

By Representative Frankel

1                                   A bill to be entitled  
 2           An act relating to economic recovery; providing  
 3           legislative intent; amending s. 443.036, F.S.;  
 4           providing a definition and an application of an  
 5           alternative base period; providing requirements  
 6           and limitations; requiring employers to respond  
 7           to requests for certain information and  
 8           providing a penalty for failing to respond;  
 9           providing for adjustments in determinations of  
 10          monetary eligibility; amending s. 443.111,  
 11          F.S.; providing an increase in weekly benefit  
 12          amounts for a limited time period; providing  
 13          the total amount of benefits; providing  
 14          construction; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18           Section 1. It is the intent of the Legislature to  
 19 establish policies designed to stimulate economic activity in  
 20 this state and promote the economic security of the residents  
 21 of this state. As a result of the federal Job Creation and  
 22 Worker Assistance Act of 2002, the State of Florida received  
 23 \$447 million to enhance the payment of regular unemployment  
 24 insurance benefits, expand unemployment insurance benefits or  
 25 eligibility, and pay for other administrative needs. A  
 26 significant investment of state funds received through such  
 27 act should be used to expand unemployment insurance  
 28 eligibility through the implementation of an alternative base  
 29 period and to enhance unemployment insurance weekly benefits.

30           Section 2. Subsection (7) of section 443.036, Florida  
 31 Statutes, is amended to read:

1           443.036 Definitions.--As used in this chapter, unless  
2 the context clearly requires otherwise:

3           (7) BASE PERIOD.--

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

7           (b) With respect to a benefit year commencing on or  
8 after October 1, 2002, if an individual is not monetarily  
9 eligible in his or her base period to qualify for benefits,  
10 the division must designate his or her base period to be the  
11 alternative base period. As used in this paragraph, the term  
12 "alternative base period" means the last four completed  
13 calendar quarters immediately preceding the first day of an  
14 individual's benefit year. Wages used in a base period to  
15 establish a monetarily eligible benefit year may not be  
16 applied to establish monetary eligibility in any succeeding  
17 benefit year. If information regarding wages for the calendar  
18 quarter or quarters immediately preceding the benefit year has  
19 not been put into the division's mainframe database from the  
20 regular quarterly reports of wage information or is otherwise  
21 unavailable, the division shall request such information from  
22 the employer. An employer must provide the requested wage  
23 information within 10 days after receiving a request from the  
24 division. An employer who fails to provide the requested wage  
25 information within the required time is subject to the penalty  
26 for delinquent reports in s. 443.141(1)(b).

27           (c) For monetary determinations based upon the  
28 alternative base period under paragraph (b), if the division  
29 is unable to access the wage information through the  
30 division's mainframe database, the division may base the  
31 determination of eligibility for benefits on an affidavit

1 submitted by the individual with respect to wages for those  
2 calendar quarters. The individual must furnish payroll  
3 information, if available, in support of the affidavit. A  
4 determination of benefits based upon an alternative base  
5 period shall be adjusted when the quarterly report of wage  
6 information from the employer is received, if that information  
7 causes a change in the determination.

8 Section 3. Subsection (3) and paragraph (a) of  
9 subsection (5) of section 443.111, Florida Statutes, are  
10 amended to read:

11 443.111 Payment of benefits.--

12 (3) WEEKLY BENEFIT AMOUNT.--An individual's "weekly  
13 benefit amount" shall be an amount equal to one twenty-sixth  
14 of the total wages for insured work paid during that quarter  
15 of the base period in which such total wages paid were the  
16 highest, but not less than \$32 or more than \$275. For claims  
17 with benefit years beginning October 1, 2002 ~~January 1, 2000,~~  
18 ~~through December 31, 2000,~~ an additional amount equal to \$25  
19 or 15 5 percent of the weekly benefit amount, whichever is  
20 greater, shall be added for each the first 8 compensable week  
21 ~~weeks~~ of benefits paid, not to exceed \$316 ~~\$288~~. Such weekly  
22 benefit amount, if not a multiple of \$1, shall be rounded  
23 downward to the nearest full dollar amount. The maximum weekly  
24 benefit amount in effect at the time the claimant establishes  
25 an individual weekly benefit amount shall be the maximum  
26 benefit amount applicable throughout the claimant's benefit  
27 year.

28 (5) DURATION OF BENEFITS.--

29 (a)1. Any otherwise eligible individual shall be  
30 entitled during any benefit year to a total amount of benefits  
31 equal to 25 percent of the total wages in the base period, not

1 to exceed \$7,150. For claims with benefit years beginning  
2 October 1, 2002 ~~January 1, 2000, through December 31, 2000~~, an  
3 additional amount equal to \$650 or 15 5 percent of the weekly  
4 benefit amount multiplied by 26, whichever is greater,~~8~~ shall  
5 be added to the calculated total amount of benefits, the sum  
6 of which may not exceed \$8,216~~\$7,254~~. However, such total  
7 amount of benefits, if not a multiple of \$1, shall be rounded  
8 downward to the nearest full dollar amount. Such benefits  
9 shall be payable at a weekly rate no greater than the weekly  
10 benefit amount.

11           2. For the purposes of this subsection, wages shall be  
12 counted as "wages for insured work" for benefit purposes with  
13 respect to any benefit year only if such benefit year begins  
14 subsequent to the date on which the employing unit by whom  
15 such wages were paid has satisfied the conditions of this  
16 chapter with respect to becoming an employer.

17           Section 4. If any law amended by this act was also  
18 amended by a law enacted during the 2002 Regular Session of  
19 the Legislature, such laws shall be construed to have been  
20 enacted during the same session of the Legislature and full  
21 effect shall be given to each if possible.

22           Section 5. This act shall take effect upon becoming a  
23 law.

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HOUSE SUMMARY

Provides for use of an alternative base period whenever an individual is not monetarily eligible in a base period to receive unemployment compensation benefits. Provides requirements and limitations. Requires employers to respond to requests for certain information and provides a penalty for failure to respond. Provides for adjustments in determinations of monetary eligibility. Provides an increase in weekly benefit amounts for a limited time period. Provides the total amount of benefits.