

Notice of Emergency Rule

DEPARTMENT OF ECONOMIC OPPORTUNITY Division of Workforce Services

RULE NO.: RULE TITLE:

73BER20-2 Determinations to Liable Employers

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department has received an unprecedented surge in reemployment assistance claims due to COVID-19, which has resulted in an increased burden on impacted employers to review notices of charges to their accounts. The Department has determined that additional time is needed for impacted employers to review Form RT-1, Notice of Benefits Paid and RT-29, Reemployment Tax Reimbursement Notice and request redeterminations. The additional time is in the interest of the public welfare as it provides a measure of relief to impacted employers by facilitating and promoting accuracy with regard to charges, invoices, and credits to an impacted employer's account.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The additional time allowed by this emergency rule for impacted employers to review Form RT-1, Notice of Benefits Paid and RT-29, Reemployment Tax Reimbursement Notice applies equally to both contributing and reimbursing employers. The emergency rule procedure is necessitated by the unprecedented increase in claims for reemployment assistance and the corresponding requirements placed on impacted employers.

SUMMARY: As it relates to notices of benefits paid and charges, invoiced, or credited, Florida Administrative Code Rule 73B-10.026 (1)(a) states as follows:

Requests for Redetermination. The information contained on the notification is conclusive and binding unless the employer files a written request for redetermination with DEO within 20 days of the mailing date of the notification. Such request will not serve to protest determinations, redeterminations, decisions, or orders issued pursuant to Section 443.151, F.S.

This emergency rule states that notwithstanding the above provision if no request for redetermination has heretofore been timely submitted by an impacted employer, an impacted employer's request for a redetermination for charges incurred between

March 1, 2020 through December 31, 2020, as reflected on quarterly notices to impacted employers for this time period, shall be timely if filed by January 29, 2021 or 20 days from the date of mailing reflected on the notice, whichever is later. This extension for redetermination applies only to requests to remove benefits charged that are made for documented COVID related reasons (i.e. executive order or local order reducing business activity, occupancy, or the like in order to prevent the spread of disease, unemployment due to a requirement to isolate or quarantine as directed by CDC guidelines, etc.).

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mark A. Buckles at mark.buckles@deo.myflorida.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

73BER20-2 73B-10.026 Determinations to Liable Employers

(1) Notice of Benefits Paid and Charged, Invoiced, or Credited. A statement mailed to the employer within 30 days after the end of each calendar quarter will include the name and social security number of each claimant for whom benefits were charged, invoiced, or credited to the employer's account during the previous calendar quarter. Notification to contributing employers is provided on Form RT-1, Notice of Benefits Paid. Notification to reimbursing employers is provided on Form RT-29, Reemployment Tax Reimbursement Invoice.

(a) Requests for Redetermination. The information contained on the notification is conclusive and binding unless the employer files a written request for redetermination with DEO within 20 days of the mailing date of the notification. Such request will not serve to protest determinations, redeterminations, decisions, or orders issued pursuant to section 443.151, F.S. Notwithstanding the foregoing, if no request for redetermination has heretofore been timely submitted by an impacted employer, an impacted employer's request for a redetermination for charges incurred between March 1, 2020 through December 31, 2020, as reflected on quarterly notices to impacted employers for this time period, shall be timely if filed by January 29, 2021 or 20 days from the date of mailing reflected on the notice, whichever is later. This extension for redetermination applies only to requests to remove benefits charged that are made for documented COVID related reasons (i.e. executive order or local order reducing business activity, occupancy, or the like in order to prevent the spread of disease, unemployment due to a requirement to isolate or quarantine

as directed by CDC guidelines, etc.).

(b) through (c) No change.

(2) through (4) No change.

(5) Rule 73B-10.026 F.A.C. is hereby superceded by the present rule Emergency Rule 73BER20-2 for no longer than the time Emergency Rule 73BER20-2 is in effect.

Rulemaking Authority 443.1317 FS. Law Implemented 443.131(3), 443.1312, 443.1313, 443.141(2)(b), 443.151(3)(c), (d), (4)(b) FS. History—New 8-25-92, Formerly 38B-2.026, Amended 1-19-03, 7-18-06, Formerly 60BB-2.026, Amended 6-2-14, 10-16-17, _____.

**THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: 12/30/2020**