

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rader offered the following:

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

4 Remove lines 410-464 and insert:

5 Section 6. 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 7. 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:

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44 443.101 Disqualification for benefits.--An individual  
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,  
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72 or unit deployment orders.

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.

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100       4. When an individual has provided notification to the  
101 employing unit of his or her intent to voluntarily leave work  
102 and the employing unit discharges the individual for reasons  
103 other than misconduct prior to the date the voluntary quit was  
104 to take effect, the individual, if otherwise entitled, will  
105 receive benefits from the date of the employer's discharge until  
106 the effective date of his or her voluntary quit.

107       5. When an individual is notified by the employing unit of  
108 the employer's intent to discharge the individual for reasons  
109 other than misconduct and the individual quits without good  
110 cause, as defined in this section, prior to the date the  
111 discharge was to take effect, the claimant is ineligible for  
112 benefits pursuant to s. 443.091(1)(c)1. for failing to be  
113 available for work for the week or weeks of unemployment  
114 occurring prior to the effective date of the discharge.

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  
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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  
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

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156 he or she offers.

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

160 Remove lines 26-28 and insert:

161 443.1117, F.S.; amending s. 443.036, F.S.; redefining the term  
162 "base period"; requiring an employer to provide wage information  
163 to support an individual's eligibility for benefits; providing  
164 for an alternative base period after a certain date; defining  
165 the term "alternative base period"; authorizing the Agency for  
166 Workforce Innovation to accept an affidavit from the claimant to  
167 support eligibility for benefits; amending s. 443.101, F.S.;  
168 prohibiting an individual from being disqualified from benefits  
169 if he or she leaves work due to certain compelling family  
170 reasons; providing additional provisions dealing with  
171 disqualification for benefits under certain conditions;  
172 prohibiting unemployed individuals from being disqualified for  
173 unemployment benefits based solely on the individual's  
174 availability for only part-time work under certain  
175 circumstances; providing that