

1 A bill to be entitled
2 An act relating to reemployment assistance; creating
3 s. 443.013, F.S.; creating a Reemployment Assistance
4 Ombudsman Office within the Department of Economic
5 Opportunity; authorizing individuals seeking
6 reemployment assistance benefits to contact the office
7 for certain purposes; authorizing the office to assign
8 an ombudsman to assist such individuals; requiring the
9 office to annually review the reemployment assistance
10 process and provide recommendations to the department;
11 reenacting and amending s. 443.036, F.S.; defining the
12 term "alternative base period"; revising the
13 definitions of the terms "high quarter" and
14 "unemployment," or "unemployed," to determine an
15 alternative calendar quarter for calculating
16 eligibility requirements and to specify circumstances
17 under which individuals are considered partially
18 unemployed, respectively; specifying that unemployment
19 commences on the date of unemployment rather than
20 after registering with the department; amending s.
21 443.091, F.S.; deleting a provision relating to
22 department rules; requiring individuals to be informed
23 of and offered services in writing through the one-
24 stop delivery system; authorizing claimants to report
25 to one-stop career centers for certain reasons by

26 | telephone or online in addition to reporting in
27 | person; changing the number of prospective employers a
28 | claimant must contact each week; prohibiting otherwise
29 | eligible individuals from being deemed ineligible for
30 | benefits solely because they seek, apply for, or are
31 | willing to accept only part-time work of at least a
32 | specified number of hours; reducing the number of
33 | prospective employers certain claimants in small
34 | counties are required to contact; exempting seasonal
35 | agricultural workers in small counties from specified
36 | work search requirements under certain circumstances;
37 | revising eligibility requirements for receiving
38 | benefits under the reemployment assistance program;
39 | suspending the work registration, reporting, work
40 | ability, and work availability requirements during a
41 | declared state of emergency and for a specified period
42 | of time thereafter; revising the manner in which
43 | individuals may submit a claim for benefits; requiring
44 | the department to establish additional methods for
45 | submitting claims and to determine an individual's
46 | eligibility within a specified timeframe; amending s.
47 | 443.101, F.S.; revising the circumstances under which
48 | individuals are disqualified for benefits by virtue of
49 | voluntarily quitting; revising the definitions of the
50 | terms "good cause" and "work"; deleting provisions

51 disqualifying individuals for benefits as a result of
52 drug use; deleting rulemaking authority for the
53 department relating to suitability of work; revising
54 provisions relating to suitable work; revising earned
55 income requirements for individuals who were
56 terminated from work for certain acts with regard to
57 entitlement to reemployment assistance benefits;
58 deleting provisions relating to circumstances under
59 which temporary or leased employees are disqualified
60 for benefits; amending s. 443.111, F.S.; deleting
61 certain reporting requirements for claimants; revising
62 qualifying requirements for individuals seeking to
63 establish a benefit year for reemployment assistance;
64 requiring an alternative base period to be used under
65 certain circumstances when calculating wages;
66 providing requirements relating to specified calendar
67 quarters under certain circumstances; specifying that
68 wages that fall within an alternative base period are
69 not available for reuse in subsequent benefit years;
70 requiring the department to adopt rules; revising the
71 minimum and maximum weekly benefit amounts; requiring
72 that such benefit be rounded to the nearest dollar
73 upward rather than downward; revising weekly benefit
74 amounts for partially unemployed individuals; deleting
75 the definition of the term "Florida average

76 unemployment rate"; revising the limitations on the
77 duration of benefits; amending s. 443.1116, F.S.;
78 revising the circumstances under which the director of
79 the department is required to approve short-time
80 compensation plans; revising eligibility requirements
81 for short-time compensation benefits; revising the cap
82 on short-time compensation benefit amounts; deleting a
83 provision requiring that short-time compensation
84 benefits be deducted from the total benefit amounts;
85 amending s. 443.1216, F.S.; revising what constitutes
86 employment for the purposes of reemployment
87 assistance; conforming a cross-reference; amending s.
88 443.1217, F.S.; revising the amount of wages that are
89 exempt from the employer's contribution to the
90 Unemployment Compensation Trust Fund, beginning on a
91 specified date; amending s. 443.131, F.S.; deleting
92 exemptions relating to compensation benefits being
93 charged to employment records; providing a cross-
94 reference; deleting obsolete language; conforming a
95 cross-reference; amending s. 443.141, F.S.; specifying
96 that the burden of proof in an appeal filed by an
97 employer is on the employer; conforming cross-
98 references; amending s. 443.151, F.S.; specifying that
99 the burden of proof in an appeal filed by an employer
100 is on the employer; amending ss. 443.041, 443.1115,

101 and 443.1215, F.S.; conforming provisions to changes
 102 made by the act; amending ss. 215.425 and 443.121,
 103 F.S.; conforming cross-references; reenacting s.
 104 443.1116(6), F.S., relating to short-time
 105 compensation, to incorporate the amendments made by
 106 the act to s. 443.111, F.S, in a reference thereto;
 107 providing an effective date.

108

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

110

111 Section 1. Section 443.013, Florida Statutes, is created
 112 to read:

113 443.013 Reemployment Assistance Ombudsman Office.—

114 (1) A Reemployment Assistance Ombudsman Office is created
 115 within the Department of Economic Opportunity to assist
 116 individuals seeking benefits under this chapter and to identify
 117 procedural hurdles relating to the reemployment assistance
 118 process. The Legislature intends that the office serve as a
 119 resource available to all individuals seeking benefits under
 120 this chapter.

121 (2) An individual seeking benefits under this chapter may
 122 contact the Reemployment Assistance Ombudsman Office to seek
 123 assistance with resolving any questions, disputes, delays, or
 124 complaints during the claim process. In response, the office may
 125 assign an ombudsman to assist the individual in resolving his or

126 her issues.

127 (3) The Reemployment Assistance Ombudsman Office shall
128 annually review the reemployment assistance process and provide
129 recommendations to the department to maximize the efficiency of
130 the process. Such review may include surveys of individuals who
131 have previously submitted a claim for benefits.

132 Section 2. Present subsections (3) through (46) of section
133 443.036, Florida Statutes, are redesignated as subsections (4)
134 through (47), respectively, a new subsection (3) is added to
135 that section, present subsections (24) and (44) of that section
136 are amended, and present subsection (21) is reenacted for the
137 purpose of incorporating the amendment made by this act to
138 section 443.1216, Florida Statutes, in a reference thereto, to
139 read:

140 443.036 Definitions.—As used in this chapter, the term:

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

145 (22)-(21) "Employment" means a service subject to this
146 chapter under s. 443.1216 which is performed by an employee for
147 the person employing him or her.

148 (25)-(24) "High quarter" means the quarter in an
149 individual's base period, or in the individual's alternative
150 base period if an alternative base period is used for

151 determining benefits eligibility, in which the individual has
152 the greatest amount of wages paid, regardless of the number of
153 employers paying wages in that quarter.

154 ~~(45)-(44)~~ "Unemployment" or "unemployed" means:

155 (a) An individual is "totally unemployed" in any week
156 during which he or she does not perform any services and for
157 which earned income is not payable to him or her. An individual
158 is "partially unemployed" in any week of less than full-time
159 work if the earned income for services of any kind during the
160 week amounts to less than \$100 or less than 1.5 times the
161 individual's benefit rate for total unemployment rounded to the
162 next highest dollar, whichever is greater. For purposes of this
163 paragraph, the term "services" does not include services
164 performed in the employ of a political subdivision in lieu of
165 payment of any delinquent tax payment to the political
166 subdivision ~~earned income payable to him or her for that week is~~
167 ~~less than his or her weekly benefit amount.~~ The Department of
168 Economic Opportunity may adopt rules prescribing distinctions in
169 the procedures for unemployed individuals based on total
170 unemployment, part-time unemployment, partial unemployment of
171 individuals attached to their regular jobs, and other forms of
172 short-time work.

173 (b) An individual's ~~week of~~ unemployment commences on the
174 date of unemployment, regardless of the date of ~~only after~~
175 registration with the department ~~of Economic Opportunity~~ as

176 required in s. 443.091.

177 Section 3. Paragraphs (c), (d), and (g) of subsection (1)
178 and subsection (2) of section 443.091, Florida Statutes, are
179 amended, and a new subsection (5) and subsection (6) are added
180 to that section, to read:

181 443.091 Benefit eligibility conditions.—

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

185 (c) To make continued claims for benefits, she or he is
186 reporting to the department in accordance with this paragraph
187 and department rules. ~~Department rules may not conflict with s.~~
188 ~~443.111(1)(b), which requires that each claimant continue to~~
189 ~~report regardless of any pending appeal relating to her or his~~
190 ~~eligibility or disqualification for benefits.~~

191 1. For each week of unemployment claimed, each report
192 must, at a minimum, include the name, address, and telephone
193 number of each prospective employer contacted, or the date the
194 claimant reported to a one-stop career center, pursuant to
195 paragraph (d).

196 2. The department shall offer an online assessment aimed
197 at identifying an individual's skills, abilities, and career
198 aptitude. The skills assessment must be voluntary, and the
199 department shall allow a claimant to choose whether to take the
200 skills assessment. The online assessment shall be made available

201 to any person seeking services from a local workforce
202 development board or a one-stop career center.

203 a. If the claimant chooses to take the online assessment,
204 the outcome of the assessment must ~~shall~~ be made available to
205 the claimant, local workforce development board, and one-stop
206 career center. The department, local workforce development
207 board, or one-stop career center shall use the assessment to
208 develop a plan for referring individuals to training and
209 employment opportunities. Aggregate data on assessment outcomes
210 may be made available to CareerSource Florida, Inc., and
211 Enterprise Florida, Inc., for use in the development of policies
212 related to education and training programs that will ensure that
213 businesses in this state have access to a skilled and competent
214 workforce.

215 b. Individuals shall be informed of and offered services
216 in writing through the one-stop delivery system, including
217 career counseling, the provision of skill match and job market
218 information, and skills upgrade and other training
219 opportunities, and shall be encouraged to participate in such
220 services at no cost to the individuals. The department shall
221 coordinate with CareerSource Florida, Inc., the local workforce
222 development boards, and the one-stop career centers to identify,
223 develop, and use best practices for improving the skills of
224 individuals who choose to participate in skills upgrade and
225 other training opportunities. The department may contract with

226 an entity to create the online assessment in accordance with the
227 competitive bidding requirements in s. 287.057. The online
228 assessment must work seamlessly with the Reemployment Assistance
229 Claims and Benefits Information System.

