

By Senator Hill

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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 must  
26 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

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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 base  
46 the determination of eligibility for benefits on an affidavit  
47 submitted by the individual with respect to wages for those  
48 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 change  
53 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:

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

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59 (1) (a) For the week in which he or she has voluntarily left  
60 his or her work without good cause attributable to his or her  
61 employing unit or in which the individual has been discharged by  
62 his or her employing unit for misconduct connected with his or  
63 her work, based on a finding by the Agency for Workforce  
64 Innovation. As used in this paragraph, the term "work" means any  
65 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 weekly  
71 benefit amount. As used in this subsection, the term "good cause"  
72 includes only that cause attributable to the employing unit or  
73 which consists of illness or disability of the individual  
74 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 spouse's  
83 permanent change of station orders, activation orders, or unit  
84 deployment orders.

85 2. An individual shall not be disqualified from regular  
86 unemployment compensation benefits for separating from employment  
87 if that separation is for compelling family reasons. For purposes

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88 of this paragraph, the term "compelling family reasons" includes:

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

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

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

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

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

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

114 (2) If the Agency for Workforce Innovation finds that the  
115 individual has failed without good cause to apply for available  
116 suitable work when directed by the agency or the one-stop career

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

135 (a) In determining whether or not any work is suitable for  
136 an individual, the Agency for Workforce Innovation shall consider  
137 the degree of risk involved to his or her health, safety, and  
138 morals; his or her physical fitness and prior training; the  
139 individual's experience and prior earnings; his or her length of  
140 unemployment and prospects for securing local work in his or her  
141 customary occupation; and the distance of the available work from  
142 his or her residence. An unemployed individual shall not be  
143 disqualified for eligibility for unemployment compensation  
144 benefits solely on the basis that he or she is only available for  
145 part-time work. If an individual restricts his or her

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146 availability to part-time work, he or she may be considered able  
147 and available for work if it is determined that the claim is  
148 based on the claimant's history of part-time employment, the  
149 claimant is actively seeking and is willing to accept work under  
150 essentially the same conditions as existed while the wage credits  
151 were accrued, and the claimant imposes no other restrictions and  
152 is in a labor market in which a reasonable demand exists for the  
153 part-time services he or she offers.

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