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LEGISLATIVE ACTION

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

Senate Amendment (with directory and title amendments)

Between lines 314 and 315
insert:

(3) Benefits based on service in employment described in s. 443.1216(2) and (3) are payable in the same amount, on the same terms, and subject to the same conditions as benefits payable based on other service subject to this chapter, except that:

(a) Benefits are not payable for services in an instructional, research, or principal administrative capacity for an educational institution or an institution of higher education for any week of unemployment commencing during the



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13 period between 2 successive academic years; during a similar
14 period between two regular terms, whether or not successive; or
15 during a period of paid sabbatical leave provided for in the
16 individual's contract, to any individual, if the individual
17 performs those services in the first of those academic years or
18 terms and there is a contract or a reasonable assurance that the
19 individual will perform services in any such capacity for any
20 educational institution or institution of higher education in
21 the second of those academic years or terms.

22 (b) Benefits may not be based on services in any other
23 capacity for an educational institution or an institution of
24 higher education to any individual for any week that commences
25 during a period between 2 successive academic years or terms if
26 the individual performs those services in the first of the
27 academic years or terms and there is a reasonable assurance that
28 the individual will perform those services in the second of the
29 academic years or terms. However, if compensation is denied to
30 any individual under this paragraph and the individual was not
31 offered an opportunity to perform those services for the
32 educational institution for the second of those academic years
33 or terms, that individual is entitled to a retroactive payment
34 of compensation for each week for which the individual filed a
35 timely claim for compensation and for which compensation was
36 denied solely by reason of this paragraph.

37 (c) Benefits are not payable based on services provided to
38 an educational institution or institution of higher learning to
39 any individual for any week that commences during an established
40 and customary vacation period or holiday recess if the
41 individual performs any services described in paragraph (a) or



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42 paragraph (b) in the period immediately before the vacation
43 period or holiday recess and there is a reasonable assurance
44 that the individual will perform any service in the period
45 immediately after the vacation period or holiday recess.

46 (d) Benefits are not payable for services in any capacity
47 specified in paragraphs (a), (b), and (c) to any individual who
48 performed those services in an educational institution while in
49 the employ of a governmental agency or governmental entity that
50 is established and operated exclusively for the purpose of
51 providing those services to one or more educational
52 institutions.

53 (e) Benefits are not payable for services in any capacity
54 specified in paragraphs (a), (b), (c), and (d) to any individual
55 who provided those services to or on behalf of an educational
56 institution, or an institution of higher education.

57 (f) Paragraphs (a)-(e) apply to any individual who provided
58 services for an educational institution while in the employ of a
59 private employer holding a contractual relationship with such
60 educational institution, but only if at least 75 percent of the
61 individual's base period wages with the private employer are
62 attributable to services performed in an educational
63 institution.

64 (g)~~(f)~~ As used in this subsection, the term:

65 1. "Fixed contract" means a written agreement of employment
66 for a specified period of time.

67 2. "Continuing contract" means a written agreement that is
68 automatically renewed until terminated by one of the parties to
69 the contract.

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

72 And the directory clause is amended as follows:

73 Delete lines 204 - 205

74 and insert:

75 Section 6. Paragraphs (c), (d), and (f) of subsection (1)
76 and subsection (3) of section 443.091, Florida Statutes, are
77 amended to read:

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79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Between lines 16 and 17

82 insert:

83 providing for the applicability of certain exceptions
84 relating to benefits based on employment with a
85 private employer under contract with an educational
86 institution;