



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 3/RS/2R	.	
04/28/2009 11:28 AM	.	
	.	

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete lines 278 - 390
and insert:

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

443.1117 -Temporary Extended Benefits

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except when the result is inconsistent with the other provisions of this section, the provisions of s. 443.1115(3), (4), (6), and (7) apply to all claims covered by this section.



460898

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

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

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

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

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

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

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

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

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

33
34 However, an extended benefit period may not begin by reason of a
35 state "on" indicator before the 14th week after the end of a
36 prior extended benefit period that was in effect for this state.

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

40 (f) "Exhaustee" means an individual who, for any week of
41 unemployment in her or his eligibility period:



460898

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

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

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

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

68 (g) "State 'on' indicator" means, with respect to weeks of
69 unemployment beginning on or after February 1, 2009, and ending
70 on or before December 12, 2009, the occurrence of a week in



460898

71 which the average total unemployment rate, seasonally adjusted,
72 as determined by the United States Secretary of Labor, for the
73 period consisting of the most recent 3 months for which data for
74 all states are published by the United States Department of
75 Labor:

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

79 2. Equals or exceeds 6.5 percent.

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

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

91 2. Equals or exceeds 8 percent.

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

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

97 (a) For any week for which there is an "on" indicator
98 pursuant to paragraph (3)(g), the total extended benefit amount
99 payable to an eligible individual for her or his applicable



460898

100 benefit year is the lesser of:

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

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

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

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

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

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

125 Section 5. The provisions of section 443.1117, Florida
126 Statutes, as created by this act, apply only to claims for weeks
127 of unemployment, in which an exhaustee establishes entitlement
128 to extended benefits pursuant to that section, established for



460898

129 the period between February 22, 2009 and January 2, 2010.

130

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