

By Senator Flores

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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
5 the Agency for Workforce Innovation to notify each
6 claimant regarding requirements that constitute an
7 active search for work; providing reporting
8 requirements for claimants; providing conditions for
9 an exemption from claimant reporting requirements;
10 providing an effective date.

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

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14 Section 1. Paragraph (d) of subsection (1) of section
15 443.091, Florida Statutes, is amended to read:

16 443.091 Benefit eligibility conditions.—

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

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

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

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

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

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

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

55 b. A claimant may not be determined to be ineligible for
56 benefits under this subparagraph because of not actively and
57 earnestly seeking work if the claimant has reported in person to
58 an office of the agency as directed by the agency at least once

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59 every 4 weeks. However, a claimant is exempt from the reporting
60 requirement of this sub-subparagraph if:

61 (I) The claimant is claiming benefits in accordance with
62 agency rules dealing with partial or temporary total
63 unemployment;

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

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

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

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

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