230 (d) She or he is able to work and is available for work.
231 In order to assess eligibility for a claimed week of
232 unemployment, the department shall develop criteria to determine
233 a claimant's ability to work and availability for work. A
234 claimant must be actively seeking work in order to be considered
235 available for work. This means engaging in systematic and
236 sustained efforts to find work, including contacting at least
237 three ~~five~~ prospective employers for each week of unemployment
238 claimed. The department may require the claimant to provide
239 proof of such efforts to the one-stop career center as part of
240 reemployment services. A claimant's proof of work search efforts
241 may not include the same prospective employer at the same
242 location in 3 consecutive weeks, unless the employer has
243 indicated since the time of the initial contact that the
244 employer is hiring. The department shall conduct random reviews
245 of work search information provided by claimants. As an
246 alternative to contacting at least three ~~five~~ prospective
247 employers for any week of unemployment claimed, a claimant may,
248 for that same week, report in person, by telephone, or online to
249 a one-stop career center to communicate ~~meet~~ with a
250 representative of the center and access reemployment services of

251 the center. The center shall keep a record of the services or
252 information provided to the claimant and shall provide the
253 records to the department upon request by the department.

254 However:

255 1. Notwithstanding any other provision of this paragraph,
256 an individual who is otherwise eligible for benefits may not be
257 deemed ineligible for benefits solely for the reason that the
258 individual seeks, applies for, or is willing to accept only
259 part-time work instead of full-time work if the part-time work
260 is for at least 20 hours per week.

261 2. Notwithstanding any other provision of this paragraph
262 or paragraphs (b) and (e), an otherwise eligible individual may
263 not be denied benefits for any week because she or he is in
264 training with the approval of the department, or by reason of s.
265 443.101(2) relating to failure to apply for, or refusal to
266 accept, suitable work. Training may be approved by the
267 department in accordance with criteria prescribed by rule. A
268 claimant's eligibility during approved training is contingent
269 upon satisfying eligibility conditions prescribed by rule.

270 ~~3.2.~~ Notwithstanding any other provision of this chapter,
271 an otherwise eligible individual who is in training approved
272 under s. 236(a)(1) of the Trade Act of 1974, as amended, may not
273 be determined ineligible or disqualified for benefits due to
274 enrollment in such training or because of leaving work that is
275 not suitable employment to enter such training. As used in this

276 subparagraph, the term "suitable employment" means work of a
277 substantially equal or higher skill level than the worker's past
278 adversely affected employment, as defined for purposes of the
279 Trade Act of 1974, as amended, the wages for which are at least
280 80 percent of the worker's average weekly wage as determined for
281 purposes of the Trade Act of 1974, as amended.

282 ~~4.3.~~ Notwithstanding any other provision of this section,
283 an otherwise eligible individual may not be denied benefits for
284 any week because she or he is before any state or federal court
285 pursuant to a lawfully issued summons to appear for jury duty.

286 ~~5.4.~~ Union members who customarily obtain employment
287 through a union hiring hall may satisfy the work search
288 requirements of this paragraph by reporting daily to their union
289 hall.

290 ~~6.5.~~ The work search requirements of this paragraph do not
291 apply to persons who are unemployed as a result of a temporary
292 layoff or who are claiming benefits under an approved short-time
293 compensation plan as provided in s. 443.1116.

294 ~~7.6.~~ In small counties as defined in s. 120.52(19), a
295 claimant engaging in systematic and sustained efforts to find
296 work must contact at least one ~~three~~ prospective employer
297 ~~employers~~ for each week of unemployment claimed.

298 ~~8.7.~~ The work search requirements of this paragraph do not
299 apply to persons required to participate in reemployment
300 services under paragraph (e) or to seasonal agricultural workers

301 in small counties, as defined in s. 120.52, during the off-
302 season.

303 (g) She or he has been paid wages for insured work equal
304 to 1.5 times her or his high quarter wages during her or his
305 base period, except that an unemployed individual is not
306 eligible to receive benefits if the base period wages are less
307 than \$1,200. If a worker is ineligible for benefits based on
308 base period wages, wages for the worker must be calculated using
309 the alternative base period and the worker must have the
310 opportunity to choose whether to establish a claim using such
311 wages \$3,400.

312 ~~(2) An individual may not receive benefits in a benefit~~
313 ~~year unless, after the beginning of the next preceding benefit~~
314 ~~year during which she or he received benefits, she or he~~
315 ~~performed service, regardless of whether in employment as~~
316 ~~defined in s. 443.036, and earned remuneration for that service~~
317 ~~of at least 3 times her or his weekly benefit amount as~~
318 ~~determined for her or his current benefit year.~~

319 (5) During a state of emergency declared by the Governor
320 under chapter 252, the work registration and reporting
321 requirements specified in paragraph (1)(b) and the work ability
322 and work availability requirements specified in paragraph (1)(d)
323 are suspended for the duration of the state of emergency and the
324 30 days immediately after the state of emergency ends.

325 (6) An individual may submit a claim for benefits via

326 postal mail, a website designated by the Department of Economic
327 Opportunity, or an alternative method established by the
328 department. The department shall establish at least two
329 alternative methods for individuals to submit a claim for
330 benefits, such as by telephone or e-mail. The department shall
331 determine an individual's eligibility within 3 weeks after the
332 individual submits a claim.

333 Section 4. Paragraphs (a) and (d) of subsection (1) and
334 subsections (2), (7), (9), (10), and (11) of section 443.101,
335 Florida Statutes, are amended to read:

336 443.101 Disqualification for benefits.—An individual shall
337 be disqualified for benefits:

338 (1) (a) For the week in which he or she has voluntarily
339 left work for good cause, except as provided in subparagraph 2.,
340 or without good cause attributable to his or her employing unit
341 or for the week in which he or she has been discharged by the
342 employing unit for misconduct connected with his or her work,
343 based on a finding by the Department of Economic Opportunity. ~~As~~
344 ~~used in this paragraph, the term "work" means any work, whether~~
345 ~~full-time, part-time, or temporary.~~

346 1. Disqualification for voluntarily quitting continues for
347 the full period of unemployment next ensuing after the
348 individual has left his or her full-time or, part-time, ~~or~~
349 ~~temporary~~ work voluntarily without good cause and until the
350 individual has earned income equal to or greater than three 17

351 times his or her weekly benefit amount. ~~As used in this~~
352 ~~subsection, the term "good cause" includes only that cause~~
353 ~~attributable to the employing unit which would compel a~~
354 ~~reasonable employee to cease working or attributable to the~~
355 ~~individual's illness or disability requiring separation from his~~
356 ~~or her work.~~ Any other disqualification may not be imposed.

357 2. An individual is not disqualified under this subsection
358 for:

359 a. Voluntarily leaving temporary work to return
360 immediately when called to work by the permanent employing unit
361 that temporarily terminated his or her work within the previous
362 6 calendar months;

363 b. Voluntarily leaving work to relocate as a result of his
364 or her military-connected spouse's permanent change of station
365 orders, activation orders, or unit deployment orders; or

366 c. Voluntarily leaving work if he or she proves that his
367 or her discontinued employment is a direct result of
368 circumstances related to domestic violence as defined in s.
369 741.28. An individual who voluntarily leaves work under this
370 sub-subparagraph ~~must~~:

371 (I) Shall make reasonable efforts to preserve employment,
372 unless the individual establishes that such remedies are likely
373 to be futile or to increase the risk of future incidents of
374 domestic violence. Such efforts may include seeking a protective
375 injunction, relocating to a secure place, or seeking reasonable

376 accommodation from the employing unit, such as a transfer or
377 change of assignment;

378 (II) Shall provide evidence such as an injunction, a
379 protective order, or other documentation authorized by state law
380 which reasonably proves that domestic violence has occurred; and

381 (III) Must reasonably believe that he or she is likely to
382 be the victim of a future act of domestic violence at, in
383 transit to, or departing from his or her place of employment. An
384 individual who is otherwise eligible for benefits under this
385 sub-subparagraph is ineligible for each week that he or she no
386 longer meets such criteria or refuses a reasonable accommodation
387 offered in good faith by his or her employing unit.

388 3. The employment record of an employing unit may not be
389 charged for the payment of benefits to an individual who has
390 voluntarily left work under sub-subparagraph 2.c.

391 4. Disqualification for being discharged for misconduct
392 connected with his or her work continues for the full period of
393 unemployment next ensuing after having been discharged and until
394 the individual is reemployed and has earned income of at least
395 three ~~17~~ times his or her weekly benefit amount and for not more
396 than 52 weeks immediately following that week, as determined by
397 the department in each case according to the circumstances or
398 the seriousness of the misconduct, under the department's rules
399 for determining disqualification for benefits for misconduct.

400 5. If an individual has provided notification to the

401 | employing unit of his or her intent to voluntarily leave work
 402 | and the employing unit discharges the individual for reasons
 403 | other than misconduct before the date the voluntary quit was to
 404 | take effect, the individual, if otherwise entitled, shall
 405 | receive benefits from the date of the employer's discharge until
 406 | the effective date of his or her voluntary quit.

407 | 6. If an individual is notified by the employing unit of
 408 | the employer's intent to discharge the individual for reasons
 409 | other than misconduct and the individual quits without good
 410 | cause before the date the discharge was to take effect, the
 411 | claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
 412 | for failing to be available for work for the week or weeks of
 413 | unemployment occurring before the effective date of the
 414 | discharge.

415 | 7. As used in this section, the term:

416 | a. "Good cause" means cause attributable to:

417 | (I) The employing unit or an illness or a disability of
 418 | the individual which requires separation from work;

419 | (II) Domestic violence or sexual assault that is verified
 420 | by reasonable documentation and that causes the individual to
 421 | reasonably believe that his or her continuing employment would
 422 | jeopardize the safety of the individual or an immediate family
 423 | member of the individual. Reasonable documentation of domestic
 424 | violence or sexual assault includes, but is not limited to:

425 | (A) A court order for protection or other documentation of

426 equitable relief issued by a court;
427 (B) A police record documenting domestic violence or
428 sexual assault;
429 (C) Medical documentation of domestic violence or sexual
430 assault;
431 (D) Documentation of the conviction of the perpetrator of
432 the domestic violence or sexual assault; or
433 (E) A written statement provided by a social worker, a
434 member of the clergy, a shelter worker, an attorney, or another
435 professional who has assisted the individual or his or her
436 immediate family member in dealing with domestic violence or
437 sexual assault which states that the individual or his or her
438 immediate family member is a victim of domestic violence or
439 sexual assault;
440 (III) Illness or disability of the individual's spouse,
441 parent, minor child, or sibling, or another person residing in
442 the same residence as the individual;
443 (IV) The individual's need to relocate to accompany his or
444 her spouse if the spouse's relocation resulted from a change in
445 the spouse's employment and if the relocation makes it
446 impractical for the individual to commute to his or her
447 workplace;
448 (V) Unpredictable, erratic, or irregular work scheduling;
449 or
450 (VI) A change in location of the individual's workplace

451 which makes the individual's commute impractical.

