

**By** the Committees on Appropriations; and Commerce and Tourism;  
and Senators Brodeur, Taddeo, Stewart, Garcia, and Gruters

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1                                   A bill to be entitled  
2       An act relating to reemployment assistance; amending  
3       s. 443.036, F.S.; defining and revising terms for  
4       purposes of the Reemployment Assistance Program Law;  
5       amending s. 443.091, F.S.; revising requirements for  
6       reemployment assistance benefits eligibility; creating  
7       s. 443.092, F.S.; prohibiting the Department of  
8       Economic Opportunity from denying a person  
9       reemployment assistance solely on the basis of  
10      pregnancy; amending s. 443.111, F.S.; requiring an  
11      alternative base period to be used under certain  
12      circumstances when calculating wages in determining  
13      qualification for reemployment assistance benefits;  
14      requiring the department to contact an individual's  
15      employer if certain wage information is unavailable  
16      through specified means; specifying that wages that  
17      fall within an alternative base period are not  
18      available for reuse in subsequent benefit years;  
19      requiring the department to adopt rules; increasing  
20      the weekly benefit amounts an individual may receive;  
21      providing that weekly benefit amounts be determined  
22      based on the greater of the base period or alternative  
23      base period; replacing the term "Florida average  
24      unemployment rate" with "most recent monthly  
25      unemployment rate"; defining the term "most recent  
26      unemployment rate"; increasing the cap on the total  
27      benefit amount an individual is entitled to receive  
28      during a benefit year; increasing the duration of  
29      benefits; amending ss. 215.425, 443.1216, and 443.131,

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30 F.S.; conforming cross-references; reenacting ss.  
31 443.041(2)(b) and 443.1116(6), (7), and (8)(a), F.S.,  
32 relating to fees and short-time compensation,  
33 respectively, to incorporate the amendments made to s.  
34 443.111, F.S., in references thereto; providing an  
35 effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

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

44 443.036 Definitions.—As used in this chapter, the term:

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

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

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

57 443.091 Benefit eligibility conditions.—

58 (1) An unemployed individual is eligible to receive

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59 benefits for any week only if the Department of Economic  
60 Opportunity finds that:

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

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

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

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

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88 available to CareerSource Florida, Inc., and Enterprise Florida,  
89 Inc., for use in the development of policies related to  
90 education and training programs that will ensure that businesses  
91 in this state have access to a skilled and competent workforce.

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

107 (d) She or he is able to work and is available for work. In  
108 order to assess eligibility for a claimed week of unemployment,  
109 the department shall develop criteria to determine a claimant's  
110 ability to work and availability for work. A claimant must be  
111 actively seeking work in order to be considered available for  
112 work. This means engaging in systematic and sustained efforts to  
113 find work, including contacting at least three ~~five~~ prospective  
114 employers for each week of unemployment claimed. For the  
115 purposes of meeting the requirements of this paragraph, a  
116 claimant may contact a prospective employer by submitting a

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117 resume to an employer through an online job search service. A  
118 claimant who submits a resume to at least three employers  
119 through an online job search service satisfies the work search  
120 requirements of this paragraph. The department may require the  
121 claimant to provide proof of such efforts to the one-stop career  
122 center as part of reemployment services. A claimant's proof of  
123 work search efforts may not include the same prospective  
124 employer at the same location in 3 consecutive weeks, unless the  
125 employer has indicated since the time of the initial contact  
126 that the employer is hiring. The department shall conduct random  
127 reviews of work search information provided by claimants. As an  
128 alternative to contacting at least three ~~five~~ prospective  
129 employers for any week of unemployment claimed, a claimant may,  
130 for that same week, report in person to a one-stop career center  
131 to meet with a representative of the center and access  
132 reemployment services of the center. The center shall keep a  
133 record of the services or information provided to the claimant  
134 and shall provide the records to the department upon request by  
135 the department. However:

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

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

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

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

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

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

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

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

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175 (g) She or he has been paid wages for insured work equal to  
176 1.5 times her or his high quarter wages during her or his base  
177 period, except that an unemployed individual is not eligible to  
178 receive benefits if the base period wages are less than \$3,400.  
179 If an unemployed individual is ineligible for benefits based on  
180 base period wages, his or her wages shall be calculated using  
181 the alternative base period and his or her claim shall be  
182 established using such wages.

