



875252

LEGISLATIVE ACTION

Senate

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House

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Senator Garcia moved the following:

Senate Amendment (with directory amendment)

Delete lines 72 - 197

and insert:

443.1117 Temporary extended benefits.-

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

(2) DEFINITIONS.-For the purposes of this section, the
term:

(a) "Regular benefits" and "extended benefits" have the



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14 same meaning as in s. 443.1115.

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

21 (c) "Emergency benefits" means Emergency Unemployment
22 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
23 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, ~~and~~ Pub. L. No.
24 111-118, Pub. L. No. 111-144, and Pub. L. No. 111-157.

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:

42 1. Has received, before that week, all of the regular



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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 May 8 ~~January 30~~, 2010, the occurrence of a week in
71 which the average total unemployment rate, seasonally adjusted,



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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 May 8 ~~January 30~~, 2010, any week in which
83 the 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 (i) "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 (4):

97 (a) For any week for which there is an "on" indicator
98 pursuant to paragraph (2)(g), the total extended benefit amount
99 payable to an eligible individual for her or his applicable
100 benefit year is the lesser of:



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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 (2)(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 2. The provisions of s. 443.1117, Florida Statutes,
126 as revived, readopted, and amended by this act, apply only to
127 claims for weeks of unemployment in which an exhaustee
128 establishes entitlement to extended benefits pursuant to that
129 section which are established for the period between February



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130 22, 2009, and June 2, 2010.

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133 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

134 And the directory clause is amended as follows:

135 Delete line 69

136 and insert:

137 retroactive to February 27, 2010, and expiring June 2, 2010,