

1                                   A bill to be entitled  
 2           An act relating to unemployment compensation; amending s.  
 3           443.036, F.S.; redefining the term "base period" for  
 4           purposes of determining eligibility for benefits;  
 5           providing an alternative base period; providing  
 6           applicability and calculation; amending s. 443.101, F.S.;  
 7           prohibiting certain persons choosing to separate from  
 8           employment from being disqualified from regular  
 9           unemployment compensation; prohibiting certain unemployed  
 10          individuals from disqualification for eligibility for  
 11          unemployment compensation benefits based solely on the  
 12          individual's availability for only part-time work;  
 13          providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Subsection (7) of section 443.036, Florida  
 18           Statutes, is amended to read:

19           443.036 Definitions.--As used in this chapter, the term:

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

23           (a) With respect to a benefit year commencing on or after  
 24           October 1, 2008, if an individual is not monetarily eligible in  
 25           his or her base period to qualify for benefits, the division  
 26           must designate the alternative base period to be his or her base  
 27           period. As used in this subsection, the term "alternative base  
 28           period" means the last four completed calendar quarters

29 immediately preceding the first day of an individual's benefit  
30 year. Wages used in a base period to establish a monetarily  
31 eligible benefit year may not be applied to establish monetary  
32 eligibility in any succeeding benefit year. If information  
33 regarding wages for the calendar quarter or quarters immediately  
34 preceding the benefit year has not been entered into the  
35 division's mainframe database from the regular quarterly reports  
36 of wage information or is otherwise unavailable, the division  
37 shall request such information from the employer. An employer  
38 must provide the requested wage information within 10 days after  
39 receiving a request from the division. An employer that fails to  
40 provide the requested wage information within the required time  
41 is subject to the penalty for delinquent reports in s.  
42 443.141(1)(b).

43 (b) For monetary determinations based upon the alternative  
44 base period, if the division is unable to access the wage  
45 information through its mainframe database, the division may  
46 base the determination of eligibility for benefits on an  
47 affidavit submitted by the individual with respect to wages for  
48 those calendar quarters. The individual must furnish payroll  
49 information, if available, in support of the affidavit. A  
50 determination of benefits based upon an alternative base period  
51 shall be adjusted when the quarterly report of wage information  
52 is received from the employer if that information causes a  
53 change in the determination.

54 Section 2. Paragraph (a) of subsection (1) and paragraph  
55 (a) of subsection (2) of section 443.101, Florida Statutes, are  
56 amended to read:

HB 1057

2008

57           443.101 Disqualification for benefits.--An individual  
58 shall be disqualified for benefits:

59           (1) (a) For the week in which he or she has voluntarily  
60 left his or her work without good cause attributable to his or  
61 her employing unit or in which the individual has been  
62 discharged by his or her employing unit for misconduct connected  
63 with his or her work, based on a finding by the Agency for  
64 Workforce Innovation. As used in this paragraph, the term "work"  
65 means any work, whether full-time, part-time, or temporary.

66           1. Disqualification for voluntarily quitting continues for  
67 the full period of unemployment next ensuing after he or she has  
68 left his or her full-time, part-time, or temporary work  
69 voluntarily without good cause and until the individual has  
70 earned income equal to or in excess of 17 times his or her  
71 weekly benefit amount. As used in this subsection, the term  
72 "good cause" includes only that cause attributable to the  
73 employing unit or which consists of illness or disability of the  
74 individual requiring separation from his or her work. Any other  
75 disqualification may not be imposed. An individual is not  
76 disqualified under this subsection for voluntarily leaving  
77 temporary work to return immediately when called to work by the  
78 permanent employing unit that temporarily terminated his or her  
79 work within the previous 6 calendar months. For benefit years  
80 beginning on or after July 1, 2004, an individual is not  
81 disqualified under this subsection for voluntarily leaving work  
82 to relocate as a result of his or her military-connected  
83 spouse's permanent change of station orders, activation orders,  
84 or unit deployment orders.

HB 1057

2008

85           2. An individual shall not be disqualified from regular  
86 unemployment compensation benefits for separating from  
87 employment if that separation is for compelling family reasons.  
88 For purposes of this paragraph, the term "compelling family  
89 reasons" includes:

90           a. Domestic violence, as defined in s. 741.28, verified by  
91 an injunction, protective order, or other such reasonable and  
92 confidential documentation as authorized by state law, that  
93 causes the individual reasonably to believe that such  
94 individual's continued employment would jeopardize the safety of  
95 the individual, any member of the individual's immediate family,  
96 or other employees.

97           b. The illness or disability of a member of the  
98 individual's immediate family.

99           c. The need for the individual to accompany such  
100 individual's spouse:

101           (I) To a place from which it is impractical for such  
102 individual to commute.

103           (II) Due to a change in location of the spouse's  
104 employment.

105           ~~2. Disqualification for being discharged for misconduct~~  
106 ~~connected with his or her work continues for the full period of~~  
107 ~~unemployment next ensuing after having been discharged and until~~  
108 ~~the individual has become reemployed and has earned income of at~~  
109 ~~least 17 times his or her weekly benefit amount and for not more~~  
110 ~~than 52 weeks that immediately follow that week, as determined~~  
111 ~~by the Agency for Workforce Innovation in each case according to~~  
112 ~~the circumstances in each case or the seriousness of the~~

113 ~~misconduct, under the agency's rules adopted for determinations~~  
114 ~~of disqualification for benefits for misconduct.~~

115 (2) If the Agency for Workforce Innovation finds that the  
116 individual has failed without good cause to apply for available  
117 suitable work when directed by the agency or the one-stop career  
118 center, to accept suitable work when offered to him or her, or  
119 to return to the individual's customary self-employment when  
120 directed by the agency, the disqualification continues for the  
121 full period of unemployment next ensuing after he or she failed  
122 without good cause to apply for available suitable work, to  
123 accept suitable work, or to return to his or her customary self-  
124 employment, under this subsection, and until the individual has  
125 earned income at least 17 times his or her weekly benefit  
126 amount. The Agency for Workforce Innovation shall by rule adopt  
127 criteria for determining the "suitability of work," as used in  
128 this section. The Agency for Workforce Innovation in developing  
129 these rules shall consider the duration of a claimant's  
130 unemployment in determining the suitability of work and the  
131 suitability of proposed rates of compensation for available  
132 work. Further, after an individual has received 25 weeks of  
133 benefits in a single year, suitable work is a job that pays the  
134 minimum wage and is 120 percent or more of the weekly benefit  
135 amount the individual is drawing.

136 (a) In determining whether or not any work is suitable for  
137 an individual, the Agency for Workforce Innovation shall  
138 consider the degree of risk involved to his or her health,  
139 safety, and morals; his or her physical fitness and prior  
140 training; the individual's experience and prior earnings; his or

HB 1057

2008

141 her length of unemployment and prospects for securing local work  
142 in his or her customary occupation; and the distance of the  
143 available work from his or her residence. An unemployed  
144 individual shall not be disqualified for eligibility for  
145 unemployment compensation benefits solely on the basis that he  
146 or she is only available for part-time work. If an individual  
147 restricts his or her availability to part-time work, he or she  
148 may be considered able and available for work if it is  
149 determined that the claim is based on the claimant's history of  
150 part-time employment, the claimant is actively seeking and is  
151 willing to accept work under essentially the same conditions as  
152 existed while the wage credits were accrued, and the claimant  
153 imposes no other restrictions and is in a labor market in which  
154 a reasonable demand exists for the part-time services he or she  
155 offers.

156 Section 3. This act shall take effect October 1, 2008.