183 Section 3. Section 443.092, Florida Statutes, is created to  
184 read:

185 443.092 Denial of reemployment assistance solely on the  
186 basis of pregnancy prohibited.—The department may not deny a  
187 person reemployment assistance solely on the basis of pregnancy.

188 Section 4. Subsections (2) and (3) and paragraphs (a), (b),  
189 and (c) of subsection (5) of section 443.111, Florida Statutes,  
190 are amended, and paragraph (b) of subsection (1) is republished,  
191 to read:

192 443.111 Payment of benefits.—

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

196 (b) As required under s. 443.091(1), each claimant must  
197 report at least biweekly to receive reemployment assistance  
198 benefits and to attest to the fact that she or he is able and  
199 available for work, has not refused suitable work, is seeking  
200 work and has met the requirements of s. 443.091(1)(d), and, if  
201 she or he has worked, to report earnings from that work. Each  
202 claimant must continue to report regardless of any appeal or  
203 pending appeal relating to her or his eligibility or

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204 disqualification for benefits.

205 (2) QUALIFYING REQUIREMENTS.—

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

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

210 2. ~~(b)~~ Minimum total base period wage credits equal to the  
211 high quarter wages multiplied by 1.5, but at least \$3,400 in the  
212 base period, or in the alternative base period if the  
213 alternative base period is used for benefits eligibility.

214 (b)1. If a worker is ineligible for benefits based on base  
215 period wages, wages for that worker must be calculated using an  
216 alternative base period and the claim shall be established using  
217 such wages.

218 2. If the wage information for an individual's most  
219 recently completed calendar quarter is unavailable to the  
220 department from regular quarterly reports of systematically  
221 accessible wage information, the department must promptly  
222 contact the individual's employer to obtain the wage  
223 information.

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

227 4. The department shall adopt rules to administer this  
228 paragraph.

229 (3) WEEKLY BENEFIT AMOUNT.—

230 (a) An individual's "weekly benefit amount" is an amount  
231 equal to one twenty-sixth of the total wages for insured work  
232 paid during that quarter of the base period in which the total



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233 wages paid were the highest, but not less than \$100 ~~\$32~~ or more  
234 than \$375 ~~\$275~~. The weekly benefit amount, if not a multiple of  
235 \$1, is rounded downward to the nearest full dollar amount. The  
236 maximum weekly benefit amount in effect at the time the claimant  
237 establishes an individual weekly benefit amount is the maximum  
238 benefit amount applicable throughout the claimant's benefit  
239 year.

240 (b) The weekly benefit amount shall be based on either the  
241 claimant's base period wages or alternative base period wages,  
242 whichever period results in the greater benefit amount.

243 (5) DURATION OF BENEFITS.—

244 (a) As used in this section, the term "most recent monthly  
245 ~~Florida average~~ unemployment rate" means the most recently  
246 available month's average of the 3 months for the most recent  
247 ~~third calendar year quarter of the~~ seasonally adjusted statewide  
248 unemployment rate ~~rates~~ as published by the Department of  
249 Economic Opportunity.

250 (b) Each otherwise eligible individual is entitled during  
251 any benefit year to a total amount of benefits equal to 25  
252 percent of the total wages in his or her base period, not to  
253 exceed \$9,375 ~~\$6,325~~ or the product arrived at by multiplying  
254 the weekly benefit amount with the number of weeks determined in  
255 paragraph (c), whichever is less. However, the total amount of  
256 benefits, if not a multiple of \$1, is rounded downward to the  
257 nearest full dollar amount. These benefits are payable at a  
258 weekly rate no greater than the weekly benefit amount.