452 b. "Work" means any work, whether full time, part time, or
453 temporary

454 ~~(d) For any week with respect to which the department~~
455 ~~finds that his or her unemployment is due to a discharge for~~
456 ~~misconduct connected with the individual's work, consisting of~~
457 ~~drug use, as evidenced by a positive, confirmed drug test.~~

458 (2) If the Department of Economic Opportunity finds that
459 the individual has failed without good cause to apply for
460 available suitable work, accept suitable work when offered to
461 him or her, or return to the individual's customary self-
462 employment when directed by the department. The
463 disqualification continues for the full period of unemployment
464 next ensuing after he or she failed without good cause to apply
465 for available suitable work, accept suitable work, or return to
466 his or her customary self-employment, and until the individual
467 has earned income of at least three 17 times his or her weekly
468 benefit amount. The department shall by rule adopt criteria for
469 determining the "suitability of work," as used in this section.
470 In developing these rules, the department shall consider the
471 duration of a claimant's unemployment in determining the
472 suitability of work and the suitability of proposed rates of
473 compensation for available work. Further, after an individual
474 has received 25 weeks of benefits in a single year, suitable
475 work is a job that pays the minimum wage and is 120 percent or

476 ~~more of the weekly benefit amount the individual is drawing.~~

477 (a) In determining whether ~~or not~~ any work is suitable for
478 an individual, the department shall consider the degree of risk
479 to the individual's health, safety, and morals; the individual's
480 physical fitness, prior training, experience, prior earnings,
481 length of unemployment, and prospects for securing local work in
482 his or her customary occupation; and the distance of the
483 available work from his or her residence.

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

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

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

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

496 ~~(c) If the department finds that an individual was~~
497 ~~rejected for offered employment as the direct result of a~~
498 ~~positive, confirmed drug test required as a condition of~~
499 ~~employment, the individual is disqualified for refusing to~~
500 ~~accept an offer of suitable work.~~

501 (7) If the Department of Economic Opportunity finds that
502 the individual is an alien, unless the alien is an individual
503 who has been lawfully admitted for permanent residence or
504 otherwise is permanently residing in the United States under
505 color of law, including an alien who is lawfully present in the
506 United States as a result of the application of s. 203(a)(7) or
507 s. 212(d)(5) of the Immigration and Nationality Act, if any
508 modifications to s. 3304(a)(14) of the Federal Unemployment Tax
509 Act, as provided by Pub. L. No. 94-566, which specify other
510 conditions or other effective dates than those stated under
511 federal law for the denial of benefits based on services
512 performed by aliens, and which modifications are required to be
513 implemented under state law as a condition for full tax credit
514 against the tax imposed by the Federal Unemployment Tax Act, are
515 deemed applicable under this section, if:

516 (a) Any data or information required of individuals
517 applying for benefits to determine whether benefits are not
518 payable to them because of their alien status is uniformly
519 required from all applicants for benefits; and

520 (b) In the case of an individual whose application for
521 benefits would otherwise be approved, a determination that
522 benefits to such individual are not payable because of his or
523 her alien status may not be made except by a preponderance of
524 the evidence.

525

526 ~~If the department finds that the individual has refused without~~
527 ~~good cause an offer of resettlement or relocation, which offer~~
528 ~~provides for suitable employment for the individual~~
529 ~~notwithstanding the distance of relocation, resettlement, or~~
530 ~~employment from the current location of the individual in this~~
531 ~~state, this disqualification continues for the week in which the~~
532 ~~failure occurred and for not more than 17 weeks immediately~~
533 ~~after that week, or a reduction by not more than 5 weeks from~~
534 ~~the duration of benefits, as determined by the department in~~
535 ~~each case.~~

536 (9) If the individual was terminated from his or her work
537 as follows:

538 (a) If the Department of Economic Opportunity or the
539 Reemployment Assistance Appeals Commission finds that the
540 individual was terminated from work for violation of any
541 criminal law, under any jurisdiction, which was in connection
542 with his or her work, and the individual was convicted, or
543 entered a plea of guilty or nolo contendere, the individual is
544 not entitled to reemployment assistance benefits for up to 52
545 weeks, pursuant to rules adopted by the department, and until he
546 or she has earned income of at least three ~~17~~ times his or her
547 weekly benefit amount. If, before an adjudication of guilt, an
548 admission of guilt, or a plea of nolo contendere, the employer
549 proves by competent substantial evidence to the department that
550 the arrest was due to a crime against the employer or the

551 employer's business, customers, or invitees, the individual is
552 not entitled to reemployment assistance benefits.

553 (b) If the department or the Reemployment Assistance
554 Appeals Commission finds that the individual was terminated from
555 work for any dishonest act in connection with his or her work,
556 the individual is not entitled to reemployment assistance
557 benefits for up to 52 weeks, pursuant to rules adopted by the
558 department, and until he or she has earned income of at least
559 three ~~17~~ times his or her weekly benefit amount. If the employer
560 terminates an individual as a result of a dishonest act in
561 connection with his or her work and the department finds
562 misconduct in connection with his or her work, the individual is
563 not entitled to reemployment assistance benefits.

564
565 If an individual is disqualified for benefits, the account of
566 the terminating employer, if the employer is in the base period,
567 is noncharged at the time the disqualification is imposed.

568 (10) Subject to the requirements of this subsection, if
569 the claim is made based on the loss of employment as a leased
570 employee for an employee leasing company or as a temporary
571 employee for a temporary help firm.

572 ~~(a)~~ As used in this subsection, the term:

573 (c) ~~1.~~ "Temporary help firm" means a firm that hires its
574 own employees and assigns them to clients to support or
575 supplement the client's workforce in work situations such as

576 employee absences, temporary skill shortages, seasonal
577 workloads, and special assignments and projects, and includes a
578 labor pool as defined in s. 448.22. The term also includes a
579 firm created by an entity licensed under s. 125.012(6), which
580 hires employees assigned by a union for the purpose of
581 supplementing or supporting the workforce of the temporary help
582 firm's clients. The term does not include employee leasing
583 companies regulated under part XI of chapter 468.

584 (b)2. "Temporary employee" means an employee assigned to
585 work for the clients of a temporary help firm. The term also
586 includes a day laborer performing day labor, as defined in s.
587 448.22, who is employed by a labor pool as defined in s. 448.22.

588 (a)3. "Leased employee" means an employee assigned to work
589 for the clients of an employee leasing company regulated under
590 part XI of chapter 468.

591 ~~(b) A temporary or leased employee is deemed to have~~
592 ~~voluntarily quit employment and is disqualified for benefits~~
593 ~~under subparagraph (1)(a)1. if, upon conclusion of his or her~~
594 ~~latest assignment, the temporary or leased employee, without~~
595 ~~good cause, failed to contact the temporary help or employee-~~
596 ~~leasing firm for reassignment, if the employer advised the~~
597 ~~temporary or leased employee at the time of hire and that the~~
598 ~~leased employee is notified also at the time of separation that~~
599 ~~he or she must report for reassignment upon conclusion of each~~
600 ~~assignment, regardless of the duration of the assignment, and~~

601 ~~that reemployment assistance benefits may be denied for failure~~
602 ~~to report. For purposes of this section, the time of hire for a~~
603 ~~day laborer is upon his or her acceptance of the first~~
604 ~~assignment following completion of an employment application~~
605 ~~with the labor pool. The labor pool as defined in s. 448.22(1)~~
606 ~~must provide notice to the temporary employee upon conclusion of~~
607 ~~the latest assignment that work is available the next business~~
608 ~~day and that the temporary employee must report for reassignment~~
609 ~~the next business day. The notice must be given by means of a~~
610 ~~notice printed on the paycheck, written notice included in the~~
611 ~~pay envelope, or other written notification at the conclusion of~~
612 ~~the current assignment.~~

613 ~~(11) If an individual is discharged from employment for~~
614 ~~drug use as evidenced by a positive, confirmed drug test as~~
615 ~~provided in paragraph (1) (d), or is rejected for offered~~
616 ~~employment because of a positive, confirmed drug test as~~
617 ~~provided in paragraph (2) (c), test results and chain of custody~~
618 ~~documentation provided to the employer by a licensed and~~
619 ~~approved drug-testing laboratory is self-authenticating and~~
620 ~~admissible in reemployment assistance hearings, and such~~
621 ~~evidence creates a rebuttable presumption that the individual~~
622 ~~used, or was using, controlled substances, subject to the~~
623 ~~following conditions:~~

624 ~~(a) To qualify for the presumption described in this~~
625 ~~subsection, an employer must have implemented a drug-free~~

626 ~~workplace program under ss. 440.101 and 440.102, and must submit~~
627 ~~proof that the employer has qualified for the insurance~~
628 ~~discounts provided under s. 627.0915, as certified by the~~
629 ~~insurance carrier or self-insurance unit. In lieu of these~~
630 ~~requirements, an employer who does not fit the definition of~~
631 ~~"employer" in s. 440.102 may qualify for the presumption if the~~
632 ~~employer is in compliance with equivalent or more stringent~~
633 ~~drug testing standards established by federal law or regulation.~~

634 ~~(b) Only laboratories licensed and approved as provided in~~
635 ~~s. 440.102(9), or as provided by equivalent or more stringent~~
636 ~~licensing requirements established by federal law or regulation~~
637 ~~may perform the drug tests.~~

638 ~~(c) Disclosure of drug test results and other information~~
639 ~~pertaining to drug testing of individuals who claim or receive~~
640 ~~compensation under this chapter shall be governed by s.~~
641 ~~443.1715.~~

642 Section 5. Subsections (1), (2), and (3), paragraph (b) of
643 subsection (4), and subsection (5) of section 443.111, Florida
644 Statutes, are amended to read:

645 443.111 Payment of benefits.—

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

649 ~~(a)~~ Benefits are payable electronically, except that an
650 individual being paid by paper warrant on July 1, 2011, may

651 continue to be paid in that manner until the expiration of the
652 claim. The department may develop a system for the payment of
653 benefits by electronic funds transfer, including, but not
654 limited to, debit cards, electronic payment cards, or any other
655 means of electronic payment that the department deems to be
656 commercially viable or cost-effective. Commodities or services
657 related to the development of such a system shall be procured by
658 competitive solicitation, unless they are purchased from a state
659 term contract pursuant to s. 287.056. The department shall adopt
660 rules necessary to administer this subsection ~~paragraph~~.

