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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/26/2012	.	
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The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete line 3260
and insert:

Section 88. Notwithstanding the expiration date contained in section 13 of chapter 2011-235, Laws of Florida, operating retroactive to January 4, 2012, and expiring March 11, 2012, section 443.1117, Florida Statutes, is revived, readopted, and amended to read:

443.1117 Temporary extended benefits.—

(1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if the result is inconsistent with other provisions of this



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13 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
14 claims covered by this section.

15 (2) DEFINITIONS.—As used in this section, the term:

16 (a) "Regular benefits" and "extended benefits" have the
17 same meaning as in s. 443.1115.

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

23 (c) "Emergency benefits" means benefits ~~Emergency~~
24 ~~Unemployment Compensation~~ paid pursuant to Pub. L. No. 110-252,
25 and any subsequent federal law that provides for the payment of
26 Emergency Unemployment Compensation ~~Pub. L. No. 110-449, Pub. L.~~
27 ~~No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-118, Pub. L. No.~~
28 ~~111-144, Pub. L. No. 111-157, Pub. L. No. 111-205, and Pub. L.~~
29 ~~No. 111-312.~~

30 (d) "Extended benefit period" means a period that:

31 1. Begins with the third week after a week for which there
32 is a state "on" indicator; and

33 2. Ends with any of the following weeks, whichever occurs
34 later:

35 a. The third week after the first week for which there is a
36 state "off" indicator; or

37 b. The 13th consecutive week of that period.

38 However, an extended benefit period may not begin by reason
39 of a state "on" indicator before the 14th week after the end of
40 a prior extended benefit period that was in effect for this
41 state.



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42 (e) "Emergency benefit period" means the period during
43 which an individual receives emergency benefits.

44 (f) "Exhaustee" means an individual who, for any week of
45 unemployment in her or his eligibility period:

46 1. Has received, before that week, all of the regular
47 benefits and emergency benefits, if any, available under this
48 chapter or any other law, including dependents' allowances and
49 benefits payable to federal civilian employees and ex-
50 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
51 benefit year or emergency benefit period that includes that
52 week. For the purposes of this subparagraph, an individual has
53 received all of the regular benefits and emergency benefits, if
54 any, available even if, as a result of a pending appeal for
55 wages paid for insured work which were not considered in the
56 original monetary determination in the benefit year, she or he
57 may subsequently be determined to be entitled to added regular
58 benefits;

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

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

67 b. Has not received and is not seeking unemployment
68 benefits under the unemployment compensation law of Canada; but
69 if an individual is seeking those benefits and the appropriate
70 agency finally determines that she or he is not entitled to



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71 benefits under that law, she or he is considered an exhaustee.

72 (g) "State 'on' indicator" means, with respect to weeks of
73 unemployment ending on or before February 11, 2012 ~~December 10,~~
74 ~~2011~~, the occurrence of a week in which the average total
75 unemployment rate, seasonally adjusted, as determined by the
76 United States Secretary of Labor, for the most recent 3 months
77 for which data for all states are published by the United States
78 Department of Labor:

79 1. Equals or exceeds 110 percent of the average of those
80 rates for the corresponding 3-month period ending in any or all
81 of the preceding 3 calendar years; and

82 2. Equals or exceeds 6.5 percent.

83 (h) "High unemployment period" means, with respect to weeks
84 of unemployment ending on or before February 11, 2012 ~~December~~
85 ~~10, 2011~~, any week in which the average total unemployment rate,
86 seasonally adjusted, as determined by the United States
87 Secretary of Labor, for the most recent 3 months for which data
88 for all states are published by the United States Department of
89 Labor:

90 1. Equals or exceeds 110 percent of the average of those
91 rates for the corresponding 3-month period ending in any or all
92 of the preceding 3 calendar years; and

93 2. Equals or exceeds 8 percent.

94 (i) "State 'off' indicator" means the occurrence of a week
95 in which there is no state "on" indicator or which does not
96 constitute a high unemployment period.

97 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
98 subsection (4):

99 (a) For any week for which there is an "on" indicator



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100 pursuant to paragraph (2) (g), the total extended benefit amount
101 payable to an eligible individual for her or his applicable
102 benefit year is the lesser of:

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

105 2. Thirteen times the weekly benefit amount payable under
106 this chapter for a week of total unemployment in the applicable
107 benefit year.

108 (b) For any high unemployment period, the total extended
109 benefit amount payable to an eligible individual for her or his
110 applicable benefit year is the lesser of:

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

113 2. Twenty times the weekly benefit amount payable under
114 this chapter for a week of total unemployment in the applicable
115 benefit year.

116 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
117 provision of this chapter, if the benefit year of an individual
118 ends within an extended benefit period, the number of weeks of
119 extended benefits the individual is entitled to receive in that
120 extended benefit period for weeks of unemployment beginning
121 after the end of the benefit year, except as provided in this
122 section, is reduced, but not to below zero, by the number of
123 weeks for which the individual received, within that benefit
124 year, trade readjustment allowances under the Trade Act of 1974,
125 as amended.

126 Section 89. The provisions of s. 443.1117, Florida
127 Statutes, as revived, readopted, and amended by this act, apply
128 only to claims for weeks of unemployment in which an exhaustee



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129 establishes entitlement to extended benefits pursuant to that
130 section which are established for the period between January 4,
131 2012, and March 11, 2012.

132 Section 90. If any provision of this act or its application
133 to any person or circumstance is held invalid, the invalidity
134 does not affect other provisions or applications of the act
135 which can be given effect without the invalid provision or
136 application, and to this end the provision of the act are
137 severable.

138 Section 91. The Legislature finds that this act fulfills an
139 important state interest.

140 Section 92. Except as otherwise expressly provided in this
141 act, this act shall take effect July 1, 2012.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete lines 51 - 52

146 and insert:

147 conform to changes made by this act; reviving,
148 readopting, and amending s. 443.1117, F.S., relating
149 to temporary extended benefits; providing for
150 retroactive application; providing for applicability
151 relating to extended benefits for certain weeks and
152 for periods of high unemployment; providing for
153 applicability; providing severability; providing that
154 the act fulfills an important state interest;
155 providing effective dates.