259 (c) For claims submitted during a month ~~calendar year~~, the  
260 duration of benefits is limited to:

261 1. Fourteen ~~Twelve~~ weeks if this state's most recent

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262 monthly average unemployment rate is at or below 5 percent.

263 2. An additional week in addition to the 14 ~~12~~ weeks for  
264 each 0.5 percent increment in this state's most recent monthly  
265 ~~average~~ unemployment rate above 5 percent.

266 3. Up to a maximum of 25 ~~23~~ weeks if this state's most  
267 recent monthly average unemployment rate equals or exceeds 10.5  
268 percent.

269 Section 5. Paragraph (a) of subsection (4) of section  
270 215.425, Florida Statutes, is amended to read:

271 215.425 Extra compensation claims prohibited; bonuses;  
272 severance pay.—

273 (4) (a) On or after July 1, 2011, a unit of government that  
274 enters into a contract or employment agreement, or renewal or  
275 renegotiation of an existing contract or employment agreement,  
276 that contains a provision for severance pay with an officer,  
277 agent, employee, or contractor must include the following  
278 provisions in the contract:

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

281 2. A prohibition of provision of severance pay when the  
282 officer, agent, employee, or contractor has been fired for  
283 misconduct, as defined in s. 443.036(30) ~~s. 443.036(29)~~, by the  
284 unit of government.

285 Section 6. Paragraph (a) of subsection (1) and paragraph  
286 (f) of subsection (13) of section 443.1216, Florida Statutes,  
287 are amended to read:

288 443.1216 Employment.—Employment, as defined in s. 443.036,  
289 is subject to this chapter under the following conditions:

290 (1) (a) The employment subject to this chapter includes a

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291 service performed, including a service performed in interstate  
292 commerce, by:

293 1. An officer of a corporation.

294 2. An individual who, under the usual common-law rules  
295 applicable in determining the employer-employee relationship, is  
296 an employee. However, whenever a client, as defined in s.  
297 443.036(19) ~~s. 443.036(18)~~, which would otherwise be designated  
298 as an employing unit has contracted with an employee leasing  
299 company to supply it with workers, those workers are considered  
300 employees of the employee leasing company. An employee leasing  
301 company may lease corporate officers of the client to the client  
302 and other workers to the client, except as prohibited by  
303 regulations of the Internal Revenue Service. Employees of an  
304 employee leasing company must be reported under the employee  
305 leasing company's tax identification number and contribution  
306 rate for work performed for the employee leasing company.

307 a. However, except for the internal employees of an  
308 employee leasing company, each employee leasing company may make  
309 a separate one-time election to report and pay contributions  
310 under the tax identification number and contribution rate for  
311 each client of the employee leasing company. Under the client  
312 method, an employee leasing company choosing this option must  
313 assign leased employees to the client company that is leasing  
314 the employees. The client method is solely a method to report  
315 and pay unemployment contributions, and, whichever method is  
316 chosen, such election may not impact any other aspect of state  
317 law. An employee leasing company that elects the client method  
318 must pay contributions at the rates assigned to each client  
319 company.

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

322 (II) The employee leasing company must notify the  
323 Department of Revenue of its election by July 1, 2012, and such  
324 election applies to reports and contributions for the first  
325 quarter of the following calendar year. The notification must  
326 include:

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

331 (B) A list of each client company's current and previous  
332 employees and their respective social security numbers for the  
333 prior 3 state fiscal years or, if the client company has not  
334 been a client for the prior 3 state fiscal years, such portion  
335 of the prior 3 state fiscal years that the client company has  
336 been a client must be supplied;

337 (C) The wage data and benefit charges associated with each  
338 client company for the prior 3 state fiscal years or, if the  
339 client company has not been a client for the prior 3 state  
340 fiscal years, such portion of the prior 3 state fiscal years  
341 that the client company has been a client must be supplied. If  
342 the client company's employment record is chargeable with  
343 benefits for less than 8 calendar quarters while being a client  
344 of the employee leasing company, the client company must pay  
345 contributions at the initial rate of 2.7 percent; and

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

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

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

355 (V) For the purposes of calculating experience rates when  
356 the client method is chosen, each client's own benefit charges  
357 and wage data experience while with the employee leasing company  
358 determines each client's tax rate where the client has been a  
359 client of the employee leasing company for at least 8 calendar  
360 quarters before the election. The client company shall continue  
361 to report the nonleased employees under its tax rate.