661 ~~(b) As required under s. 443.091(1), each claimant must~~
662 ~~report at least biweekly to receive reemployment assistance~~
663 ~~benefits and to attest to the fact that she or he is able and~~
664 ~~available for work, has not refused suitable work, is seeking~~
665 ~~work and has met the requirements of s. 443.091(1)(d), and, if~~
666 ~~she or he has worked, to report earnings from that work. Each~~
667 ~~claimant must continue to report regardless of any appeal or~~
668 ~~pending appeal relating to her or his eligibility or~~
669 ~~disqualification for benefits.~~

670 (2) QUALIFYING REQUIREMENTS.—

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

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

675 2.(b) Minimum total base period wage credits equal to the

676 high quarter wages multiplied by 1.5, but at least \$1,200 ~~\$3,400~~
677 in the base period, or in the alternative base period if the
678 alternative base period is used for benefits eligibility.

679 (b)1. If a worker is ineligible for benefits based on base
680 period wages, wages for that worker must be calculated using an
681 alternative base period and the worker must have the opportunity
682 to choose whether to establish a claim using such wages.

683 2. If the wage information for an individual's most
684 recently completed calendar quarter is unavailable to the
685 department from regular quarterly reports of systematically
686 accessible wage information, the department must promptly
687 contact the individual's employer to obtain the wage
688 information.

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

692 4. The department shall adopt rules to administer this
693 paragraph.

694 (3) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit
695 amount" is an amount equal to one twenty-sixth of the total
696 wages for insured work paid during that quarter of the base
697 period in which the total wages paid were the highest, but not
698 less than \$100 ~~\$32~~ or more than \$500 ~~\$275~~. The weekly benefit
699 amount, if not a multiple of \$1, is rounded upward ~~downward~~ to
700 the nearest full dollar amount. The maximum weekly benefit

701 amount in effect at the time the claimant establishes an
702 individual weekly benefit amount is the maximum benefit amount
703 applicable throughout the claimant's benefit year.

704 (4) WEEKLY BENEFIT FOR UNEMPLOYMENT.—

705 (b) *Partial*.—Each eligible individual who is partially
706 unemployed in any week is paid for the week a benefit equal to
707 her or his weekly benefit less two-thirds, rounded upward to the
708 nearest full dollar, of the total earned income, rounded upward
709 to the nearest full dollar, payable to him or her for services
710 of any kind during the week ~~that part of the earned income, if~~
711 ~~any, payable to her or him for the week which is in excess of 8~~
712 ~~times the federal hourly minimum wage. These benefits, if not a~~
713 ~~multiple of \$1, are rounded upward downward~~ to the nearest full
714 dollar amount. For purposes of this paragraph, the term
715 "services of any kind" does not include services performed in
716 the employ of any political subdivision in lieu of paying any
717 delinquent tax payments to the political subdivision.

718 (5) DURATION OF BENEFITS.—

719 (a) ~~As used in this section, the term "Florida average~~
720 ~~unemployment rate" means the average of the 3 months for the~~
721 ~~most recent third calendar year quarter of the seasonally~~
722 ~~adjusted statewide unemployment rates as published by the~~
723 ~~Department of Economic Opportunity.~~

724 (b) ~~Each otherwise eligible individual is entitled during~~
725 ~~any benefit year to a total amount of benefits equal to 25~~

726 ~~percent of the total wages in his or her base period, not to~~
727 ~~exceed \$6,325 or the product arrived at by multiplying the~~
728 ~~weekly benefit amount with the number of weeks determined in~~
729 ~~paragraph (c), whichever is less. However, the total amount of~~
730 ~~benefits, if not a multiple of \$1, is rounded downward to the~~
731 ~~nearest full dollar amount. These benefits are payable at a~~
732 ~~weekly rate no greater than the weekly benefit amount.~~

733 ~~(e)~~ For claims submitted during a calendar year, the
734 duration of benefits is limited to 26 weeks of the individual's
735 weekly benefit amount.

736 ~~1. Twelve weeks if this state's average unemployment rate~~
737 ~~is at or below 5 percent.~~

738 ~~2. An additional week in addition to the 12 weeks for each~~
739 ~~0.5 percent increment in this state's average unemployment rate~~
740 ~~above 5 percent.~~

741 ~~3. Up to a maximum of 23 weeks if this state's average~~
742 ~~unemployment rate equals or exceeds 10.5 percent.~~

743 ~~(b)(d)~~ For the purposes of this subsection, wages are
744 counted as "wages for insured work" for benefit purposes with
745 respect to any benefit year only if the benefit year begins
746 after the date the employing unit by whom the wages were paid
747 has satisfied the conditions of this chapter for becoming an
748 employer.

749 ~~(c)(e)~~ If the remuneration of an individual is not based
750 upon a fixed period or duration of time or if the individual's

751 wages are paid at irregular intervals or in a manner that does
 752 not extend regularly over the period of employment, the wages
 753 for any week or for any calendar quarter for the purpose of
 754 computing an individual's right to employment benefits only are
 755 determined in the manner prescribed by rule. These rules, to the
 756 extent practicable, must secure results reasonably similar to
 757 those that would prevail if the individual were paid her or his
 758 wages at regular intervals.

759 Section 6. Subsection (2), paragraph (a) of subsection
 760 (5), subsection (7), and paragraph (a) of subsection (8) of
 761 section 443.1116, Florida Statutes, are amended to read:

762 443.1116 Short-time compensation.—

763 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
 764 wishing to participate in the short-time compensation program
 765 must submit a signed, written, short-time plan to the Department
 766 of Economic Opportunity for approval. The director or his or her
 767 designee shall approve the plan if all of the following apply:

768 (a) The plan applies to and identifies each specific
 769 affected unit.~~†~~

770 (b) The individuals in the affected unit are identified by
 771 name and social security number.~~†~~

772 (c) The normal weekly hours of work for individuals in the
 773 affected unit are reduced by no ~~at least 10 percent and by not~~
 774 ~~more than 40 percent.~~~~†~~

775 (d) The plan includes a certified statement by the

776 employer that the aggregate reduction in work hours is in lieu
777 of layoffs that would affect at least 10 percent of the
778 employees in the affected unit and that would have resulted in
779 an equivalent reduction in work hours.†

780 (e) The plan applies to at least 10 percent of the
781 employees in the affected unit.†

782 (f) The plan is approved in writing by the collective
783 bargaining agent for each collective bargaining agreement
784 covering any individual in the affected unit.†

785 (g) The plan does not serve as a subsidy to seasonal
786 employers during the off-season or as a subsidy to employers who
787 traditionally use part-time employees.†

788 (h) The plan certifies that, if the employer provides
789 fringe benefits to any employee whose workweek is reduced under
790 the program, the fringe benefits will continue to be provided to
791 the employee participating in the short-time compensation
792 program under the same terms and conditions as though the
793 workweek of such employee had not been reduced or to the same
794 extent as other employees not participating in the short-time
795 compensation program. As used in this paragraph, the term
796 "fringe benefits" includes, but is not limited to, health
797 insurance, retirement benefits under defined benefit pension
798 plans as defined in subsection 35 of s. 1002 of the Employee
799 Retirement Income Security Act of 1974, 29 U.S.C., contributions
800 under a defined contribution plan as defined in s. 414(i) of the

801 Internal Revenue Code, paid vacation and holidays, and sick
 802 leave.†

803 (i) The plan describes the manner in which the
 804 requirements of this subsection will be implemented, including a
 805 plan for giving notice, if feasible, to an employee whose
 806 workweek is to be reduced, together with an estimate of the
 807 number of layoffs that would have occurred absent the ability to
 808 participate in short-time compensation.†~~and~~

809 (j) The terms of the employer's written plan and
 810 implementation are consistent with employer obligations under
 811 applicable federal laws and laws of this state.

812 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
 813 BENEFITS.—

814 (a) Except as provided in this subsection, an individual
 815 is eligible to receive short-time compensation benefits for any
 816 week only if she or he complies with this chapter and the
 817 Department of Economic Opportunity finds that:

818 1. The individual is employed as a member of an affected
 819 unit in an approved plan that was approved before the week and
 820 is in effect for the week;

821 2. The individual is able to work and is available for
 822 additional hours of work or for full-time work with the short-
 823 time employer; and

824 3. The normal weekly hours of work of the individual are
 825 reduced by no ~~at least 10 percent but not by~~ more than 40

826 | percent, with a corresponding reduction in wages.

827 | (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—~~An~~
 828 | ~~individual may not be paid benefits under this section in any~~
 829 | ~~benefit year for more than the maximum entitlement provided in~~
 830 | ~~s. 443.111(5), and An individual may not be paid short-time~~
 831 | ~~compensation benefits for more than 26 weeks in any benefit~~
 832 | ~~year.~~

833 | (8) EFFECT OF SHORT-TIME COMPENSATION BENEFITS RELATING TO
 834 | THE PAYMENT OF REGULAR AND EXTENDED BENEFITS.—

835 | ~~(a) The short-time compensation benefits paid to an~~
 836 | ~~individual shall be deducted from the total benefit amount~~
 837 | ~~established for that individual in s. 443.111(5).~~

838 | Section 7. Paragraphs (a) and (c) of subsection (1),
 839 | subsection (5), and paragraphs (c), (f), and (g) of subsection
 840 | (13) of section 443.1216, Florida Statutes, are amended to read:

841 | 443.1216 Employment.—Employment, as defined in s. 443.036,
 842 | is subject to this chapter under the following conditions:

843 | (1) (a) The employment ~~subject to this chapter~~ includes a
 844 | service performed, including a service performed in interstate
 845 | commerce, by:

846 | 1. An officer of a corporation.

847 | 2. An individual who is providing the services for
 848 | remuneration for the person employing him or her unless the
 849 | employer demonstrates that the individual is free from the
 850 | control and direction of the employer in connection with the

851 performance of the services, performs services that are outside
852 the usual course of the employer's business, and is customarily
853 engaged in an independently established trade, occupation, or
854 business of the same nature as that involved with the services
855 rendered, ~~under the usual common-law rules applicable in~~
856 ~~determining the employer-employee relationship, is an employee.~~
857 However, when a client that ~~whenever a client, as defined in s.~~
858 ~~443.036(18), which~~ would otherwise be designated as an employing
859 unit has contracted with an employee leasing company to supply
860 it with workers, those workers are considered employees of the
861 employee leasing company. An employee leasing company may lease
862 corporate officers of the client to the client and other workers
863 to the client, except as prohibited by regulations of the
864 Internal Revenue Service. Employees of an employee leasing
865 company must be reported under the employee leasing company's
866 tax identification number and contribution rate for work
867 performed for the employee leasing company.

