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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; revising the
20 weekly benefit amounts an individual may receive;
21 replacing the term "Florida average unemployment rate"
22 with "most recent monthly unemployment rate"; defining
23 the term "most recent unemployment rate"; increasing
24 the cap on the total benefit amount an individual is
25 entitled to receive during a benefit year; increasing
26 the duration of benefits; amending ss. 215.425,
27 443.1216, and 443.131, F.S.; conforming cross-
28 references; reenacting ss. 443.041(2)(b) and
29 443.1116(6), (7), and (8)(a), F.S., relating to fees

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30 and short-time compensation, respectively, to
31 incorporate the amendments made to s. 443.111, F.S.,
32 in references thereto; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Present subsections (3) through (46) of section
37 443.036, Florida Statutes, are redesignated as subsections (4)
38 through (47), respectively, a new subsection (3) is added to
39 that section, and present subsection (24) of that section is
40 amended, to read:

41 443.036 Definitions.—As used in this chapter, the term:

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

46 (25)-(24) "High quarter" means the quarter in an
47 individual's base period, or in the individual's alternative
48 base period if an alternative base period is used for
49 determining benefits eligibility, in which the individual has
50 the greatest amount of wages paid, regardless of the number of
51 employers paying wages in that quarter.

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

54 443.091 Benefit eligibility conditions.—

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

58 (c) To make continued claims for benefits, she or he is

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59 reporting to the department in accordance with this paragraph
60 and department rules. Department rules may not conflict with s.
61 443.111(1)(b), which requires that each claimant continue to
62 report regardless of any pending appeal relating to her or his
63 eligibility or disqualification for benefits.

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

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

78 a. If the claimant chooses to take the online assessment,
79 the outcome of the assessment shall be made available to the
80 claimant, local workforce development board, and one-stop career
81 center. The department, local workforce development board, or
82 one-stop career center shall use the assessment to develop a
83 plan for referring individuals to training and employment
84 opportunities. Aggregate data on assessment outcomes may be made
85 available to CareerSource Florida, Inc., and Enterprise Florida,
86 Inc., for use in the development of policies related to
87 education and training programs that will ensure that businesses

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88 in this state have access to a skilled and competent workforce.

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

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

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

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

142 2. Notwithstanding any other provision of this chapter, an
143 otherwise eligible individual who is in training approved under
144 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
145 determined ineligible or disqualified for benefits due to

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

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

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

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

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

169 7. The work search requirements of this paragraph do not
170 apply to persons required to participate in reemployment
171 services under paragraph (e).

172 (g) She or he has been paid wages for insured work equal to
173 1.5 times her or his high quarter wages during her or his base
174 period, except that an unemployed individual is not eligible to

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175 receive benefits if the base period wages are less than \$3,400.
176 If an unemployed individual is ineligible for benefits based on
177 base period wages, his or her wages shall be calculated using
178 the alternative base period and his or her claim shall be
179 established using such wages.

180 Section 3. Section 443.092, Florida Statutes, is created to
181 read:

182 443.092 Denial of reemployment assistance solely on the
183 basis of pregnancy prohibited.—The department may not deny a
184 person reemployment assistance solely on the basis of pregnancy.

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

189 443.111 Payment of benefits.—

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

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

202 (2) QUALIFYING REQUIREMENTS.—

203 (a) To establish a benefit year for reemployment assistance

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204 benefits, an individual must have:

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

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

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

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

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

224 4. The department shall adopt rules to administer this
225 paragraph.

226 (3) WEEKLY BENEFIT AMOUNT.—

227 (a) Except as provided in paragraph (b), an individual's
228 "weekly benefit amount" is an amount equal to one twenty-sixth
229 of the total wages for insured work paid during that quarter of
230 the base period in which the total wages paid were the highest,
231 but not less than \$100 ~~\$32~~ or more than \$375 ~~\$275~~. The weekly
232 benefit amount, if not a multiple of \$1, is rounded downward to

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233 the nearest full dollar amount. The maximum weekly benefit
234 amount in effect at the time the claimant establishes an
235 individual weekly benefit amount is the maximum benefit amount
236 applicable throughout the claimant's benefit year.

237 (b) If an individual's weekly benefit calculated pursuant
238 to paragraph (a) would result in a weekly benefit amount of less
239 than \$100, the individual's weekly benefit amount may not exceed
240 one-thirteenth of the total wages for insured work paid during
241 the quarter of the base period in which the total wages paid
242 were the highest or \$100, whichever is less.

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.