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LEGISLATIVE ACTION

Senate

House

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Floor: 4/AD/2R

04/28/2009 11:28 AM

Senator Garcia moved the following:

1 **Senate Substitute for Amendment (460898) (with title**
2 **amendment)**

3
4 Delete lines 278 - 390

5 and insert:

6 Section 4. Effective upon becoming a law, and retroactive
7 to February 1, 2009, and expiring January 2, 2010, section
8 443.1117, Florida Statutes, is created to read:

9 443.1117 Temporary extended benefits.-

10 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.-Except when
11 the result is inconsistent with the other provisions of this
12 section, the provisions of s. 443.1115(3), (4), (6), and (7)



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13 apply to all claims covered by this section.

14 (2) DEFINITIONS.—For the purposes of this section the term:

15 (a) "Regular benefits" and "extended benefits" have the
16 same meaning as in s. 443.1115.

17 (b) "Eligibility period" means the period consisting of the
18 weeks in an individual's benefit year or emergency benefit
19 period which begin in an extended benefit period and, if the
20 benefit year or emergency benefit period ends within that
21 extended benefit period, any subsequent weeks beginning in that
22 period.

23 (c) "Emergency benefits" means Emergency Unemployment
24 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
25 110-449, and Pub. L. No. 111-5.

26 (d) "Extended benefit period" means a period that:

27 1. Begins with the third week after a week for which there
28 is a state "on" indicator; and

29 2. Ends with any of the following weeks, whichever occurs
30 later:

31 a. The third week after the first week for which there is a
32 state "off" indicator;

33 b. The 13th consecutive week of that period.

34
35 However, an extended benefit period may not begin by reason of a
36 state "on" indicator before the 14th week after the end of a
37 prior extended benefit period that was in effect for this state.

38 (e) "Emergency benefit period" means the period during
39 which an individual receives emergency benefits as defined in
40 paragraph (c).

41 (f) "Exhaustee" means an individual who, for any week of



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42 unemployment in her or his eligibility period:

43 1. Has received, before that week, all of the regular
44 benefits and emergency benefits, if any, available under this
45 chapter or any other law, including dependents' allowances and
46 benefits payable to federal civilian employees and ex-
47 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
48 benefit year or emergency benefit period that includes that
49 week. For the purposes of this subparagraph, an individual has
50 received all of the regular benefits and emergency benefits, if
51 any, available although, as a result of a pending appeal for
52 wages paid for insured work which were not considered in the
53 original monetary determination in the benefit year, she or he
54 may subsequently be determined to be entitled to added regular
55 benefits;

56 2. Had a benefit year which expired before that week, and
57 was paid no, or insufficient, wages for insured work on the
58 basis of which she or he could establish a new benefit year that
59 includes that week; and

60 3.a. Has no right to unemployment benefits or allowances
61 under the Railroad Unemployment Insurance Act or other federal
62 laws as specified in regulations issued by the United States
63 Secretary of Labor; and

64 b. Has not received and is not seeking unemployment
65 benefits under the unemployment compensation law of Canada; but
66 if an individual is seeking those benefits and the appropriate
67 agency finally determines that she or he is not entitled to
68 benefits under that law, she or he is considered an exhaustee.

69 (g) "State 'on' indicator" means, with respect to weeks of
70 unemployment beginning on or after February 1, 2009, and ending



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71 on or before December 12, 2009, the occurrence of a week in
72 which the average total unemployment rate, seasonally adjusted,
73 as determined by the United States Secretary of Labor, for the
74 period consisting of the most recent 3 months for which data for
75 all states are published by the United States Department of
76 Labor:

77 1. Equals or exceeds 110 percent of the average of those
78 rates for the corresponding 3 month period ending in each of the
79 preceding 2 calendar years; and

80 2. Equals or exceeds 6.5 percent.

81 (h) "High unemployment period" means, with respect to weeks
82 of unemployment beginning on or after February 1, 2009, and
83 ending on or before December 12, 2009, any week in which the
84 average total unemployment rate, seasonally adjusted, as
85 determined by the United States Secretary of Labor, for the
86 period consisting of the most recent 3 months for which data for
87 all states are published by the United States Department of
88 Labor:

89 1. Equals or exceeds 110 percent of the average of those
90 rates for the corresponding 3 month period ending in each of the
91 preceding 2 calendar years; and

92 2. Equals or exceeds 8 percent.

93 (h) "State 'off' indicator" means the occurrence of a week
94 in which there is no state "on" indicator or which does not
95 constitute a high unemployment period.

96 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
97 subsection (5):

98 (a) For any week for which there is an "on" indicator
99 pursuant to paragraph (3)(g), the total extended benefit amount



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100 payable to an eligible individual for her or his applicable
101 benefit year is the lesser of:

102 1. Fifty percent of the total regular benefits payable
103 under this chapter in the applicable benefit year; or

104 2. Thirteen times the weekly benefit amount payable under
105 this chapter for a week of total unemployment in the applicable
106 benefit year.

107 (b) For any high unemployment period as defined in
108 paragraph (3)(h), the total extended benefit amount payable to
109 an eligible individual for her or his applicable benefit year is
110 the lesser of:

111 1. Eighty percent of the total regular benefits payable
112 under this chapter in the applicable benefit year; or

113 2. Twenty times the weekly benefit amount payable under
114 this chapter for a week of total unemployment in the applicable
115 benefit year.

116 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
117 provision of this chapter, if the benefit year of an individual
118 ends within an extended benefit period, the number of weeks of
119 extended benefits the individual is entitled to receive in that
120 extended benefit period for weeks of unemployment beginning
121 after the end of the benefit year, except as provided in this
122 section, is reduced, but not to below zero, by the number of
123 weeks for which the individual received, within that benefit
124 year, trade readjustment allowances under the Trade Act of 1974,
125 as amended.

126 Section 5. The provisions of s. 443.1117, Florida Statutes,
127 as created by this act, apply only to claims for weeks of
128 unemployment, in which an exhaustee establishes entitlement to



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129 extended benefits pursuant to that section, established for the
130 period between February 22, 2009 and January 2, 2010.

131
132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete lines 20 - 24

135 and insert:

136 providing for retroactive application; establishing temporary
137 state extended benefits for weeks of unemployment between
138 February 22, 2009, and January 2, 2010; creating definitions;
139 providing for state extended benefits for certain weeks and for
140 periods of high unemployment; providing for applicability of s.
141 443.1117, F.S.; providing that the act fulfills an