868 a. However, except for the internal employees of an
869 employee leasing company, each employee leasing company may make
870 a separate one-time election to report and pay contributions
871 under the tax identification number and contribution rate for
872 each client of the employee leasing company. Under the client
873 method, an employee leasing company choosing this option must
874 assign leased employees to the client company that is leasing
875 the employees. The client method is solely a method to report

876 and pay unemployment contributions, and, whichever method is
877 chosen, such election may not impact any other aspect of state
878 law. An employee leasing company that elects the client method
879 must pay contributions at the rates assigned to each client
880 company.

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

883 (II) The employee leasing company must notify the
884 Department of Revenue of its election by July 1, 2012, and such
885 election applies to reports and contributions for the first
886 quarter of the following calendar year. The notification must
887 include:

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

892 (B) A list of each client company's current and previous
893 employees and their respective social security numbers for the
894 prior 3 state fiscal years or, if the client company has not
895 been a client for the prior 3 state fiscal years, such portion
896 of the prior 3 state fiscal years that the client company has
897 been a client must be supplied;

898 (C) The wage data and benefit charges associated with each
899 client company for the prior 3 state fiscal years or, if the
900 client company has not been a client for the prior 3 state

901 fiscal years, such portion of the prior 3 state fiscal years
902 that the client company has been a client must be supplied. If
903 the client company's employment record is chargeable with
904 benefits for less than 8 calendar quarters while being a client
905 of the employee leasing company, the client company must pay
906 contributions at the initial rate of 2.7 percent; and

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

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

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

917 (V) For the purposes of calculating experience rates when
918 the client method is chosen, each client's own benefit charges
919 and wage data experience while with the employee leasing company
920 determines each client's tax rate where the client has been a
921 client of the employee leasing company for at least 8 calendar
922 quarters before the election. The client company shall continue
923 to report the nonleased employees under its tax rate.

924 (VI) The election is binding on each client of the
925 employee leasing company for as long as a written agreement is

926 | in effect between the client and the employee leasing company
927 | pursuant to s. 468.525(3)(a). If the relationship between the
928 | employee leasing company and the client terminates, the client
929 | retains the wage and benefit history experienced under the
930 | employee leasing company.

931 | (VII) Notwithstanding which election method the employee
932 | leasing company chooses, the applicable client company is an
933 | employing unit for purposes of s. 443.071. The employee leasing
934 | company or any of its officers or agents are liable for any
935 | violation of s. 443.071 engaged in by such persons or entities.
936 | The applicable client company or any of its officers or agents
937 | are liable for any violation of s. 443.071 engaged in by such
938 | persons or entities. The employee leasing company or its
939 | applicable client company is not liable for any violation of s.
940 | 443.071 engaged in by the other party or by the other party's
941 | officers or agents.

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

946 | (IX) After an employee leasing company is licensed
947 | pursuant to part XI of chapter 468, each newly licensed entity
948 | has 30 days after the date the license is granted to notify the
949 | tax collection service provider in writing of their selection of
950 | the client method. A newly licensed employee leasing company

951 that fails to timely select reporting pursuant to the client
 952 method of reporting must report under the employee leasing
 953 company's tax identification number and contribution rate.

954 (X) Irrespective of the election, each transfer of trade
 955 or business, including workforce, or a portion thereof, between
 956 employee leasing companies is subject to ~~the provisions of s.~~
 957 443.131(3)(g) if, at the time of the transfer, there is common
 958 ownership, management, or control between the entities.

959 b. In addition to any other report required to be filed by
 960 law, an employee leasing company shall submit a report to the
 961 Labor Market Statistics Center within the Department of Economic
 962 Opportunity which includes each client establishment and each
 963 establishment of the leasing company, or as otherwise directed
 964 by the department. The report must include the following
 965 information for each establishment:

966 (I) The trade or establishment name;

967 (II) The former reemployment assistance account number, if
 968 available;

969 (III) The former federal employer's identification number,
 970 if available;

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

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

975 (VI) The address of the physical location;

976 (VII) For each month of the quarter, the number of full-
 977 time and part-time employees who worked during, or received pay
 978 that was subject to reemployment assistance taxes for, the pay
 979 period including the 12th of the month ~~for each month of the~~
 980 ~~quarter;~~

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

983 (IX) An internal identification code to uniquely identify
 984 each establishment of each client;

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

987 (XI) The month and year that the client terminated the
 988 contract for services.

989 c. The report must be submitted electronically or in a
 990 manner otherwise prescribed by the Department of Economic
 991 Opportunity in the format specified by the Bureau of Labor
 992 Statistics of the United States Department of Labor for its
 993 Multiple Worksite Report for Professional Employer
 994 Organizations. The report must be provided quarterly to the
 995 Labor Market Statistics Center within the department, or as
 996 otherwise directed by the department, and must be filed by the
 997 last day of the month immediately after the end of the calendar
 998 quarter. The information required in sub-sub-subparagraphs b.(X)
 999 and (XI) need be provided only in the quarter in which the
 1000 contract to which it relates was entered into or terminated. The

1001 | sum of the employment data and the sum of the wage data in this
 1002 | report must match the employment and wages reported in the
 1003 | reemployment assistance quarterly tax and wage report.

1004 | d. The department shall adopt rules as necessary to
 1005 | administer this subparagraph, and may administer, collect,
 1006 | enforce, and waive the penalty imposed by s. 443.141(1)(b) for
 1007 | the report required by this subparagraph.

1008 | e. For the purposes of this subparagraph, the term
 1009 | "establishment" means any location where business is conducted
 1010 | or where services or industrial operations are performed.

1011 | 3. An individual other than an individual who is an
 1012 | employee under subparagraph 1. or subparagraph 2., who performs
 1013 | services for remuneration for any person:

1014 | a. As an agent-driver or commission-driver engaged in
 1015 | distributing meat products, vegetable products, fruit products,
 1016 | bakery products, beverages other than milk, or laundry or
 1017 | drycleaning services for his or her principal; or.

1018 | b. As a traveling or city salesperson engaged on a full-
 1019 | time basis in the solicitation on behalf of, and the
 1020 | transmission to, his or her principal of orders from
 1021 | wholesalers, retailers, contractors, or operators of hotels,
 1022 | restaurants, or other similar establishments for merchandise for
 1023 | resale or supplies for use in the business operations. This sub-
 1024 | subparagraph does not apply to an agent-driver or a commission-
 1025 | driver and does not apply to sideline sales activities performed

1026 | on behalf of a person other than the salesperson's principal.

1027 | 4. The services described in subparagraph 3. are
 1028 | employment subject to this chapter only if:

1029 | a. The contract of service contemplates that substantially
 1030 | all of the services are to be performed personally by the
 1031 | individual;

1032 | b. The individual does not have a substantial investment
 1033 | in facilities used in connection with the services, other than
 1034 | facilities used for transportation; and

1035 | c. The services are not in the nature of a single
 1036 | transaction that is not part of a continuing relationship with
 1037 | the person for whom the services are performed.

1038 | (c) If the services performed during at least one-half of
 1039 | a pay period by an employee for the person employing him or her
 1040 | constitute employment, all of the services performed by the
 1041 | employee during the period are deemed to be employment. If the
 1042 | services performed during more than one-half of the pay period
 1043 | by an employee for the person employing him or her do not
 1044 | constitute employment, all of the services performed by the
 1045 | employee during the period are not deemed to be employment. ~~This~~
 1046 | ~~paragraph does not apply to services performed in a pay period~~
 1047 | ~~by an employee for the person employing him or her if any of~~
 1048 | ~~those services are exempted under paragraph (13)(g).~~

1049 | (5) The ~~employment subject to this chapter includes~~
 1050 | service is performed by an individual in agricultural labor, and

1051 ~~if:~~

1052 ~~(a) the service is performed for a person who:~~

1053 ~~1. Paid remuneration in cash of at least \$10,000 to~~

1054 ~~individuals employed in agricultural labor in a calendar quarter~~

1055 ~~during the current or preceding calendar year.~~

1056 ~~2. employed in agricultural labor at least one individual~~

1057 ~~five individuals for some portion of a day in each of 10 20~~

1058 ~~different calendar weeks during the current or preceding~~

1059 ~~calendar year, regardless of whether the weeks were consecutive~~

1060 ~~or whether the individuals were employed at the same time.~~

1061 ~~(b) The service is performed by a member of a crew~~

1062 ~~furnished by a crew leader to perform agricultural labor for~~

1063 ~~another person.~~

1064 ~~1. For purposes of this paragraph, a crew member is~~

1065 ~~treated as an employee of the crew leader if:~~

1066 ~~a. The crew leader holds a valid certificate of~~

1067 ~~registration under the Migrant and Seasonal Agricultural Worker~~

1068 ~~Protection Act of 1983 or substantially all of the crew members~~

1069 ~~operate or maintain tractors, mechanized harvesting or crop-~~

1070 ~~dusting equipment, or any other mechanized equipment provided by~~

1071 ~~the crew leader; and~~

1072 ~~b. The individual does not perform that agricultural labor~~

1073 ~~as an employee of an employer other than the crew leader.~~

1074 ~~2. For purposes of this paragraph, in the case of an~~

1075 ~~individual who is furnished by a crew leader to perform~~

1076 ~~agricultural labor for another person and who is not treated as~~
 1077 ~~an employee of the crew leader under subparagraph 1.:~~

1078 ~~a. The other person and not the crew leader is treated as~~
 1079 ~~the employer of the individual; and~~

1080 ~~b. The other person is treated as having paid cash~~
 1081 ~~remuneration to the individual equal to the cash remuneration~~
 1082 ~~paid to the individual by the crew leader, either on his or her~~
 1083 ~~own behalf or on behalf of the other person, for the~~
 1084 ~~agricultural labor performed for the other person.~~

1085 (13) The following are exempt from coverage under this
 1086 chapter:

1087 ~~(c) Service performed by an individual engaged in, or as~~
 1088 ~~an officer or member of the crew of a vessel engaged in, the~~
 1089 ~~catching, taking, harvesting, cultivating, or farming of any~~
 1090 ~~kind of fish, shellfish, crustacea, sponges, seaweeds, or other~~
 1091 ~~aquatic forms of animal and vegetable life, including service~~
 1092 ~~performed by an individual as an ordinary incident to engaging~~
 1093 ~~in those activities, except:~~

1094 ~~1. Service performed in connection with the catching or~~
 1095 ~~taking of salmon or halibut for commercial purposes.~~

1096 ~~2. Service performed on, or in connection with, a vessel~~
 1097 ~~of more than 10 net tons, determined in the manner provided for~~
 1098 ~~determining the registered tonnage of merchant vessels under the~~
 1099 ~~laws of the United States.~~

1100 (e) ~~(f)~~ Service performed in the employ of a public

1101 employer as defined in s. 443.036, except as provided in
1102 subsection (2), and service performed in the employ of an
1103 instrumentality of a public employer as described in s.
1104 443.036(36)(b) or (c) ~~s. 443.036(35)(b) or (c)~~, to the extent
1105 that the instrumentality is immune under the United States
1106 Constitution from the tax imposed by s. 3301 of the Internal
1107 Revenue Code for that service.

