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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2009	.	
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The Policy and Steering Committee on Ways and Means (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 271 and 272

insert:

Section 4. Effective July 5, 2009, and expiring December 26, 2009, section 443.1117, Florida Statutes, is created to read:

443.1117 -TEMPORARY EXTENDED BENEFITS

(1) PERIOD OF APPLICABILITY.-The provisions of this section apply only to claims in which entitlement to extended benefits pursuant to this section are established for the weeks between



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12 July 5, 2009 and December 26, 2009.

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

17 (3) DEFINITIONS.-For the purposes of this section the
18 terms:

19 (a) "Extended benefit period", "regular benefits", and
20 "extended benefits" have the same meaning as in s. 443.1115.

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

27 (c) "Emergency benefits" means Emergency Unemployment
28 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
29 110-449, and Pub. L. No. 111-5.

30 (d) "Emergency benefit period" means the period during
31 which an individual receives emergency benefits as defined in
32 paragraph (c).

33 (e) "Exhaustee" means an individual who, for any week of
34 unemployment in her or his eligibility period:

35 1. Has received, before that week, all of the regular
36 benefits and emergency benefits, if any, available under this
37 chapter or any other law, including dependents' allowances and
38 benefits payable to federal civilian employees and ex-
39 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
40 benefit year or emergency benefit period that includes that



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41 week. For the purposes of this subparagraph, an individual has
42 received all of the regular benefits and emergency benefits, if
43 any, available although, as a result of a pending appeal for
44 wages paid for insured work which were not considered in the
45 original monetary determination in the benefit year, she or he
46 may subsequently be determined to be entitled to added regular
47 benefits;

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

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

56 b. Has not received and is not seeking unemployment
57 benefits under the unemployment compensation law of Canada; but
58 if an individual is seeking those benefits and the appropriate
59 agency finally determines that she or he is not entitled to
60 benefits under that law, she or he is considered an exhaustee.

61 (f) "State 'on' indicator" means the occurrence of a week
62 in which the average total unemployment rate under state law,
63 seasonally adjusted, as determined by the United States
64 Secretary of Labor, for the period consisting of that week and
65 the 12 weeks immediately preceding it:

66 1. Equals or exceeds 110 percent of the average of those
67 rates for the corresponding 13-week period ending in each of the
68 preceding 2 calendar years; and

69 2. Equals or exceeds 6.5 percent.



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70 (g) "High unemployment period" means any week in which the
71 average total unemployment rate under state law, seasonally
72 adjusted, as determined by the United States Secretary of Labor,
73 for the period consisting of that week and the 12 weeks
74 immediately preceding it:

75 1. Equals or exceeds 110 percent of the average of those
76 rates for the corresponding 13-week period ending in each of the
77 preceding 2 calendar years; and

78 2. Equals or exceeds 8 percent.

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

82 (4) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
83 subsection (5):

84 (a) For any week for which there is an "on" indicator
85 pursuant to paragraph (3)(f), the total extended benefit amount
86 payable to an eligible individual for her or his applicable
87 benefit year is the lesser of:

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

90 2. Thirteen times the weekly benefit amount payable under
91 this chapter for a week of total unemployment in the applicable
92 benefit year.

93 (b) For any high unemployment period as defined in
94 paragraph (3)(g), the total extended benefit amount payable to
95 an eligible individual for her or his applicable benefit year is
96 the lesser of:

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



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99 2. Twenty times the weekly benefit amount payable under
100 this chapter for a week of total unemployment in the applicable
101 benefit year.

102 (c) In the case of any individual who receives extended
103 compensation with respect to one or more weeks of unemployment
104 beginning after July 5, 2009, and before December 26, 2009, the
105 individual shall continue to receive any benefits to which she
106 or he is entitled under this section, except that the individual
107 may not receive any benefits for any week ending after May 29,
108 2010.

109 (5) Notwithstanding any other provision of this chapter, if
110 the benefit year of an individual ends within an extended
111 benefit period, the number of weeks of extended benefits the
112 individual is entitled to receive in that extended benefit
113 period for weeks of unemployment beginning after the end of the
114 benefit year, except as provided in this section, is reduced,
115 but not to below zero, by the number of weeks for which the
116 individual received, within that benefit year, trade
117 readjustment allowances under the Trade Act of 1974, as amended.

118 Section 5. The Legislature finds that this act fulfills an
119 important state interest.

120
121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 Delete line 19

124 and insert:

125 to request advances; creating s. 443.1117, F.S.; establishing
126 temporary state extended benefits for claims between July 5,
127 2009, and December 26, 2009; creating definitions; providing for



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128 state extended benefits for certain weeks and for periods of
129 high unemployment; providing that the act fulfills an important
130 state interest; providing effective dates.