

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 7005 — Unemployment Compensation

by Economic Affairs Committee; Finance and Tax Committee; Economic Development and Tourism Subcommittee; and Rep. Holder (CS/CS/SB 728 by Judiciary Committee; Commerce and Tourism Committee; and Senators Detert and Gaetz)

This bill reforms the unemployment compensation (UC) law in the following manner:

- The bill changes qualifying requirements by (effective August 1, 2011):
 - Requiring claimants to participate in an initial skills review using an online education or training program as part of reporting for benefits;
 - Requiring claimants to make a systematic and sustained effort to find work, and to contact at least five prospective employers each week or report in person to a One-Stop Career Center to meet with a representative for reemployment services each week; and
 - Requiring claimants to file continuing claims by Internet, rather than by phone or mail.
- The bill changes the criteria by which claimants are disqualified from receiving benefits by:
 - Changing the standard to show misconduct from “willful” (a high standard) to “conscious” (a lower standard);
 - Changes the definition of misconduct to specify certain acts of misconduct that would disqualify an individual from benefits, such as absenteeism;
 - Adds a disqualification for any weeks in which an individual receives severance pay from an employer (effective August 1, 2011);
 - Expands disqualification to include being fired for all crimes committed in connection with work (rather than only those punishable by imprisonment) (effective August 1, 2011); and
 - Adds a specific disqualification for individuals who are incarcerated or imprisoned (effective August 1, 2011).
- The bill creates a sliding scale for benefits beginning in 2012 by correlating the maximum weeks of benefits available with the rate of unemployment. The maximum amount of benefits available is 23 weeks when the unemployment rate is 10.5 percent or greater, and this scales down to 12 weeks of benefits when the unemployment rate is 5 percent or less.
- The bill codifies the executive order extending the temporary state extended benefits program and amends the program to conform to new federal law.
- The bill eliminates the payment of benefits by mail (effective August 1, 2011).
- Related to unemployment taxes, the bill:
 - Allows employers to continue to have the option to pay their taxes in installments over 2012, 2013, and 2014;
 - Provides tax relief for employers beginning in 2012 by adjusting the tax calculation;
 - Increases the number of employee leasing companies who may obtain tax information for their clients by filing a memorandum of understanding, instead of filing a power of attorney for each client, with the Department of Revenue.

- The bill allows appeals of orders by the Unemployment Appeals Commission to be filed in district courts of appeal where the claimant resides, where the business was located, or where the order was issued (effective August 1, 2011).
- The bill codifies certain agency rules related to the exclusion of evidence that is irrelevant or repetitious, and revises the admissibility of hearsay evidence to allow it to be used to establish a fact under certain circumstances (effective August 1, 2011).
- The bill creates a rebuttable presumption that the date on a document mailed by AWI or DOR is the date that the document was mailed.
- The bill amends law related to statutory construction to repeal language which requires that unemployment laws be liberally construed in favor of a claimant.
- The bill permits AWI to contract with consumer reporting agencies to access wage records and requires that any revenues from the contract be used for administration of the unemployment system.

If approved by the Governor, these provisions take effect upon becoming law, unless otherwise specified in the bill.

Vote: Senate 27-11; House 80-38