1108 ~~(g) Service performed in the employ of a corporation,~~
1109 ~~community chest, fund, or foundation that is organized and~~
1110 ~~operated exclusively for religious, charitable, scientific,~~
1111 ~~testing for public safety, literary, or educational purposes or~~
1112 ~~for the prevention of cruelty to children or animals. This~~
1113 ~~exemption does not apply to an employer if part of the~~
1114 ~~employer's net earnings inures to the benefit of any private~~
1115 ~~shareholder or individual or if a substantial part of the~~
1116 ~~employer's activities involve carrying on propaganda, otherwise~~
1117 ~~attempting to influence legislation, or participating or~~
1118 ~~intervening in, including the publishing or distributing of~~
1119 ~~statements, a political campaign on behalf of a candidate for~~
1120 ~~public office, except as provided in subsection (3).~~

1121 Section 8. Paragraph (a) of subsection (2) of section
1122 443.1217, Florida Statutes, is amended to read:

1123 443.1217 Wages.—

1124 (2) For the purpose of determining an employer's
1125 contributions, the following wages are exempt from this chapter:

1126 (a)1. Beginning January 1, 2012, that part of remuneration
1127 paid to an individual by an employer for employment during a
1128 calendar year in excess of the first \$8,000 of remuneration paid
1129 to the individual by the employer or his or her predecessor
1130 during that calendar year, unless that part of the remuneration
1131 is subject to a tax, under a federal law imposing the tax,
1132 against which credit may be taken for contributions required to
1133 be paid into a state unemployment fund.

1134 2. Beginning January 1, 2015, the part of remuneration
1135 paid to an individual by an employer for employment during a
1136 calendar year in excess of the first \$7,000 of remuneration paid
1137 to the individual by an employer or his or her predecessor
1138 during that calendar year, unless that part of the remuneration
1139 is subject to a tax, under a federal law imposing the tax,
1140 against which credit may be taken for contributions required to
1141 be paid into a state unemployment fund. The wage base exemption
1142 adjustment authorized by this subparagraph shall be suspended in
1143 any calendar year in which repayment of the principal amount of
1144 an advance received from the Unemployment Compensation Trust
1145 Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

1146 3. Beginning January 1, 2021, the part of remuneration
1147 paid to an individual by an employer for employment during a
1148 calendar year in excess of the first \$14,000 of remuneration
1149 paid to the individual by an employer or his or her predecessor
1150 during that calendar year, unless that part of the remuneration

1151 is subject to a tax, under a federal law imposing the tax,
1152 against which credit may be taken for contributions required to
1153 be paid into a state unemployment fund.

1154 Section 9. Paragraphs (a), (e), and (f) of subsection (3)
1155 of section 443.131, Florida Statutes, are amended to read:

1156 443.131 Contributions.—

1157 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
1158 EXPERIENCE.—

1159 (a) *Employment records.*—The regular and short-time
1160 compensation benefits paid to an eligible individual shall be
1161 charged to the employment record of each employer ~~who paid the~~
1162 ~~individual wages of at least \$100 during the individual's base~~
1163 ~~period in proportion to the total wages paid by all employers~~
1164 ~~who paid the individual wages during the individual's base~~
1165 ~~period. Benefits may not be charged to the employment record of~~
1166 ~~an employer who furnishes part-time work to an individual who,~~
1167 ~~because of loss of employment with one or more other employers,~~
1168 ~~is eligible for partial benefits while being furnished part-time~~
1169 ~~work by the employer on substantially the same basis and in~~
1170 ~~substantially the same amount as the individual's employment~~
1171 ~~during his or her base period, regardless of whether this part-~~
1172 ~~time work is simultaneous or successive to the individual's lost~~
1173 ~~employment.~~ Further, as provided in s. 443.151(3), benefits may
1174 not be charged to the employment record of an employer who
1175 furnishes the Department of Economic Opportunity with notice, as

1176 prescribed in rules of the department, that any of the following
1177 apply:

1178 1. If an individual leaves his or her work without good
1179 cause, as defined in s. 443.101(1)(a)7., attributable to the
1180 employer or is discharged by the employer for misconduct
1181 connected with his or her work, benefits subsequently paid to
1182 the individual based on wages paid by the employer before the
1183 separation may not be charged to the employment record of the
1184 employer.

1185 2. If an individual is discharged by the employer for
1186 unsatisfactory performance during an initial employment
1187 probationary period, benefits subsequently paid to the
1188 individual based on wages paid during the probationary period by
1189 the employer before the separation may not be charged to the
1190 employer's employment record. As used in this subparagraph, the
1191 term "initial employment probationary period" means an
1192 established probationary plan that applies to all employees or a
1193 specific group of employees and that does not exceed 90 calendar
1194 days following the first day a new employee begins work. The
1195 employee must be informed of the probationary period within the
1196 first 7 days of work. The employer must demonstrate by
1197 conclusive evidence that the individual was separated because of
1198 unsatisfactory work performance and not because of lack of work
1199 due to temporary, seasonal, casual, or other similar employment
1200 that is not of a regular, permanent, and year-round nature.

1201 3. Benefits subsequently paid to an individual after his
1202 or her refusal without good cause to accept suitable work from
1203 an employer may not be charged to the employment record of the
1204 employer if any part of those benefits are based on wages paid
1205 by the employer before the individual's refusal to accept
1206 suitable work. As used in this subparagraph, the term "good
1207 cause" does not include distance to employment caused by a
1208 change of residence by the individual. The department shall
1209 adopt rules prescribing for the payment of all benefits whether
1210 this subparagraph applies regardless of whether a
1211 disqualification under s. 443.101 applies to the claim.

1212 4. If an individual is separated from work as a direct
1213 result of a natural disaster declared under the Robert T.
1214 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
1215 ss. 5121 et seq., benefits subsequently paid to the individual
1216 based on wages paid by the employer before the separation may
1217 not be charged to the employment record of the employer.

1218 5. If an individual is separated from work as a direct
1219 result of an oil spill, terrorist attack, or other similar
1220 disaster of national significance not subject to a declaration
1221 under the Robert T. Stafford Disaster Relief and Emergency
1222 Assistance Act, benefits subsequently paid to the individual
1223 based on wages paid by the employer before the separation may
1224 not be charged to the employment record of the employer.

1225 6. If an individual is separated from work as a direct

1226 result of domestic violence and meets all requirements in s.
1227 443.101(1)(a)2.c., benefits subsequently paid to the individual
1228 based on wages paid by the employer before separation may not be
1229 charged to the employment record of the employer.

1230 (e) *Assignment of variations from the standard rate.*—

1231 1. As used in this paragraph, the terms "total benefit
1232 payments," "benefits paid to an individual," and "benefits
1233 charged to the employment record of an employer" mean the amount
1234 of benefits paid to individuals multiplied by:

1235 a. For benefits paid prior to July 1, 2007, 1.

1236 b. For benefits paid during the period beginning on July
1237 1, 2007, and ending March 31, 2011, 0.90.

1238 c. For benefits paid after March 31, 2011, 1.

1239 2. For the calculation of contribution rates effective
1240 January 1, 2012, and thereafter:

1241 a. The tax collection service provider shall assign a
1242 variation from the standard rate of contributions for each
1243 calendar year to each eligible employer. In determining the
1244 contribution rate, varying from the standard rate to be assigned
1245 each employer, adjustment factors computed under sub-sub-
1246 subparagraphs (I)-(IV) are added to the benefit ratio. This
1247 addition shall be accomplished in two steps by adding a variable
1248 adjustment factor and a final adjustment factor. The sum of
1249 these adjustment factors computed under sub-sub-subparagraphs
1250 (I)-(IV) shall first be algebraically summed. The sum of these

1251 adjustment factors shall next be divided by a gross benefit
1252 ratio determined as follows: Total benefit payments for the 3-
1253 year period described in subparagraph (b)3. are charged to
1254 employers eligible for a variation from the standard rate, minus
1255 excess payments for the same period, divided by taxable payroll
1256 entering into the computation of individual benefit ratios for
1257 the calendar year for which the contribution rate is being
1258 computed. The ratio of the sum of the adjustment factors
1259 computed under sub-sub-subparagraphs (I)-(IV) to the gross
1260 benefit ratio is multiplied by each individual benefit ratio
1261 that is less than the maximum contribution rate to obtain
1262 variable adjustment factors; except that if the sum of an
1263 employer's individual benefit ratio and variable adjustment
1264 factor exceeds the maximum contribution rate, the variable
1265 adjustment factor is reduced in order for the sum to equal the
1266 maximum contribution rate. The variable adjustment factor for
1267 each of these employers is multiplied by his or her taxable
1268 payroll entering into the computation of his or her benefit
1269 ratio. The sum of these products is divided by the taxable
1270 payroll of the employers who entered into the computation of
1271 their benefit ratios. The resulting ratio is subtracted from the
1272 sum of the adjustment factors computed under sub-sub-
1273 subparagraphs (I)-(IV) to obtain the final adjustment factor.
1274 The variable adjustment factors and the final adjustment factor
1275 must be computed to five decimal places and rounded to the

1276 fourth decimal place. This final adjustment factor is added to
1277 the variable adjustment factor and benefit ratio of each
1278 employer to obtain each employer's contribution rate. An
1279 employer's contribution rate may not, however, be rounded to
1280 less than 0.1 percent.

1281 (I) An adjustment factor for noncharge benefits is
1282 computed to the fifth decimal place and rounded to the fourth
1283 decimal place by dividing the amount of noncharge benefits
1284 during the 3-year period described in subparagraph (b)3. by the
1285 taxable payroll of employers eligible for a variation from the
1286 standard rate who have a benefit ratio for the current year
1287 which is less than the maximum contribution rate. For purposes
1288 of computing this adjustment factor, the taxable payroll of
1289 these employers is the taxable payrolls for the 3 years ending
1290 June 30 of the current calendar year as reported to the tax
1291 collection service provider by September 30 of the same calendar
1292 year. As used in this sub-sub-subparagraph, the term "noncharge
1293 benefits" means benefits paid to an individual from the
1294 Unemployment Compensation Trust Fund, but which were not charged
1295 to the employment record of any employer.

