

By Senator Forman

32-106A-98

1 A bill to be entitled
2 An act relating to unemployment compensation;
3 amending s. 443.036, F.S.; providing an
4 alternative base period to be used in
5 calculating benefits in specified
6 circumstances; providing, in certain
7 circumstances involving a recalculation of
8 benefits, for treatment of the excess benefits
9 that were previously received; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsection (5) of section 443.036, Florida
15 Statutes, is amended to read:

16 443.036 Definitions.--As used in this chapter, unless
17 the context clearly requires otherwise:

18 (5) BASE PERIOD.--

19 (a) "Base period" means the first four of the last
20 five completed calendar quarters immediately preceding the
21 first day of an individual's benefit year.

22 (b) With respect to a benefit year commencing after
23 June 30, 1998, if an individual is not monetarily eligible in
24 his or her base period to qualify for benefits, the division
25 must designate his or her base period to be the alternative
26 base period. As used in this paragraph, the term "alternative
27 base period" means the last four completed calendar quarters
28 immediately preceding the individual's benefit year. Wages
29 used in a base period to establish a monetarily eligible
30 benefit year cannot be applied to establish monetary
31 eligibility in any succeeding benefit year. If information

1 regarding wages for the calendar quarter or quarters
2 immediately preceding the benefit year is not available to the
3 division from the regular quarterly reports of wage
4 information and the division is not able to obtain the
5 information through other means pursuant to state or federal
6 law, the division may base the determination of monetary
7 eligibility for benefits on information that is provided by
8 the individual, on affidavit. Employers shall have 10 days in
9 which to respond to wage requests from the division. A
10 determination of benefits based on an alternative base period
11 may, upon reconsideration by the division be adjusted when the
12 quarterly report of wage information is received from the
13 employer, to reflect any change in the determination which is
14 caused by the information. If a revision based on information
15 that the division receives from the employer results in a
16 showing that the amount of benefits paid was greater than the
17 amount of benefits due, the excess benefits that were received
18 before that revision do not constitute an overpayment of
19 benefits unless the claimant knowingly misrepresented
20 information requested by the division. Any excess benefits
21 received by an individual will not be charged to the
22 employer's account.

23 Section 2. This act shall take effect July 1, 1998.
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides an alternative base period to be used in calculating unemployment benefits in circumstances in which the individual did not have sufficient qualifying wages during one or two of the previous calendar quarters normally used to calculate benefits. Provides that, when a subsequent recalculation of benefits shows that a greater amount was paid than was due, the excess amount does not constitute an overpayment, unless the claimant knowingly misrepresented information requested by the Division of Unemployment Compensation of the Department of Labor and Employment Security. Also provides that such excess benefits will not be charged to the employer's account.