

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; providing an effective  
 7           date.

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

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 11           Section 1. Subsection (7) of section 443.036, Florida  
 12           Statutes, is amended to read:

13           443.036 Definitions.--As used in this chapter, the term:  
 14           (7) "Base period" means the first four of the last five  
 15           completed calendar quarters immediately preceding the first day  
 16           of an individual's benefit year.

17           (a) With respect to a benefit year commencing on or after  
 18           October 1, 2008, if an individual is not monetarily eligible in  
 19           his or her base period to qualify for benefits, the division  
 20           must designate the alternative base period to be his or her base  
 21           period. As used in this subsection, the term "alternative base  
 22           period" means the last four completed calendar quarters  
 23           immediately preceding the first day of an individual's benefit  
 24           year. Wages used in a base period to establish a monetarily  
 25           eligible benefit year may not be applied to establish monetary  
 26           eligibility in any succeeding benefit year. If information  
 27           regarding wages for the calendar quarter or quarters immediately  
 28           preceding the benefit year has not been entered into the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 division's mainframe database from the regular quarterly reports  
30 of wage information or is otherwise unavailable, the division  
31 shall request such information from the employer. An employer  
32 must provide the requested wage information within 10 days after  
33 receiving a request from the division. An employer that fails to  
34 provide the requested wage information within the required time  
35 is subject to the penalty for delinquent reports in s.  
36 443.141(1)(b).

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

48 Section 2. This act shall take effect October 1, 2008.