1296 (II) An adjustment factor for excess payments is computed
1297 to the fifth decimal place, and rounded to the fourth decimal
1298 place by dividing the total excess payments during the 3-year
1299 period described in subparagraph (b)3. by the taxable payroll of
1300 employers eligible for a variation from the standard rate who

1301 have a benefit ratio for the current year which is less than the
1302 maximum contribution rate. For purposes of computing this
1303 adjustment factor, the taxable payroll of these employers is the
1304 same figure used to compute the adjustment factor for noncharge
1305 benefits under sub-sub-subparagraph (I). As used in this sub-
1306 subparagraph, the term "excess payments" means the amount of
1307 benefits charged to the employment record of an employer during
1308 the 3-year period described in subparagraph (b)3., less the
1309 product of the maximum contribution rate and the employer's
1310 taxable payroll for the 3 years ending June 30 of the current
1311 calendar year as reported to the tax collection service provider
1312 by September 30 of the same calendar year. As used in this sub-
1313 sub-subparagraph, the term "total excess payments" means the sum
1314 of the individual employer excess payments for those employers
1315 that were eligible for assignment of a contribution rate
1316 different from the standard rate.

1317 (III) With respect to computing a positive adjustment
1318 factor:

1319 (A) Beginning January 1, 2012, if the balance of the
1320 Unemployment Compensation Trust Fund on September 30 of the
1321 calendar year immediately preceding the calendar year for which
1322 the contribution rate is being computed is less than 4 percent
1323 of the taxable payrolls for the year ending June 30 as reported
1324 to the tax collection service provider by September 30 of that
1325 calendar year, a positive adjustment factor shall be computed.

1326 The positive adjustment factor is computed annually to the fifth
1327 decimal place and rounded to the fourth decimal place by
1328 dividing the sum of the total taxable payrolls for the year
1329 ending June 30 of the current calendar year as reported to the
1330 tax collection service provider by September 30 of that calendar
1331 year into a sum equal to one-fifth of the difference between the
1332 balance of the fund as of September 30 of that calendar year and
1333 the sum of 5 percent of the total taxable payrolls for that
1334 year. The positive adjustment factor remains in effect for
1335 subsequent years until the balance of the Unemployment
1336 Compensation Trust Fund as of September 30 of the year
1337 immediately preceding the effective date of the contribution
1338 rate equals or exceeds 4 percent of the taxable payrolls for the
1339 year ending June 30 of the current calendar year as reported to
1340 the tax collection service provider by September 30 of that
1341 calendar year.

1342 (B) Beginning January 1, 2018, and for each year
1343 thereafter, the positive adjustment shall be computed by
1344 dividing the sum of the total taxable payrolls for the year
1345 ending June 30 of the current calendar year as reported to the
1346 tax collection service provider by September 30 of that calendar
1347 year into a sum equal to one-fourth of the difference between
1348 the balance of the fund as of September 30 of that calendar year
1349 and the sum of 5 percent of the total taxable payrolls for that
1350 year. The positive adjustment factor remains in effect for

1351 subsequent years until the balance of the Unemployment
 1352 Compensation Trust Fund as of September 30 of the year
 1353 immediately preceding the effective date of the contribution
 1354 rate equals or exceeds 4 percent of the taxable payrolls for the
 1355 year ending June 30 of the current calendar year as reported to
 1356 the tax collection service provider by September 30 of that
 1357 calendar year.

1358 (IV) If, beginning January 1, 2015, and each year
 1359 thereafter, the balance of the Unemployment Compensation Trust
 1360 Fund as of September 30 of the year immediately preceding the
 1361 calendar year for which the contribution rate is being computed
 1362 exceeds 5 percent of the taxable payrolls for the year ending
 1363 June 30 of the current calendar year as reported to the tax
 1364 collection service provider by September 30 of that calendar
 1365 year, a negative adjustment factor must be computed. The
 1366 negative adjustment factor shall be computed annually beginning
 1367 on January 1, 2015, and each year thereafter, to the fifth
 1368 decimal place and rounded to the fourth decimal place by
 1369 dividing the sum of the total taxable payrolls for the year
 1370 ending June 30 of the current calendar year as reported to the
 1371 tax collection service provider by September 30 of the calendar
 1372 year into a sum equal to one-fourth of the difference between
 1373 the balance of the fund as of September 30 of the current
 1374 calendar year and 5 percent of the total taxable payrolls of
 1375 that year. The negative adjustment factor remains in effect for

1376 subsequent years until the balance of the Unemployment
1377 Compensation Trust Fund as of September 30 of the year
1378 immediately preceding the effective date of the contribution
1379 rate is less than 5 percent, but more than 4 percent of the
1380 taxable payrolls for the year ending June 30 of the current
1381 calendar year as reported to the tax collection service provider
1382 by September 30 of that calendar year. The negative adjustment
1383 authorized by this section is suspended in any calendar year in
1384 which repayment of the principal amount of an advance received
1385 from the federal Unemployment Compensation Trust Fund under 42
1386 U.S.C. s. 1321 is due to the Federal Government.

1387 (V) The maximum contribution rate that may be assigned to
1388 an employer is 5.4 percent, except employers participating in an
1389 approved short-time compensation plan may be assigned a maximum
1390 contribution rate that is 1 percent greater than the maximum
1391 contribution rate for other employers in any calendar year in
1392 which short-time compensation benefits are charged to the
1393 employer's employment record.

1394 (VI) As used in this subsection, "taxable payroll" shall
1395 be determined by excluding any part of the remuneration paid to
1396 an individual by an employer for employment during a calendar
1397 year ~~in excess of the first \$7,000. Beginning January 1, 2012,~~
1398 ~~"taxable payroll" shall be determined by excluding any part of~~
1399 ~~the remuneration paid to an individual by an employer for~~
1400 ~~employment during a calendar year as described in s.~~

1401 443.1217(2). For the purposes of the employer rate calculation
1402 that will take effect in January 1, 2012, and in January 1,
1403 2013, the tax collection service provider shall use the data
1404 available for taxable payroll from 2009 based on excluding any
1405 part of the remuneration paid to an individual by an employer
1406 for employment during a calendar year in excess of the first
1407 \$7,000, and from 2010 and 2011, the data available for taxable
1408 payroll based on excluding any part of the remuneration paid to
1409 an individual by an employer for employment during a calendar
1410 year in excess of the first \$8,500.

1411 b. If the transfer of an employer's employment record to
1412 an employing unit under paragraph (f) which, before the
1413 transfer, was an employer, the tax collection service provider
1414 shall recompute a benefit ratio for the successor employer based
1415 on the combined employment records and reassign an appropriate
1416 contribution rate to the successor employer effective on the
1417 first day of the calendar quarter immediately after the
1418 effective date of the transfer.

1419 (f) *Transfer of employment records.*—

1420 1. For the purposes of this subsection, two or more
1421 employers who are parties to a transfer of business or the
1422 subject of a merger, consolidation, or other form of
1423 reorganization, effecting a change in legal identity or form,
1424 are deemed a single employer and are considered to be one
1425 employer with a continuous employment record if the tax

1426 collection service provider finds that the successor employer
1427 continues to carry on the employing enterprises of all of the
1428 predecessor employers and that the successor employer has paid
1429 all contributions required of and due from all of the
1430 predecessor employers and has assumed liability for all
1431 contributions that may become due from all of the predecessor
1432 employers. In addition, an employer may not be considered a
1433 successor under this subparagraph if the employer purchases a
1434 company with a lower rate into which employees with job
1435 functions unrelated to the business endeavors of the predecessor
1436 are transferred for the purpose of acquiring the low rate and
1437 avoiding payment of contributions. As used in this paragraph,
1438 notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term
1439 "contributions" means all indebtedness to the tax collection
1440 service provider, including, but not limited to, interest,
1441 penalty, collection fee, and service fee. A successor employer
1442 must accept the transfer of all of the predecessor employers'
1443 employment records within 30 days after the date of the official
1444 notification of liability by succession. If a predecessor
1445 employer has unpaid contributions or outstanding quarterly
1446 reports, the successor employer must pay the total amount with
1447 certified funds within 30 days after the date of the notice
1448 listing the total amount due. After the total indebtedness is
1449 paid, the tax collection service provider shall transfer the
1450 employment records of all of the predecessor employers to the

1451 successor employer's employment record. The tax collection
1452 service provider shall determine the contribution rate of the
1453 combined successor and predecessor employers upon the transfer
1454 of the employment records, as prescribed by rule, in order to
1455 calculate any change in the contribution rate resulting from the
1456 transfer of the employment records.

1457 2. Regardless of whether a predecessor employer's
1458 employment record is transferred to a successor employer under
1459 this paragraph, the tax collection service provider shall treat
1460 the predecessor employer, if he or she subsequently employs
1461 individuals, as an employer without a previous employment record
1462 or, if his or her coverage is terminated under s. 443.121, as a
1463 new employing unit.

1464 3. The state agency providing reemployment assistance tax
1465 collection services may adopt rules governing the partial
1466 transfer of experience rating when an employer transfers an
1467 identifiable and segregable portion of his or her payrolls and
1468 business to a successor employing unit. As a condition of each
1469 partial transfer, these rules must require the following to be
1470 filed with the tax collection service provider: an application
1471 by the successor employing unit, an agreement by the predecessor
1472 employer, and the evidence required by the tax collection
1473 service provider to show the benefit experience and payrolls
1474 attributable to the transferred portion through the date of the
1475 transfer. These rules must provide that the successor employing

1476 unit, if not an employer subject to this chapter, becomes an
1477 employer as of the date of the transfer and that the transferred
1478 portion of the predecessor employer's employment record is
1479 removed from the employment record of the predecessor employer.
1480 For each calendar year after the date of the transfer of the
1481 employment record in the records of the tax collection service
1482 provider, the service provider shall compute the contribution
1483 rate payable by the successor employer or employing unit based
1484 on his or her employment record, combined with the transferred
1485 portion of the predecessor employer's employment record. These
1486 rules may also prescribe what contribution rates are payable by
1487 the predecessor and successor employers for the period between
1488 the date of the transfer of the transferred portion of the
1489 predecessor employer's employment record in the records of the
1490 tax collection service provider and the first day of the next
1491 calendar year.

1492 4. This paragraph does not apply to an employee leasing
1493 company and client contractual agreement as defined in s.
1494 443.036, except as provided in s. 443.1216(1)(a)2.a. ~~The tax~~
1495 ~~collection service provider shall,~~ If the contractual agreement
1496 is terminated or the employee leasing company fails to submit
1497 reports or pay contributions as required by the service
1498 provider, the tax collection service provider must treat the
1499 client as a new employer without previous employment record
1500 unless the client is otherwise eligible for a variation from the

1501 standard rate.

1502 Section 10. Paragraph (c) of subsection (2) and paragraphs
1503 (d) and (f) of subsection (6) of section 443.141, Florida
1504 Statutes, are amended to read:

1505 443.141 Collection of contributions and reimbursements.—

1506 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

1507 (c) *Appeals*.—The department and the state agency providing
1508 reemployment assistance tax collection services shall adopt
1509 rules prescribing the procedures for an employing unit
1510 determined to be an employer to file an appeal and be afforded
1511 an opportunity for a hearing on the determination. The burden of
1512 proof in an appeal filed by an employer is on the employer.