362 (VI) The election is binding on each client of the employee  
363 leasing company for as long as a written agreement is in effect  
364 between the client and the employee leasing company pursuant to  
365 s. 468.525(3)(a). If the relationship between the employee  
366 leasing company and the client terminates, the client retains  
367 the wage and benefit history experienced under the employee  
368 leasing company.

369 (VII) Notwithstanding which election method the employee  
370 leasing company chooses, the applicable client company is an  
371 employing unit for purposes of s. 443.071. The employee leasing  
372 company or any of its officers or agents are liable for any  
373 violation of s. 443.071 engaged in by such persons or entities.  
374 The applicable client company or any of its officers or agents  
375 are liable for any violation of s. 443.071 engaged in by such  
376 persons or entities. The employee leasing company or its  
377 applicable client company is not liable for any violation of s.

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378 443.071 engaged in by the other party or by the other party's  
379 officers or agents.

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

384 (IX) After an employee leasing company is licensed pursuant  
385 to part XI of chapter 468, each newly licensed entity has 30  
386 days after the date the license is granted to notify the tax  
387 collection service provider in writing of their selection of the  
388 client method. A newly licensed employee leasing company that  
389 fails to timely select reporting pursuant to the client method  
390 of reporting must report under the employee leasing company's  
391 tax identification number and contribution rate.

392 (X) Irrespective of the election, each transfer of trade or  
393 business, including workforce, or a portion thereof, between  
394 employee leasing companies is subject to the provisions of s.  
395 443.131(3)(g) if, at the time of the transfer, there is common  
396 ownership, management, or control between the entities.

397 b. In addition to any other report required to be filed by  
398 law, an employee leasing company shall submit a report to the  
399 Labor Market Statistics Center within the Department of Economic  
400 Opportunity which includes each client establishment and each  
401 establishment of the leasing company, or as otherwise directed  
402 by the department. The report must include the following  
403 information for each establishment:

404 (I) The trade or establishment name;

405 (II) The former reemployment assistance account number, if  
406 available;

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407 (III) The former federal employer's identification number,  
408 if available;

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

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

413 (VI) The address of the physical location;

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

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

420 (IX) An internal identification code to uniquely identify  
421 each establishment of each client;

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

424 (XI) The month and year that the client terminated the  
425 contract for services.

426 c. The report must be submitted electronically or in a  
427 manner otherwise prescribed by the Department of Economic  
428 Opportunity in the format specified by the Bureau of Labor  
429 Statistics of the United States Department of Labor for its  
430 Multiple Worksite Report for Professional Employer  
431 Organizations. The report must be provided quarterly to the  
432 Labor Market Statistics Center within the department, or as  
433 otherwise directed by the department, and must be filed by the  
434 last day of the month immediately after the end of the calendar  
435 quarter. The information required in sub-sub-subparagraphs b.(X)

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436 and (XI) need be provided only in the quarter in which the  
437 contract to which it relates was entered into or terminated. The  
438 sum of the employment data and the sum of the wage data in this  
439 report must match the employment and wages reported in the  
440 reemployment assistance quarterly tax and wage report.

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

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

448 3. An individual other than an individual who is an  
449 employee under subparagraph 1. or subparagraph 2., who performs  
450 services for remuneration for any person:

451 a. As an agent-driver or commission-driver engaged in  
452 distributing meat products, vegetable products, fruit products,  
453 bakery products, beverages other than milk, or laundry or  
454 drycleaning services for his or her principal.

