

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rader offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line 140 and insert:

5 Section 2. Effective October 1, 2009, subsection (7) of
6 section 443.036, Florida Statutes, is amended to read:

7 443.036 Definitions.--As used in this chapter, the term:

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

13 (a) If information regarding wages for the calendar
14 quarters immediately preceding the benefit year has not been
15 entered into the Agency for Workforce Innovation's mainframe
16 database from the regular quarterly reports of wage information

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17 submitted under s. 443.163 or is otherwise unavailable, the
18 agency shall request the information from the employer by mail.
19 The employer must provide the requested information within 10
20 days after the agency mails the request. An employer that fails
21 to provide the requested wage information within the required
22 time period is subject to the penalty for delinquent reports
23 under s. 443.141.

24 (b) For a benefit year commencing on or after January 1,
25 2010, if an individual is not monetarily eligible in the base
26 period to qualify for benefits, the Agency for Workforce
27 Innovation must designate an alternative base period. As used in
28 this subsection, the term "alternative base period" means the
29 last four completed calendar quarters immediately preceding the
30 first day of an individual's benefit year. If the agency is
31 unable to access wage information through its mainframe database
32 for determining monetary eligibility for benefits based on the
33 individual's alternative base period, the agency may base the
34 determination on an affidavit submitted by the individual
35 attesting to his or her wages for those calendar quarters. The
36 individual must also furnish payroll information, if available,
37 in support of the affidavit. Benefits based on an alternative
38 base period must be adjusted if the quarterly report of wage
39 information received from the employer under s. 443.141 results
40 in a change in the monetary determination.

41 Section 3. Effective October 1, 2009, paragraph (a) of
42 subsection (1) and paragraph (a) of subsection (2) of section
43 443.101, Florida Statutes, are amended to read:

44 443.101 Disqualification for benefits.--An individual
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45 shall be disqualified for benefits:

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

53 1. Disqualification for voluntarily quitting continues for
54 the full period of unemployment next ensuing after the
55 individual leaves ~~he or she has left his or her full-time, part-~~
56 ~~time, or temporary~~ work voluntarily without good cause and until
57 the individual earns ~~has earned~~ income equal to or in excess of
58 17 times his or her weekly benefit amount. As used in this
59 subsection, the term "good cause" includes only that cause
60 attributable to the employing unit or an ~~which consists of~~
61 illness or disability of the individual requiring separation
62 from ~~his or her~~ work. Any other disqualification may not be
63 imposed. An individual may not be ~~is not~~ disqualified for
64 benefits ~~under this subsection~~ for voluntarily leaving temporary
65 work to return immediately when called to work by the permanent
66 employing unit that temporarily terminated his or her work
67 within the previous 6 calendar months, or. ~~For benefit years~~
68 ~~beginning on or after July 1, 2004, an individual is not~~
69 ~~disqualified under this subsection~~ for voluntarily leaving work
70 to relocate as a result of his or her military-connected
71 spouse's permanent change of station orders, activation orders,
72 or unit deployment orders.

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

76 a. Domestic violence, as defined in s. 741.28 and verified
77 by an injunction, protective order, or other such reasonable and
78 confidential documentation authorized by state law, which causes
79 the individual to reasonably believe that continued employment
80 will jeopardize the individual's safety, the safety of a member
81 of his or her immediate family, or the safety of other
82 employees.

83 b. The illness or disability of a member of the
84 individual's immediate family.

85 c. The need for the individual to accompany his or her
86 spouse to a place from which it is impractical for the
87 individual to commute or due to a change in the location of the
88 spouse's employment.

89 ~~3.2.~~ Disqualification for being discharged for misconduct
90 connected with his or her work continues for the full period of
91 unemployment next ensuing after being ~~having been~~ discharged and
92 until the individual is ~~has become~~ reemployed and earns ~~has~~
93 ~~earned~~ income of at least 17 times his or her weekly benefit
94 amount and for not more than 52 weeks that immediately follow
95 that week, as determined by the agency ~~for Workforce Innovation~~
96 ~~in each case~~ according to the circumstances ~~in each case~~ or the
97 seriousness of the misconduct, under the agency's rules adopted
98 for determinations of disqualification for benefits for
99 misconduct.

100 (2) If the Agency for Workforce Innovation finds that the
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101 individual has failed without good cause to apply for available
102 suitable work when directed by the agency or the one-stop career
103 center, to accept suitable work when offered to him or her, or
104 to return to the individual's customary self-employment when
105 directed by the agency, the disqualification continues for the
106 full period of unemployment next ensuing after he or she failed
107 without good cause to apply for available suitable work, to
108 accept suitable work, or to return to his or her customary self-
109 employment, under this subsection, and until the individual has
110 earned income at least 17 times his or her weekly benefit
111 amount. The Agency for Workforce Innovation shall by rule adopt
112 criteria for determining the "suitability of work," as used in
113 this section. The Agency for Workforce Innovation in developing
114 these rules shall consider the duration of a claimant's
115 unemployment in determining the suitability of work and the
116 suitability of proposed rates of compensation for available
117 work. Further, after an individual has received 25 weeks of
118 benefits in a single year, suitable work is a job that pays the
119 minimum wage and is 120 percent or more of the weekly benefit
120 amount the individual is drawing.

121 (a) In determining whether or not any work is suitable for
122 an individual, the agency ~~for Workforce Innovation~~ shall
123 consider the degree of risk ~~involved~~ to his or her health,
124 safety, and morals; the individual's ~~his or her~~ physical
125 fitness, and prior training, ~~the individual's~~ experience, and
126 prior earnings, ~~his or her~~ length of unemployment, and
127 prospects for securing local work in his or her customary
128 occupation; and the distance of the available work from his or

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129 her residence. An unemployed individual may not be disqualified
130 from eligibility for benefits solely because he or she is
131 available for only part-time work. If an individual restricts
132 his or her availability to part-time work, he or she may be
133 considered able and available for work if it is determined that
134 the claimant:

- 135 1. Has a history of part-time employment;
- 136 2. Is actively seeking and is willing to accept work under
137 essentially the same conditions that existed when the wage
138 credits were accrued; and
- 139 3. Imposes no other restrictions and is in a labor market
140 in which there is a reasonable demand for the part-time services
141 he or she offers.

142 Section 4. Except as otherwise expressly provided in this
143 act, this act shall take effect July 1, 2009.

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T I T L E A M E N D M E N T

147 Remove lines 2-15 and insert:

148 An act relating to unemployment compensation; creating s.
149 443.1113, F.S.; creating the Unemployment Compensation Claims
150 and Benefits Information System Project; requiring the Agency
151 for Workforce Innovation to replace and enhance the
152 functionality provided in specified systems with an integrated
153 Internet-based system; providing project business objectives;
154 excluding certain functionality from the scope of the project;
155 providing phases and timeframes for the project; requiring the
156 agency to implement a specified project governance structure for
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157 a certain duration; providing membership and responsibilities of
158 the executive steering committee and a project management team;
159 amending s. 443.036, F.S.; redefining the term "base period";
160 requiring an employer to provide wage information to support an
161 individual's eligibility for benefits; providing for an
162 alternative base period after a certain date; defining the term
163 "alternative base period"; authorizing the Agency for Workforce
164 Innovation to accept an affidavit from the claimant to support
165 eligibility for benefits; amending s. 443.101, F.S.; prohibiting
166 an individual from being disqualified from benefits if he or she
167 leaves work due to certain compelling family reasons;
168 prohibiting unemployed individuals from being disqualified for
169 unemployment benefits based solely on the individual's
170 availability for only part-time work under certain
171 circumstances; providing effective dates.