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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2010	.	
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The Policy and Steering Committee on Ways and Means (Garcia) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 943 - 1007
and insert:

(a) Notices of claim ~~In general~~.—The Agency for Workforce Innovation shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination ~~make an initial determination for each claim filed under subsection (2)~~. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the



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13 notice. If a contributing employer fails to timely respond to
14 the notice of claim, the employer's account may not be relieved
15 of benefit charges as provided in s. 443.131(3) (a),
16 notwithstanding paragraph (5) (b). The agency may adopt rules as
17 necessary to implement the processes described in this paragraph
18 relating to notices of claim.

19 (b) Monetary determinations.-In addition to the notice of
20 claim, the agency shall also promptly provide an initial
21 monetary determination to the claimant and each base period
22 employer whose account is subject to being charged for its
23 respective share of benefits on the claim. The monetary
24 determination must include a statement of whether and in what
25 amount the claimant is entitled to benefits, and, in the event
26 of a denial, must state the reasons for the denial. A monetary
27 determination for the first week of a benefit year must also
28 include a statement of whether the claimant was paid the wages
29 required under s. ~~443.091(1) (g)~~ ~~443.091(1) (f)~~ and, if so, the
30 first day of the benefit year, the claimant's weekly benefit
31 amount, and the maximum total amount of benefits payable to the
32 claimant for a benefit year. ~~The Agency for Workforce Innovation~~
33 ~~shall promptly notify the claimant, the claimant's most recent~~
34 ~~employing unit, and all employers whose employment records are~~
35 ~~liable for benefits under the determination of the initial~~
36 ~~determination.~~ The monetary determination is final unless within
37 20 days after the mailing of the notices to the parties' last
38 known addresses, or in lieu of mailing, within 20 days after the
39 delivery of the notices, an appeal or written request for
40 reconsideration is filed by the claimant or other party entitled
41 to notice. The agency may adopt rules as necessary to implement



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42 the processes described in this paragraph relating to notices of
43 monetary determinations and the appeals or reconsideration
44 requests filed in response to such notices.

45 (c) *Nonmonetary determinations.*—If the agency receives
46 information that may result in a denial of benefits, the agency
47 must complete an investigation of the claim required by
48 subsection (2) and provide notice of a nonmonetary determination
49 to the claimant and the employer from whom the claimant's reason
50 for separation affects his or her entitlement to benefits. The
51 determination must state the reason for the determination and
52 whether the unemployment tax account of the contributing
53 employer is charged for benefits paid on the claim. The
54 nonmonetary determination is final unless within 20 days after
55 the mailing of the notices to the parties' last known addresses,
56 or in lieu of mailing, within 20 days after the delivery of the
57 notices, an appeal or written request for reconsideration is
58 filed by the claimant or other party entitled to notice. The
59 agency may adopt rules as necessary to implement the processes
60 described in this paragraph relating to notices of nonmonetary
61 determination and the appeals or reconsideration requests filed
62 in response to such notices, and may adopt rules prescribing the
63 manner and procedure by which employers within the base period
64 of a claimant become entitled to notice of nonmonetary
65 determination.

66 (d) ~~(b)~~ *Determinations in labor dispute cases.*—Whenever any
67 claim involves a labor dispute described in s. 443.101(4), the
68 Agency for Workforce Innovation shall promptly assign the claim
69 to a special examiner who shall make a determination on the
70 issues involving unemployment due to the labor dispute. The



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71 special examiner shall make the determination after an
72 investigation, as necessary. The claimant or another party
73 entitled to notice of the determination may appeal a
74 determination under subsection (4).

75 (e)~~(e)~~ *Redeterminations.*-

76
77 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

78 And the directory clause is amended as follows:

79 Delete line 917

80 and insert:

81 Section 11. Effective July 1, 2010, subsections (2) and
82 (3), paragraph (b) of

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete lines 49 - 50

87 and insert:

88 requiring employers to respond to a notice of claim
89 within a certain period; providing for