455 b. As a traveling or city salesperson engaged on a full-  
456 time basis in the solicitation on behalf of, and the  
457 transmission to, his or her principal of orders from  
458 wholesalers, retailers, contractors, or operators of hotels,  
459 restaurants, or other similar establishments for merchandise for  
460 resale or supplies for use in the business operations. This sub-  
461 subparagraph does not apply to an agent-driver or a commission-  
462 driver and does not apply to sideline sales activities performed  
463 on behalf of a person other than the salesperson's principal.

464 4. The services described in subparagraph 3. are employment



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465 subject to this chapter only if:

466 a. The contract of service contemplates that substantially  
467 all of the services are to be performed personally by the  
468 individual;

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

472 c. The services are not in the nature of a single  
473 transaction that is not part of a continuing relationship with  
474 the person for whom the services are performed.

475 (13) The following are exempt from coverage under this  
476 chapter:

477 (f) Service performed in the employ of a public employer as  
478 defined in s. 443.036, except as provided in subsection (2), and  
479 service performed in the employ of an instrumentality of a  
480 public employer as described in s. 443.036(36)(b) or (c) ~~s.~~  
481 ~~443.036(35)(b) or (c)~~, to the extent that the instrumentality is  
482 immune under the United States Constitution from the tax imposed  
483 by s. 3301 of the Internal Revenue Code for that service.

484 Section 7. Paragraph (f) of subsection (3) of section  
485 443.131, Florida Statutes, is amended to read:

486 443.131 Contributions.—

487 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT  
488 EXPERIENCE.—

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

490 1. For the purposes of this subsection, two or more  
491 employers who are parties to a transfer of business or the  
492 subject of a merger, consolidation, or other form of  
493 reorganization, effecting a change in legal identity or form,

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494 are deemed a single employer and are considered to be one  
495 employer with a continuous employment record if the tax  
496 collection service provider finds that the successor employer  
497 continues to carry on the employing enterprises of all of the  
498 predecessor employers and that the successor employer has paid  
499 all contributions required of and due from all of the  
500 predecessor employers and has assumed liability for all  
501 contributions that may become due from all of the predecessor  
502 employers. In addition, an employer may not be considered a  
503 successor under this subparagraph if the employer purchases a  
504 company with a lower rate into which employees with job  
505 functions unrelated to the business endeavors of the predecessor  
506 are transferred for the purpose of acquiring the low rate and  
507 avoiding payment of contributions. As used in this paragraph,  
508 notwithstanding s. 443.036(15) ~~s. 443.036(14)~~, the term  
509 "contributions" means all indebtedness to the tax collection  
510 service provider, including, but not limited to, interest,  
511 penalty, collection fee, and service fee. A successor employer  
512 must accept the transfer of all of the predecessor employers'  
513 employment records within 30 days after the date of the official  
514 notification of liability by succession. If a predecessor  
515 employer has unpaid contributions or outstanding quarterly  
516 reports, the successor employer must pay the total amount with  
517 certified funds within 30 days after the date of the notice  
518 listing the total amount due. After the total indebtedness is  
519 paid, the tax collection service provider shall transfer the  
520 employment records of all of the predecessor employers to the  
521 successor employer's employment record. The tax collection  
522 service provider shall determine the contribution rate of the

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523 combined successor and predecessor employers upon the transfer  
524 of the employment records, as prescribed by rule, in order to  
525 calculate any change in the contribution rate resulting from the  
526 transfer of the employment records.

527 2. Regardless of whether a predecessor employer's  
528 employment record is transferred to a successor employer under  
529 this paragraph, the tax collection service provider shall treat  
530 the predecessor employer, if he or she subsequently employs  
531 individuals, as an employer without a previous employment record  
532 or, if his or her coverage is terminated under s. 443.121, as a  
533 new employing unit.