1513 Pending a hearing, the employing unit must file reports and pay
1514 contributions in accordance with s. 443.131.

1515 (6) REFUNDS.—

1516 (d) This chapter does not authorize a refund of
1517 contributions or reimbursements properly paid in accordance with
1518 this chapter when the payment was made, except as required by s.
1519 443.1216(13)(d) ~~s. 443.1216(13)(e)~~.

1520 (f) Refunds under this subsection and under s.
1521 443.1216(13)(d) ~~s. 443.1216(13)(e)~~ may be paid from the clearing
1522 account or the benefit account of the Unemployment Compensation
1523 Trust Fund and from the Special Employment Security
1524 Administration Trust Fund for interest or penalties previously
1525 paid into the fund, notwithstanding s. 443.191(2).

1526 Section 11. Paragraph (b) of subsection (4) of section
 1527 443.151, Florida Statutes, is amended to read:

1528 443.151 Procedure concerning claims.—

1529 (4) APPEALS.—

1530 (b) *Filing and hearing.*—

1531 1. The claimant or any other party entitled to notice of a
 1532 determination may appeal an adverse determination to an appeals
 1533 referee within 20 days after the date of mailing of the notice
 1534 to her or his last known address or, if the notice is not
 1535 mailed, within 20 days after the date of delivering the notice.
 1536 The burden of proof in an appeal filed by an employer is on the
 1537 employer.

1538 2. Unless the appeal is untimely or withdrawn or review is
 1539 initiated by the commission, the appeals referee, after mailing
 1540 all parties and attorneys of record a notice of hearing at least
 1541 10 days before the date of hearing, notwithstanding the 14-day
 1542 notice requirement in s. 120.569(2)(b), may only affirm, modify,
 1543 or reverse the determination. An appeal may not be withdrawn
 1544 without the permission of the appeals referee.

1545 3. However, if an appeal appears to have been filed after
 1546 the permissible time limit, the Office of Appeals may issue an
 1547 order to show cause to the appellant which requires the
 1548 appellant to show why the appeal should not be dismissed as
 1549 untimely. If, within 15 days after the mailing date of the order
 1550 to show cause, the appellant does not provide written evidence

1551 of timely filing or good cause for failure to appeal timely, the
1552 appeal shall be dismissed.

1553 4. If an appeal involves a question of whether services
1554 were performed by a claimant in employment or for an employer,
1555 the referee must give special notice of the question and of the
1556 pendency of the appeal to the employing unit and to the
1557 department, both of which become parties to the proceeding.

1558 5.a. Any part of the evidence may be received in written
1559 form, and all testimony of parties and witnesses shall be made
1560 under oath.

1561 b. Irrelevant, immaterial, or unduly repetitious evidence
1562 shall be excluded, but all other evidence of a type commonly
1563 relied upon by reasonably prudent persons in the conduct of
1564 their affairs is admissible, regardless of whether ~~or not~~ such
1565 evidence would be admissible in a trial in state court.

1566 c. Hearsay evidence may be used for the purpose of
1567 supplementing or explaining other evidence, or to support a
1568 finding if it would be admissible over objection in civil
1569 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
1570 support a finding of fact if:

1571 (I) The party against whom it is offered has a reasonable
1572 opportunity to review such evidence prior to the hearing; and

1573 (II) The appeals referee or special deputy determines,
1574 after considering all relevant facts and circumstances, that the
1575 evidence is trustworthy and probative and that the interests of

1576 justice are best served by its admission into evidence.

1577 6. The parties must be notified promptly of the referee's
 1578 decision. The referee's decision is final unless further review
 1579 is initiated under paragraph (c) within 20 days after the date
 1580 of mailing notice of the decision to the party's last known
 1581 address or, in lieu of mailing, within 20 days after the
 1582 delivery of the notice.

1583 Section 12. Paragraph (b) of subsection (2) of section
 1584 443.041, Florida Statutes, is amended to read:

1585 443.041 Waiver of rights; fees; privileged
 1586 communications.—

1587 (2) FEES.—

1588 (b) An attorney at law representing a claimant for
 1589 benefits in any district court of appeal of this state or in the
 1590 Supreme Court of Florida is entitled to counsel fees payable by
 1591 the department as set by the court if the petition for review or
 1592 appeal is initiated by the claimant and results in a decision
 1593 awarding more benefits than provided in the decision from which
 1594 appeal was taken. ~~The amount of the fee may not exceed 50~~
 1595 ~~percent of the total amount of regular benefits permitted under~~
 1596 ~~s. 443.111(5)(b) during the benefit year.~~

1597 Section 13. Paragraph (c) of subsection (3) of section
 1598 443.1115, Florida Statutes, is amended to read:

1599 443.1115 Extended benefits.—

1600 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

1601 (c)1. An individual is disqualified from receiving
 1602 extended benefits if the department finds that, during any week
 1603 of unemployment in her or his eligibility period:

1604 a. She or he failed to apply for suitable work or, if
 1605 offered, failed to accept suitable work, unless the individual
 1606 can furnish to the department satisfactory evidence that her or
 1607 his prospects for obtaining work in her or his customary
 1608 occupation within a reasonably short period are good. ~~If this~~
 1609 ~~evidence is deemed satisfactory for this purpose, the~~
 1610 ~~determination of whether any work is suitable for the individual~~
 1611 ~~shall be made in accordance with the definition of suitable work~~
 1612 ~~in s. 443.101(2).~~ This disqualification begins with the week the
 1613 failure occurred and continues until she or he is employed for
 1614 at least 4 weeks and receives earned income of at least 17 times
 1615 her or his weekly benefit amount.

1616 b. She or he failed to furnish tangible evidence that she
 1617 or he actively engaged in a systematic and sustained effort to
 1618 find work. This disqualification begins with the week the
 1619 failure occurred and continues until she or he is employed for
 1620 at least 4 weeks and receives earned income of at least 4 times
 1621 her or his weekly benefit amount.

1622 2. Except as otherwise provided in sub-subparagraph 1.a.,
 1623 as used in this paragraph, the term "suitable work" means any
 1624 work within the individual's capabilities to perform, if:

1625 a. The gross average weekly remuneration payable for the

1626 work exceeds the sum of the individual's weekly benefit amount
1627 plus the amount, if any, of supplemental unemployment benefits,
1628 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
1629 1954, as amended, payable to the individual for that week; and

1630 b. The wages payable for the work equal the higher of the
1631 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
1632 Act of 1938, without regard to any exemption, or the state or
1633 local minimum wage; ~~and~~

1634 ~~e. The work otherwise meets the definition of suitable~~
1635 ~~work in s. 443.101(2) to the extent that the criteria for~~
1636 ~~suitability are not inconsistent with this paragraph.~~

1637 Section 14. Paragraph (d) of subsection (1) of section
1638 443.1215, Florida Statutes, is amended to read:

1639 443.1215 Employers.—

1640 (1) Each of the following employing units is an employer
1641 subject to this chapter:

1642 (d)1. An employing unit for which agricultural labor, ~~as~~
1643 ~~defined in s. 443.1216(5),~~ is performed.

1644 2. An employing unit for which domestic service in
1645 employment, as defined in s. 443.1216(6), is performed.

1646 Section 15. Paragraph (a) of subsection (4) of section
1647 215.425, Florida Statutes, is amended to read:

1648 215.425 Extra compensation claims prohibited; bonuses;
1649 severance pay.—

1650 (4) (a) On or after July 1, 2011, a unit of government that

1651 enters into a contract or employment agreement, or renewal or
 1652 renegotiation of an existing contract or employment agreement,
 1653 that contains a provision for severance pay with an officer,
 1654 agent, employee, or contractor must include the following
 1655 provisions in the contract:

1656 1. A requirement that severance pay provided may not
 1657 exceed an amount greater than 20 weeks of compensation.

1658 2. A prohibition of provision of severance pay when the
 1659 officer, agent, employee, or contractor has been fired for
 1660 misconduct, as defined in s. 443.036 ~~s. 443.036(29)~~, by the unit
 1661 of government.

1662 Section 16. Paragraph (c) of subsection (3) of section
 1663 443.121, Florida Statutes, is amended to read:

1664 443.121 Employing units affected.—

1665 (3) ELECTIVE COVERAGE.—

1666 (c) *Certain services for political subdivisions.*—

1667 1. Any political subdivision of this state may elect to
 1668 cover under this chapter, for at least 1 calendar year, service
 1669 performed by employees in all of the hospitals and institutions
 1670 of higher education operated by the political subdivision.

1671 Election must be made by filing with the tax collection service
 1672 provider a notice of election at least 30 days before the
 1673 effective date of the election. The election may exclude any
 1674 services described in s. 443.1216(4). Any political subdivision
 1675 electing coverage under this paragraph must be a reimbursing

1676 employer and make reimbursements in lieu of contributions for
1677 benefits attributable to this employment, provided for nonprofit
1678 organizations in s. 443.1312(3) and (5).

1679 2. The provisions of s. 443.091(2) ~~s. 443.091(3)~~ relating
1680 to benefit rights based on service for nonprofit organizations
1681 and state hospitals and institutions of higher education also
1682 apply to service covered by an election under this section.

1683 3. The amounts required to be reimbursed in lieu of
1684 contributions by any political subdivision under this paragraph
1685 shall be billed, and payment made, as provided in s. 443.1312(3)
1686 for similar reimbursements by nonprofit organizations.

1687 4. An election under this paragraph may be terminated
1688 after at least 1 calendar year of coverage by filing with the
1689 tax collection service provider written notice not later than 30
1690 days before the last day of the calendar year in which the
1691 termination is to be effective. The termination takes effect on
1692 January 1 of the next ensuing calendar year for services
1693 performed after that date.

1694 Section 17. For the purpose of incorporating the amendment
1695 made by this act to section 443.111, Florida Statutes, in a
1696 reference thereto, subsection (6) of section 443.1116, Florida
1697 Statutes, is reenacted to read:

1698 443.1116 Short-time compensation.—

1699 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The
1700 weekly short-time compensation benefit amount payable to an

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1701 individual is equal to the product of her or his weekly benefit
1702 amount as provided in s. 443.111(3) and the ratio of the number
1703 of normal weekly hours of work for which the employer would not
1704 compensate the individual to the individual's normal weekly
1705 hours of work. The benefit amount, if not a multiple of \$1, is
1706 rounded downward to the next lower multiple of \$1.

1707 Section 18. This act shall take effect July 1, 2021.