

HB 319

2011

1 A bill to be entitled
 2 An act relating to unemployment compensation benefits;
 3 amending s. 443.091, F.S.; providing conditions for
 4 claimants to be deemed available for work; requiring the
 5 Agency for Workforce Innovation to notify each claimant
 6 regarding requirements that constitute an active search
 7 for work; providing reporting requirements for claimants;
 8 providing conditions for an exemption from claimant
 9 reporting requirements; providing an effective date.

10

11 Be It Enacted by the Legislature of the State of Florida:

12

13 Section 1. Paragraph (d) of subsection (1) of section
 14 443.091, Florida Statutes, is amended to read:

15 443.091 Benefit eligibility conditions.—

16 (1) An unemployed individual is eligible to receive
 17 benefits for any week only if the Agency for Workforce
 18 Innovation finds that:

19 (d) She or he is able to work and is available for work.
 20 In order to assess eligibility for a claimed week of
 21 unemployment, the agency shall develop criteria to determine a
 22 claimant's ability to work and availability for work. However:

23 1. Notwithstanding any other provision of this paragraph
 24 or paragraphs (b) and (e), an otherwise eligible individual may
 25 not be denied benefits for any week because she or he is in
 26 training with the approval of the agency, or by reason of s.
 27 443.101(2) relating to failure to apply for, or refusal to
 28 accept, suitable work. Training may be approved by the agency in

29 accordance with criteria prescribed by rule. A claimant's
 30 eligibility during approved training is contingent upon
 31 satisfying eligibility conditions prescribed by rule.

32 2. Notwithstanding any other provision of this chapter, an
 33 otherwise eligible individual who is in training approved under
 34 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
 35 determined ineligible or disqualified for benefits due to her or
 36 his enrollment in such training or because of leaving work that
 37 is not suitable employment to enter such training. As used in
 38 this subparagraph, the term "suitable employment" means work of
 39 a substantially equal or higher skill level than the worker's
 40 past adversely affected employment, as defined for purposes of
 41 the Trade Act of 1974, as amended, the wages for which are at
 42 least 80 percent of the worker's average weekly wage as
 43 determined for purposes of the Trade Act of 1974, as amended.

44 3. Notwithstanding any other provision of this section, an
 45 otherwise eligible individual may not be denied benefits for any
 46 week because she or he is before any state or federal court
 47 pursuant to a lawfully issued summons to appear for jury duty.

48 4.a. An individual may not be deemed available for work
 49 unless the individual has been and is actively and earnestly
 50 seeking work. Upon the filing of an initial or renewed claim,
 51 and prior to the filing of each weekly claim thereafter, the
 52 agency shall notify each claimant of the number of work-search
 53 contacts required to constitute an active search for work.

54 b. A claimant may not be determined to be ineligible for
 55 benefits under this subparagraph because of not actively and
 56 earnestly seeking work if the claimant has reported in person to

HB 319

2011

57 an office of the division as directed by the division at least
58 once every 4 weeks. However, a claimant is exempt from the
59 reporting requirement of this sub-subparagraph if:

60 (I) The claimant is claiming benefits in accordance with
61 division regulations dealing with partial or temporary total
62 unemployment;

63 (II) The claimant is temporarily unemployed through no
64 fault of her or his own and has a definite recall date within 8
65 weeks after her or his first day of unemployment;

66 (III) The claimant resides in a county with an
67 unemployment rate, as published by the division, of 10 percent
68 or more and in which the county seat is more than 40 miles from
69 the nearest division office;

70 (IV) The claimant belongs to a group or class of workers
71 whose opportunities for reemployment will not be enhanced by
72 reporting in person; or

73 (V) The claimant is prevented from reporting due to
74 emergency conditions that limit access by the general public to
75 an agency office that serves the area in which the claimant
76 resides, but only during the time such conditions exist.

77 Section 2. This act shall take effect July 1, 2011.