

By Senator Hill

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1                   A bill to be entitled  
2           An act relating to unemployment compensation; amending  
3           s. 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  
7           certain date; defining the term "alternative base  
8           period"; authorizing the Agency for Workforce  
9           Innovation to accept an affidavit from the claimant to  
10          support eligibility for benefits; amending s. 443.101,  
11          F.S.; prohibiting an individual from being  
12          disqualified from benefits if he or she leaves work  
13          due to certain compelling family reasons; prohibiting  
14          unemployed individuals from being disqualified for  
15          unemployment benefits based solely on the individual's  
16          availability for only part-time work under certain  
17          circumstances; providing an effective date.

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

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

23           443.036 Definitions.—As used in this chapter, the term:

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

29           (a) If information regarding wages for the calendar

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

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

57 Section 2. Paragraph (a) of subsection (1) and paragraph  
58 (a) of subsection (2) of section 443.101, Florida Statutes, are

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59 amended to read:

60 443.101 Disqualification for benefits.—An individual shall  
61 be disqualified for benefits:

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

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

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88 or unit deployment orders.

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

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

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

101 c. The need for the individual to accompany his or her  
102 spouse to a place from which it is impractical for the  
103 individual to commute or due to a change in the location of the  
104 spouse's 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 being ~~having been~~ discharged and  
108 until the individual is ~~has become~~ reemployed and earns ~~has~~  
109 ~~earned~~ income of at least 17 times his or her weekly benefit  
110 amount and for not more than 52 weeks that immediately follow  
111 that week, as determined by the agency ~~for Workforce Innovation~~  
112 ~~in each case~~ according to the circumstances ~~in each case~~ or the  
113 seriousness of the misconduct, under the agency's rules adopted  
114 for determinations of disqualification for benefits for  
115 misconduct.

116 (2) If the Agency for Workforce Innovation finds that the

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

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

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146 from eligibility for benefits solely because he or she is  
147 available for only part-time work. If an individual restricts  
148 his or her availability to part-time work, he or she may be  
149 considered able and available for work if it is determined that  
150 the claimant:

151 1. Has a history of part-time employment;

152 2. Is actively seeking and is willing to accept work under  
153 essentially the same conditions that existed when the wage  
154 credits were accrued; and

155 3. Imposes no other restrictions and is in a labor market  
156 in which there is a reasonable demand for the part-time services  
157 he or she offers.

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