534 3. The state agency providing reemployment assistance tax  
535 collection services may adopt rules governing the partial  
536 transfer of experience rating when an employer transfers an  
537 identifiable and segregable portion of his or her payrolls and  
538 business to a successor employing unit. As a condition of each  
539 partial transfer, these rules must require the following to be  
540 filed with the tax collection service provider: an application  
541 by the successor employing unit, an agreement by the predecessor  
542 employer, and the evidence required by the tax collection  
543 service provider to show the benefit experience and payrolls  
544 attributable to the transferred portion through the date of the  
545 transfer. These rules must provide that the successor employing  
546 unit, if not an employer subject to this chapter, becomes an  
547 employer as of the date of the transfer and that the transferred  
548 portion of the predecessor employer's employment record is  
549 removed from the employment record of the predecessor employer.  
550 For each calendar year after the date of the transfer of the  
551 employment record in the records of the tax collection service

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552 provider, the service provider shall compute the contribution  
553 rate payable by the successor employer or employing unit based  
554 on his or her employment record, combined with the transferred  
555 portion of the predecessor employer's employment record. These  
556 rules may also prescribe what contribution rates are payable by  
557 the predecessor and successor employers for the period between  
558 the date of the transfer of the transferred portion of the  
559 predecessor employer's employment record in the records of the  
560 tax collection service provider and the first day of the next  
561 calendar year.

562 4. This paragraph does not apply to an employee leasing  
563 company and client contractual agreement as defined in s.  
564 443.036, except as provided in s. 443.1216(1)(a)2.a. The tax  
565 collection service provider shall, if the contractual agreement  
566 is terminated or the employee leasing company fails to submit  
567 reports or pay contributions as required by the service  
568 provider, treat the client as a new employer without previous  
569 employment record unless the client is otherwise eligible for a  
570 variation from the standard rate.

571 Section 8. For the purpose of incorporating the amendment  
572 made by this act to section 443.111, Florida Statutes, in a  
573 reference thereto, paragraph (b) of subsection (2) of section  
574 443.041, Florida Statutes, is reenacted to read:

575 443.041 Waiver of rights; fees; privileged communications.—

576 (2) FEES.—

577 (b) An attorney at law representing a claimant for benefits  
578 in any district court of appeal of this state or in the Supreme  
579 Court of Florida is entitled to counsel fees payable by the  
580 department as set by the court if the petition for review or

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581 appeal is initiated by the claimant and results in a decision  
582 awarding more benefits than provided in the decision from which  
583 appeal was taken. The amount of the fee may not exceed 50  
584 percent of the total amount of regular benefits permitted under  
585 s. 443.111(5)(b) during the benefit year.

586 Section 9. For the purpose of incorporating the amendment  
587 made by this act to section 443.111, Florida Statutes, in a  
588 reference thereto, subsections (6) and (7) and paragraph (a) of  
589 subsection (8) of section 443.1116, Florida Statutes, are  
590 reenacted to read:

591 443.1116 Short-time compensation.—

592 (6) WEEKLY SHORT-TIME COMPENSATION BENEFIT AMOUNT.—The  
593 weekly short-time compensation benefit amount payable to an  
594 individual is equal to the product of her or his weekly benefit  
595 amount as provided in s. 443.111(3) and the ratio of the number  
596 of normal weekly hours of work for which the employer would not  
597 compensate the individual to the individual's normal weekly  
598 hours of work. The benefit amount, if not a multiple of \$1, is  
599 rounded downward to the next lower multiple of \$1.

600 (7) TOTAL SHORT-TIME COMPENSATION BENEFIT AMOUNT.—An  
601 individual may not be paid benefits under this section in any  
602 benefit year for more than the maximum entitlement provided in  
603 s. 443.111(5), and an individual may not be paid short-time  
604 compensation benefits for more than 26 weeks in any benefit  
605 year.

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

608 (a) The short-time compensation benefits paid to an  
609 individual shall be deducted from the total benefit amount

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610 established for that individual in s. 443.111(5).

611 Section 10. This act shall take effect July 1, 2021.