A “small county” is a county that has a non-incarcerated population of 75,000 or less according to the most recent decennial census. Section 120.52(19), F.S.

<sup>23</sup> Section 443.091(1)(d), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> An individual is not disqualified for voluntarily leaving temporary work to return to full time work, or to relocate with his or her military spouse due to relocation orders, or due to circumstances related to domestic violence.

<sup>26</sup> Section 443.101(2), F.S.

<sup>27</sup> FLORIDA DEPT. OF COMMERCE, 2025 *Agency Legislative Bill Analysis for SB 1238* (on file with the Senate Commerce and Tourism Committee). This agency bill analysis was provided for a substantially similar bill in the 2025 legislative session.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

Additionally, the following cross-checks are performed regularly to verify claimant information:

- The United States Department of Health and Human Services National Directory of New Hires conducts a weekly cross-check.
- The State Directory of New Hires completes a daily review.
- Incarceration data is cross-checked weekly using a vendor separate from the Department of Corrections and the Social Security Administration, which gathers federal, state, and local incarceration records.
- The Systemic Alien Verification for Entitlements Program (SAVE) is used upon filing an initial claim to confirm eligibility.<sup>30</sup>

### **III. Effect of Proposed Changes:**

#### **Title**

**Section 1** creates the title “Promoting Work, Deterring Fraud Act of 2026.”

#### **Disqualification**

**Section 2** amends s. 443.101, F.S., to mandate that a claimant be disqualified from reemployment assistance benefits if the department finds that the claimant failed without good cause to:

- Contact the required number of prospective employers per week;
- Appear on three or more occasions for a scheduled job interview without notifying the prospective employer of the need to cancel or reschedule; or
- Return to employment when recalled to work after a temporary layoff.

Such disqualification continues for the next full period of unemployment following one of these failures until the claimant has earned income of at least seventeen times their weekly benefit amount.

#### **Verification**

**Section 3** creates s. 443.1112, F.S., to require the department to verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual. For the initial claim for benefits, and as necessary to verify a claimant’s eligibility, the department must cross-check the information from the claim with the SAVE database. Every two weeks that a claimant makes a claim, including the initial claim for benefits, the department must cross-check the claimant’s information to ensure the claimant is living, not incarcerated, and not employed.

Under the bill, the department must:

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<sup>30</sup> *Id.*; “SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify immigration status and naturalized/acquired U.S. citizenship of applicants seeking benefits or licenses.” CITIZENSHIP AND IMMIGR. SERV., SAVE, available at <https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses>, (last visited Dec. 9, 2025).

- Investigate claims that are associated with a mailing address, bank account, e-mail address, phone number, or IP address that is also associated with another existing claim for benefits in this state or another state. For such claims, the department must verify the claim is legitimate before paying out benefits.
- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Work with the USDOL, U.S. Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information pertaining to fraudulent claims for further investigation.

Additionally, the department must maintain a web page through which individuals and employers can report known or suspected violations of ch. 443, F.S. The department must also make a yearly report available on its website which identifies:

- The number of fraudulent reemployment assistance claims identified the previous year;
- The number of claims not paid due to successful detection of fraudulent intentions;
- The number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent;
- The amount of fraudulent overpayments recovered;
- The number of fraudulent claims referred for investigation/prosecution; and
- The list of sources used to cross-check the claims.

### **Effective Date**

**Section 4** sets out an effective date of July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Indeterminate. If the provisions of the bill function to lower the amount of reemployment assistance benefits paid out, employers could see a reduction in their contribution rates over time.

**C. Government Sector Impact:**

Indeterminate. As of April 2025, state government entities can use the SAVE database at no cost, resulting in a reduction in expenditures to verify claimants' eligibility.<sup>31</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Social Security Act (SSA) requires that state unemployment laws use “methods of administration... to [e]nsure full payment of unemployment compensation when due.”<sup>32</sup> Federal regulation interprets this to mean that unemployment compensation benefits must be paid to eligible claimants with the greatest promptness as administratively feasible.<sup>33</sup> To comply with this, states must issue at least 87% of all first payments within fourteen or twenty-one days after the week ending date of the first compensable week in the benefit year.<sup>34</sup> The U.S. Supreme Court has determined that even when a claimant’s initial determination of eligibility is being appealed by an employer, a state must continue to pay unemployment benefits each week while the appeal process is taking place.<sup>35</sup> As a result of this interpretation of the “when due” provision of the SSA, a state cannot withhold benefits until a decision is made regarding a claimant’s continuing eligibility.<sup>36</sup>

As the state must act promptly to verify an individual’s identity to ensure full payment of unemployment benefits, the cross-checks under the bill may impact the department’s ability to ensure full payments when due. For continued claims, a timely payment requires that the department decides each claim no later than the end of the week following the week in which the

<sup>31</sup> Press Release, Dept. of Homeland Security, DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database (Apr. 22, 2025), available at <https://www.dhs.gov/news/2025/04/22/dhs-uscis-doge-overhaul-systematic-alien-verification-entitlements-database> (last visited Dec. 11, 2025).

<sup>32</sup> 42 U.S.C. s. 503(a)(1).

<sup>33</sup> 20 C.F.R. s. 640.3-640.4.

<sup>34</sup> 20 C.F.R. s. 640.5.

<sup>35</sup> *California v. Java*, 402 U.S. 121, 132-135 (1971) (“Paying compensation to an unemployed worker promptly after an initial determination of eligibility accomplishes the congressional purposes of avoiding resort to welfare and stabilizing consumer demands; delaying compensation until months have elapsed defeats these purposes.”).

<sup>36</sup> *Id.*

issue is detected.<sup>37</sup> If the decision is not issued timely, the state must continue to pay the claim until a determination is made about a claimant's eligibility.

## **VIII. Statutes Affected:**

This bill substantially amends section 443.101 of the Florida Statutes.

This bill creates section 443.1112 of the Florida Statutes.

## **IX. Additional Information:**

### **A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

### **B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>37</sup> FLORIDA DEPT. OF COMMERCE, *supra* note 27.