

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";
 4 requiring an employer to provide wage information to
 5 support an individual's eligibility for benefits;
 6 providing for an alternative base period after a certain
 7 date; defining the term "alternative base period";
 8 authorizing the Agency for Workforce Innovation to accept
 9 an affidavit from the claimant to support eligibility for
 10 benefits; amending s. 443.101, F.S.; prohibiting an
 11 individual from being disqualified from benefits if he or
 12 she leaves work due to certain compelling family reasons;
 13 prohibiting unemployed individuals from being disqualified
 14 for unemployment benefits based solely on the individual's
 15 availability for only part-time work under certain
 16 circumstances; providing an effective date.

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

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

22 443.036 Definitions.--As used in this chapter, the term:

23 (7) "Base period" means the first four of the last five
 24 completed calendar quarters immediately preceding the first day
 25 of an individual's benefit year. Wages in a base period used to
 26 establish a monetarily eligible benefit year may not be used to
 27 establish monetary eligibility in a subsequent benefit year.

28 (a) If information regarding wages for the calendar

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29 quarters immediately preceding the benefit year has not been
30 entered into the Agency for Workforce Innovation's mainframe
31 database from the regular quarterly reports of wage information
32 submitted under s. 443.163 or is otherwise unavailable, the
33 agency shall request the information from the employer by mail.
34 The employer must provide the requested information within 10
35 days after the agency mails the request. An employer that fails
36 to provide the requested wage information within the required
37 time period is subject to the penalty for delinquent reports
38 under s. 443.141.

39 (b) For a benefit year commencing on or after January 1,
40 2010, if an individual is not monetarily eligible in the base
41 period to qualify for benefits, the Agency for Workforce
42 Innovation must designate an alternative base period. As used in
43 this subsection, the term "alternative base period" means the
44 last four completed calendar quarters immediately preceding the
45 first day of an individual's benefit year. If the agency is
46 unable to access wage information through its mainframe database
47 for determining monetary eligibility for benefits based on the
48 individual's alternative base period, the agency may base the
49 determination on an affidavit submitted by the individual
50 attesting to his or her wages for those calendar quarters. The
51 individual must also furnish payroll information, if available,
52 in support of the affidavit. Benefits based on an alternative
53 base period must be adjusted if the quarterly report of wage
54 information received from the employer under s. 443.141 results
55 in a change in the monetary determination.

56 Section 2. Paragraph (a) of subsection (1) and paragraph

57 (a) of subsection (2) of section 443.101, Florida Statutes, are
 58 amended to read:

59 443.101 Disqualification for benefits.--An individual
 60 shall be disqualified for benefits:

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

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

85 to relocate as a result of his or her military-connected
86 spouse's permanent change of station orders, activation orders,
87 or unit deployment orders.

88 2. An unemployed individual may not be disqualified for
89 benefits if he or she separates from work for the following
90 compelling family reasons:

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

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

100 c. The need for the individual to accompany his or her
101 spouse to a place from which it is impractical for the
102 individual to commute or due to a change in the location of the
103 spouse's employment.

104 ~~3.2.~~ Disqualification for being discharged for misconduct
105 connected with his or her work continues for the full period of
106 unemployment next ensuing after being ~~having been~~ discharged and
107 until the individual is ~~has become~~ reemployed and earns ~~has~~
108 ~~earned~~ income of at least 17 times his or her weekly benefit
109 amount and for not more than 52 weeks that immediately follow
110 that week, as determined by the agency ~~for Workforce Innovation~~
111 ~~in each case~~ according to the circumstances ~~in each case~~ or the
112 seriousness of the misconduct, under the agency's rules adopted

113 | for determinations of disqualification for benefits for
 114 | 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; the individual's ~~his or her~~ physical
 140 | fitness, and prior training, ~~the individual's~~ experience, and

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141 prior earnings, ~~his or her~~ length of unemployment, and
142 prospects for securing local work in his or her customary
143 occupation; and the distance of the available work from his or
144 her residence. An unemployed individual may not be disqualified
145 from eligibility for benefits solely because he or she is
146 available for only part-time work. If an individual restricts
147 his or her availability to part-time work, he or she may be
148 considered able and available for work if it is determined that
149 the claimant:

- 150 1. Has a history of part-time employment;
- 151 2. Is actively seeking and is willing to accept work under
152 essentially the same conditions that existed when the wage
153 credits were accrued; and
- 154 3. Imposes no other restrictions and is in a labor market
155 in which there is a reasonable demand for the part-time services
156 he or she offers.

157 Section 3. This act shall take effect October 1, 2009.