

By the Committee on Commerce; and 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 January 1, 2009, if an individual is not monetarily eligible in
25 his or her base period to qualify for benefits, the Agency for
26 Workforce Innovation must designate the alternative base period
27 to be his or her base period. As used in this subsection, the
28 term "alternative base period" means the last four completed
29 calendar quarters immediately preceding the first day of an

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

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

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

58 443.101 Disqualification for benefits.--An individual shall

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59 | be disqualified for benefits:

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

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

86 | 2. An individual shall not be disqualified from regular
87 | unemployment compensation benefits for separating from employment

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88 if that separation is for compelling family reasons. For purposes
89 of this paragraph, the term "compelling family 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 3.2- 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 by
111 the Agency for Workforce Innovation in each case according to the
112 circumstances in each case or the seriousness of the misconduct,
113 under the agency's rules adopted for determinations of
114 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

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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 to
119 | 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 amount.
126 | The Agency for Workforce Innovation shall by rule adopt criteria
127 | for determining the "suitability of work," as used in this
128 | section. The Agency for Workforce Innovation in developing these
129 | rules shall consider the duration of a claimant's unemployment in
130 | determining the suitability of work and the suitability of
131 | proposed rates of compensation for available work. Further, after
132 | an individual has received 25 weeks of benefits in a single year,
133 | suitable work is a job that pays the minimum wage and is 120
134 | percent or more of the weekly benefit amount the individual is
135 | drawing.

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

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

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